

THE REPUBLIC OF LITHUANIA

**LAW ON
PROTECTION OF IMMOVABLE CULTURAL PROPERTIES**

Vilnius
December 22, 1994, No. I - 733

(As amended by 25 September 1997)

I. CHAPTER - GENERAL PROVISIONS

Article 1. Basic Concepts

The basic concepts of this Law shall be as follows:

immovable cultural properties shall denote structures of cultural and public significance, their parts and groups, complexes, clusters and sites, which shall be registered according to the procedure prescribed by this Law;

protection of immovable cultural properties shall consist of state protection of these cultural properties and all protection-related operations;

cultural monuments shall include the most significant cultural properties that have been designated as cultural monuments according to procedure established by this Law;

structures are architectural objects and other immovable human designs of monument art, technological nature and the parts or remains thereof;

structure fixtures and fittings shall denote movable designs that are compositionally, functionally or historically linked with the structures;

structural groups shall represent the sum total of the structures functionally linked with and other designs;

clusters shall comprise the whole of architectural composition structures and other designs;

sites shall denote historical and topographical territories and locations that have achieved cultural significance;

cultural value shall signify the archaeological, anthropological, ethnological, mythological, memorial, religious, architectural, technical and technological, urban planning or other historical, artistic or scientific value or significance;

public significance shall denote public need to preserve structures of cultural value, their fixtures and fittings, as well as groups, clusters and sites, as the national identity and continuity;

immovable cultural property territories shall denote settings occupied by these properties and linked to them functionally, compositionally or historically, for the special use of which conditions shall be established;

immovable cultural property protection zones shall be designated within areas extending beyond these property sites, for the use of which special conditions shall be established.

Article 2. Purpose of Law

The aim of this Law shall be to guarantee protection of cultural properties of Lithuania, the increase and transfer of such for future generations.

This Law shall regulate protection and state management of protection of immovable cultural properties, located within the territory and territorial waters of the Republic of Lithuania, and according to right of ownership, belonging to the state, local governments, religious organisations and other legal and natural persons.

The aim of protection of immovable cultural properties shall be the preservation of these properties as authentic witnesses of the history of Lithuania and its regions, or as works of art.

Immovable cultural properties of the Lithuanian nation, located within other states, shall be protected by inter-state agreements and in accordance with the laws of the appropriate states.

Article 3. Object of Law

The object of this Law shall be immovable cultural property, namely a component part of the accumulated national wealth of the Republic of Lithuania. Due to their cultural and public significance value, these properties are subject to a special state protection regimen, established by this Law, in keeping with their value.

Hill-forts, ancient mounds, other ancient defence fortifications, ancient residential and work-shop sites, ruins and remains of ancient structures, sacred forests, sacred hillocks and other ancient religious cult sites, sacrificial stones, stones containing holes, footprints, inscriptions and other signs, pemgrinda, kûlgrinda (secret paths and marshes) and other ancient roads, barrows, burial mounds, and other ancient burial sites, unused cemeteries and graves of soldiers possess cultural value and public significance and shall be registered as immovable cultural properties.

Other objects may be registered as immovable cultural properties, in accordance with procedure established by this Law, providing they shall possess cultural value and public significance.

Whole immovable cultural properties shall be inseparable functionally, compositionally or historically with respect to aspect of protection.

Structures and their groups and sites, that shall be registered as immovable cultural properties, shall have their areas, which shall be subject to protection along with these properties.

Article 4. State Commission for Cultural Heritage Protection

The State Commission for Cultural Heritage Protection shall be the institution held accountable to the Republic of Lithuania Seimas with regard to formulation of the state policy on protection of state monuments and management of the implementation of this policy. It shall be the expert of Seimas, the President and Government of the Republic of Lithuania in matters of state policy on cultural property protection.

The State Commission for Cultural Heritage Protection shall be guided by the Constitution of the Republic of Lithuania, this and other laws.

The State Commission for Cultural Heritage Protection shall be a legal person and act in accordance with the regulations approved by the Seimas of the Republic of Lithuania.

The State Commission for Cultural Heritage Protection shall be composed of 12 members, who shall be appointed and dismissed as follows: 2 members by the President of the Republic, 4 members by the Seimas Speaker, upon recommendation of the Seimas Committee for Education, Culture and Science, 4 members by the Prime Minister and 2 members shall be appointed and dismissed by the public organisations which have been registered in the order established by laws, whose principal activity is linked to location, protection and propagation of immovable cultural properties.

Members of the State Commission for Cultural Heritage Protection shall be appointed for a four-year term.

Chiefs of state government institutions for protection of cultural properties, their deputies or persons authorised by them, shall have the right to participate and speak at meetings of the State Commission for Cultural Heritage Protection. (Amended 27 March 1997)

The State Commission for Cultural Heritage Protection shall be headed by a chairman, who shall be appointed and replaced by the Seimas Speaker, on the recommendation by this commission and also, by the Seimas of the Republic of Lithuania Committee on Education, Science and Culture. The commission chairman shall be appointed from commission members, for a two-year term. The Government of the Republic of Lithuania shall establish the work compensation of the Commission Chairman (amended 3 July 1997)

The State Commission for Cultural Heritage Protection shall have a secretariat and control service. Activities of the secretariat and control service shall be organised in accordance with regulations, which shall be approved by the chairman of the State Commissionf for Cultural Heritage Protection.

Functions of the State Commission for Cultural Heritage Protection shall be as follows:

- 1) to form state policy and strategy on protection of cultural properties;
- 2) to evaluate programs that implement the policy and strategy on protection of cultural properties;
- 3) to evaluate the utilisation of budget funds earmarked for protection of cultural properties;
- 4) to approve proposals concerning designation of cultural properties as cultural monuments and to remove cultural monuments from the registers of cultural properties;
- 5) to receive annual financial reports from state government institutions for protection of cultural properties;
- 6) to evaluate activities of state government institutions for protection of cultural properties;
- 7) to inform the Seimas of the Republic of Lithuania Committee for Education, Science and Culture, of the problems in implementation of state policy in protection of cultural properties; and
- 8) to perform other functions prescribed by laws.

The State Commission for Cultural Heritage Protection shall have the right to:

- 1) control how state governing institutions for the protection of cultural properties implement the policy on protection of cultural properties;

- 2) obtain from the Government, ministries and other state government institutions of the Republic of Lithuania and local governments information, explanations and decisions as well as, their official draft projects and other documents, that are linked to protection of cultural properties;
- 3) create commissions for examination of the problems in protection of cultural properties;
- 4) to inform the public concerning the problems in protection of cultural properties; and
- 5) co-operate with appropriate foreign institutions and international organisations.

The State Commission for Cultural Heritage Protection shall also have the right to:

- 1) warn owners and managers of cultural properties in order to effect elimination of violations of the laws on protection of cultural properties and to inform the appropriate state government institution of these violations within a three-day period; and
- 2) write protocols concerning violations of administrative right and to forward them to appropriate government institutions for protection of cultural properties.

Decisions of the State Commission for Cultural Heritage Protection shall be published in the publication "Valstybės Dinius."

The State Commission for Cultural Heritage Protection shall submit an annual report to the Seimas of the Republic of Lithuania.

Article 5. State Management of Protection of Cultural Properties

The institution for the protection of cultural properties shall be the Department of Cultural Heritage Protection of the Ministry of Culture of the Republic of Lithuania (hereinafter referred to as the Department of Cultural Heritage Protection). The Law on Protection of Movable Cultural Property regulates the functions and rights of the Department of Cultural Heritage Protection, as those of a state government institution for protection of movable cultural properties.

The Director of the Department of Cultural Heritage Protection shall be responsible for protection of cultural properties within the Republic of Lithuania. (amended 27 March 1997)

The Department of Cultural Heritage Protection, shall be guided by the Constitution of the Republic of Lithuania, this and other laws and also, by normative acts of the Government of the Republic of Lithuania.

The Department of Cultural Heritage Protection shall be a legal person and shall act in accordance with regulations approved by the Minister of Culture.

The Department of Cultural Heritage Protection shall be headed by a director, who shall be appointed and dismissed by the Minister of Culture.

The Department of Cultural Heritage Protection shall have structural and territorial sub-units. In addition, it may have other branches, institutions and organisations necessary for its activity. The Department of Cultural Heritage Protection shall establish cultural heritage protection institutions of non-salaried inspectors.

The activity of territorial sub-units, institutions and organisations shall be organised in accordance with their statutes, which shall be approved by the Director of the Department of Cultural Heritage Protection. (Amended 27 March 1997).

Acts approved by ministries and other state government institutions, that may have impact on the protection of immovable cultural properties and their sites and also, the territorial planning documents must be co-ordinated with the Department of Cultural Heritage Protection. Uncoordinated acts and documents shall not be deemed in effect, with respect to immovable cultural properties, their sites and their protection zones.

The requirements of the Department of Cultural Heritage Protection regarding the protection of specific immovable cultural properties, based upon regulations of this Law, are obligatory for ministries, other state governing institutions, local governments, enterprises and other legal and natural persons.

Local governments shall establish appropriate services or offices to carry out the functions prescribed by this Law.

Article 6. Tasks and Functions of the Department of Cultural Heritage Protection

The tasks of the Department of Cultural Heritage Protection shall be:

- 1) to implement the state policy on protection of immovable cultural properties; and
- 2) prepare an outline of state policy and strategy regarding protection of immovable cultural properties.

Principal functions of the Department of Cultural Heritage Protection are to:

- 1) prepare state accounting of cultural properties;
- 2) draw up and establish regulations for the protection of immovable cultural properties;
- 3) supervise immovable cultural property management, utilisation and disposition, and the operations involving accident prevention, repair, adaptation, research, conservation, restoration and others.
- 4) certify research, conservation and restoration experts and also, the experts employed in state and local government institutions for protection of immovable cultural properties;
- 5) issue according to the procedure established by laws, licenses for research, preservation and restoration activities, as well as conditions for preparation of such activities, programs and projects (no longer valid, 25 September, 1997);
- 6) establish the procedure for accident prevention, repair, adaptation, research, conservation, restoration and other activities performed with respect to immovable cultural properties;
- 7) organise scientific research of immovable cultural properties and propagation of such;
- 8) assemble, systematise and disseminate information concerning immovable cultural properties and methods of their protection;
- 9) assemble, arrange and protect archival documents related to immovable cultural properties and their protection;
- 10) prepare programmes of state accounts, scientific research, propagation and other protection of immovable cultural properties, and use state budget funds earmarked for these programmes;

- 11) appeal to the court and other law protection institutions concerning liability for violations of requirements of this Law;
- 12) establish protection zones;
- 13) establish a method of reconstruction of deteriorated cultural properties, their territories and protection zones and the extent of deterioration and the value of such properties which fall under obligatory purchase by the state.
- 14) inform the State Commission for Cultural Heritage Protection and the public concerning problems and own activities involved in the protection of immovable cultural properties;
- 15) render annual reports to the State Commission for Cultural Heritage Protection on protection of immovable cultural properties;
- 16) perform other functions established by this and other laws; and
- 17) inform the State Commission for Cultural Heritage Protection, within 5 days, of instances of law violations in cultural heritage protection.

Article 7. Rights of the Department of Cultural Heritage Protection

The Department of Cultural Heritage Protection shall have the right to:

- 1) adopt normative acts on questions ascribed to it, which are compulsory for ministries, other state government institutions, local governments, enterprises and other legal and natural persons;
- 2) affirm, upon receipt of evaluation from the State Commission for Cultural Heritage Protection, scientific research, propagation and other protection activity programmes, of state budget funds, financed from the account of immovable cultural property;
- 3) furnish compulsory requirements for immovable cultural property owners and managers, based upon this Law;
- 4) obtain from ministries, state institutions, local governments and owners and managers of immovable cultural properties, information regarding immovable cultural properties;
- 5) survey, determine and investigate immovable cultural properties and objects, that may be immovable cultural properties;
- 6) become familiar with documents of inventorying and iconography, held by legal and natural persons, and other documents concerning immovable cultural properties and objects, which may be immovable cultural properties;
- 7) require elimination of violations of this Law;
- 8) stop activities performed within immovable cultural properties, on their sites and protection zones, in the event the requirements of this Law have been violated, or provision thereof shall be established by this Law.
- 9) monitor activities performed within immovable cultural properties;
- 10) compile in writing protocols of administrative law violations, in instances established by law, and impose administrative penalties;

- 11) establish temporary and permanent councils and commissions to examine problems arising in the protection of immovable cultural properties;
- 12) represent state interests in courts on behalf of immovable cultural properties;
- 13) publish publications propagating immovable cultural properties;
- 14) contract with other institutions, enterprises or experts, work involving record-keeping, scientific investigations, propagation and other protection activities; and
- 15) draw up inter-state co-operation agreements with appropriate institutions and international organisations.

II. CHAPTER - RECORDS OF IMMOVABLE CULTURAL PROPERTIES

Article 8. Constituent Parts of Records of Immovable Cultural Properties

Immovable cultural property records are comprised of the search, determination, valuation, inventorying and registration of these properties;

The search involves collection of information concerning objects, that may possess cultural value and public significance. The search for such information and collection and protection thereof, are carried out by the Department of Cultural Heritage Protection.

During the period of determination and valuation, the composition and size, principal indications of cultural value, public significance and territories of the objects must be established.

Immovable cultural properties which have been established and vaulted, shall be registered by entering them in the Immovable Cultural Property Register of the Republic of Lithuania (hereinafter referred to as the Register).

Basic data on immovable cultural properties are entered in documents of records and computerised information system data banks established by the Department of Cultural Heritage Protection.

Local governments may have local immovable cultural property registers, and information regarding such, shall be forwarded to the Department of Cultural Heritage Protection.

Article 9. Registration of Immovable Cultural Properties

The objects listed in part two of Article 3 of this Law, shall be registered as immovable cultural properties.

Other objects may be entered in the Register, provided that cultural value and public significance have been substantiated.

All objects shall be entered in the Register by the Department of Cultural Heritage Protection.

Decisions regarding inclusion of objects in the Register shall be published in the publication "Valstybės žinios."

Objects that have not been entered in the Register, may be entered in local immovable cultural properties' registers upon local government decision, and the Department of Cultural Heritage Protection should be informed thereof.

Article 10. Cultural Monuments

The Seimas of the Republic of Lithuania shall approve, upon the recommendation of the Government of Lithuania, a list of historical, archaeological and cultural objects of state significance.

The most significant immovable cultural properties shall, upon the recommendation of the Department of Cultural Heritage Protection and with the approval of the State Commission for Cultural Heritage Protection and upon recommendation of the Minister of Culture, be designated by the Government of the Republic of Lithuania, as cultural monuments.

The owners' agreement shall be obtained, in order to have immovable cultural properties designated as cultural monuments.

Without agreement by owner, designation shall be accorded, if:

- 1) the state or the local governments are the property owners;
- 2) sufficient basis exists for belief that property is facing threat of deterioration or destruction, shall exist; and
- 3) property is part of those objects described in part two of Article 3 of this Law.

Owners may appeal to court regarding the repeal of decision regarding designation of immovable cultural properties as cultural monuments.

Article 11. Striking Immovable Cultural Properties from the Register

Upon proposal of the Department of Cultural Heritage Protection, and the agreement of the State Commission for Cultural Heritage Protection, and upon the recommendation by the Minister of Culture, immovable cultural properties, designated as cultural monuments, shall be stricken from the Register by the Government of the Republic of Lithuania, while all other immovable properties, by the Department of Cultural Heritage Protection, if:

- 1) fact of their deterioration or destruction shall be established;
- 2) properties shall have lost the marks defining their value; and
- 3) public significance shall have vanished.

The proposals to have immovable cultural properties struck from the Register, must be substantiated in cases where the fact of deterioration or destruction of cultural properties has been established, the guilty parties must be determined. They shall be held liable in accordance with this Law.

Information regarding proposals to strike immovable cultural properties from the Register, must be published in the district or local press, while that regarding cultural monuments, must be published in no fewer than two republic newspapers, three months prior to adoption of such decision.

Decisions concerning the striking of cultural monuments from the Register, shall be published in the publication "Valstybės žinios."

Article 12. Supply of Information Regarding Immovable Cultural Values

In cases where immovable cultural properties are part of wealth which has been designated for state registration, the Department of Cultural Heritage Protection must inform the registrars of such wealth. Registrars enter the necessary inscriptions in registration documents of this wealth.

The Department of Cultural Heritage Protection must inform their owners (managers) and appropriate local governments, concerning the inclusion of structures and their clusters and their groups and locations in, or striking of such from, the Register, and also, regarding the designation of these immovable cultural properties as cultural monuments.

Their owners (managers) shall be informed regarding inclusion in the Register, or striking from it, of structure fixtures and fittings, the designation of these properties as cultural monuments. Public information regarding the protection site and owners or managers of these objects, may only be provided and published only with the approval of the owner (manager), provided they shall not violate this Law and the rule concerning protection of cultural properties.

III. CHAPTER - PROTECTION OF IMMOVABLE CULTURAL PROPERTIES

Article 13. Subjects of Preservation of Cultural Properties

Owners and managers shall be held liable for preservation of their immovable cultural properties.

Local governments shall be also held liable for the preservation of immovable cultural properties, managed by them and also those, located within their territories, but not having specific owners or managers, and ensure that owners and managers of other immovable cultural properties, could adequately protect these properties.

Objects included in local registers of cultural properties shall be protected according to procedure established by local governments.

Article 14. Protection Requirements for Immovable Cultural Properties

Protection of immovable cultural properties must be in keeping with their cultural value and authenticity and provide conditions for suitable display of these properties .

Immovable cultural properties shall be protected through suitable supervision, maintenance and use.

Supervision of immovable cultural properties must ensure physical stability of these properties.

The following maintenance order shall be applied to immovable cultural properties:

- 1) conservation preserving the present composition and size of property;
- 2) conservation-restoration preserving present composition and size of property while restoring its individual elements;
- 3) restoration, involving restoration and adaptation of property; and
- 4) restoration and reconstruction, involving restoration and adaptation of property and reconstruction of lost elements.

The following conditions of use shall be applied to immovable cultural properties:

- 1) reserved indicating prohibition of economic use;
- 2) limited use; and
- 3) universal indicating non-limited use.

Specific requirements of protection of immovable cultural properties are indicated within their protection regulations.

Article 15. Protection Regulations of Immovable Cultural Properties

The protection regulations of immovable cultural properties comprises the principal document for determination of the conditions of supervision, maintenance, and use of this property. Protection regulations also include the basic data from its records, including its composition and size, principal marks of its cultural value, public significance and territory. The protection regulations shall be amended or made more specific, upon changes in protection conditions of the property, its physical condition, or following designation of this property as a cultural monument.

The protection of immovable cultural properties is also drawn up and established by the Department of Cultural Heritage Protection. Standardised regulations for protection of individual groups of immovable cultural properties, that have been co-ordinated with the State Commission for Cultural Heritage Protection are, upon the recommendation of the Minister of Culture, approved by the Government of the Republic of Lithuania.

For each immovable cultural property two copies of the protection regulations are made up. One copy is presented to the property owner (manager), while the other copy is kept by the Department of Cultural Heritage Protection.

The owners and managers of immovable cultural properties must observe the requirements of the protection regulations.

Article 16. Marking of Immovable Cultural Properties

Immovable cultural properties and their sites shall be marked according to procedure established by the Department of Cultural Heritage Protection.

Article 17. Protection Zones for Immovable Cultural Properties

In order to protect the structures and their clusters, groups and areas that have been included in the Register, from external influence and to preserve their surroundings, the Department of Cultural Heritage Protection shall establish individual protection zones. These zones shall be established as follows:

- 1) a physical protection zone; and
- 2) a visual protection zone.

Physical protection zones are areas situated beyond the site of the immovable cultural property, wherein activities, that might be physically harmful for these properties or their territories, are carried on.

The visual protection zones are areas situated beyond the physical protection zones or sites of immovable cultural properties, wherein changes in surroundings may be detrimental to the landscape or to optimal viewing of such.

Temporary protection zones shall be employed prior to establishment of individual protection zones:

- 1) physical protection 50 metre width; and
- 2) visual protection 500 metre width.

Individual visual protection zones may exceed 500 meters, if the preservation of the property shall be dependent upon it.

Individual protection zones must be established prior to designation of immovable cultural properties as cultural monuments.

The Department of Cultural Heritage Protection shall inform owners (managers) of immovable cultural properties and owners (managers) of all immovable cultural property objects situated within these zones and also, administrators of such property registers, and local governments, regarding the establishment of individual protection zones.

Article 18. Immovable Cultural Property Protection Zone Conditions

It shall be prohibited in a physical protection zone:

- 1) to perform operations which may cause ground deformation or vibration;
- 2) to keep active chemical substances, readily flammable or explosive materials;
- 3) to erect structures, which are not intended for protection of immovable cultural properties or for guaranteeing utilisation thereof; and
- 4) to perform other operations, that might harm immovable cultural properties of the sites thereof.

It is prohibited to perform operations in the visual protection zone, that may harm the landscape of the immovable cultural properties or the optimal viewing of such.

Land and construction work projects within immovable cultural property protection zones, must be co-ordinated with the Department of Cultural Heritage Protection.

The Department of Cultural Heritage Protection must approve appropriate regulations for protection zones of different immovable cultural property types.

Article 19. Protection of Immovable Cultural Property Clusters or Separate Historical and Cultured Landscape Sites - Protection of Immovable Cultural Properties

Protective territories may be established for preservation of immovable cultural properties of immovable cultural property clusters and their surroundings and historical and cultured landscape territories.

Protected territories shall be established in accordance with the procedure prescribed by the Law on Protected Territories of the Republic of Lithuania.

No protection zones shall be established for immovable cultural properties located within protected territories.

Article 20. Protection Measures in Territorial Planning Documents, on Immovable Cultural Property

Measures for protection and integration into social existence of immovable cultural property must be included within regional or local territorial planning documents of the Republic of Lithuania, being prepared.

Article 21. Maintenance Work of Immovable Cultural Properties

Maintenance work of immovable cultural properties shall be comprised of accident prevention, repair, adaptation, investigation, conservation, and restoration.

The goal of accident prevention, repair and adaptation work of immovable cultural properties shall be to ensure good physical condition and practical use of these properties through preservation of the composition and size, principal cultural value indicators and sites of immovable cultural properties as established in the regulations.

The goal of investigation, conservation and restoration of immovable cultural properties shall be to reveal the cultural value of these properties, to preserve their authentic composition and size as well as their principal cultural value indicators and to display these properties or their individual parts and to restore lost elements of properties.

Selection of maintenance work shall depend upon the cultural value of the immovable cultural property, its physical condition, authenticity and conditions of maintenance and use, established in the protection regulations.

Restoration work shall be conducted in exceptional circumstances only.

Officers of the Department of Cultural Heritage Protection and experts authorised by them, shall have the right to observe and note the maintenance work in progress. They shall have the right to interrupt work, in circumstances whereby, new cultural indicators have come to light. Upon work interruption, the Department of Cultural Heritage Protection must adopt no later than within a 15-day period, decisions regarding research of the newly uncovered properties and the further work schedule.

Article 22. Protection of Immovable Cultural Properties in Performance of Accident Prevention, Repair or Adaptation Operations

Immovable Cultural Property accident prevention, repair or adaptation operations and performance of such operations on their sites shall require the permit of the Department of Cultural Heritage Protection. A draft plan, co-ordinated with the Department of Cultural Heritage Protection shall be required to carry out adaptation work.

The Department of Cultural Heritage Protection must issue a permit within a one month period from the day of request, to perform operations or to co-ordinate adaptation draft plans, or to issue justifiable refusals, in the operations shall fail to meet the requirements of the conditions of Article 21 of this Law.

The license issued by the Department of Cultural Heritage Protection, to commence work and the co-ordinated adaptation draft plan shall be valid for the period of one year.

The Department of Cultural Heritage Protection, in issuing the permit for accident prevention, repair or adaptation work operations and in co-ordinating the adaptation draft plan, must require the performance at the same time of vital investigation, conservation and restoration work.

Accredited experts must oversee the accident prevention, repair or adaptation work.

Article 23. Investigation, Conservation, Restoration and Reconstruction of Immovable Cultural Properties

Immovable cultural properties may be investigated, conserved, restored and reconstructed only in accordance with conditions, programmes or draft plans approved by the Department of Cultural Heritage Protection and following the receipt of a permit from this department. The Institute of History of Lithuania shall participate in the establishment of investigation procedure and work.

The conditions, programmes or draft plans that have been approved, shall be valid for a period of three years.

The permit of the Department of Cultural Heritage Protection shall be valid for one year.

The Department of Cultural Heritage Protection must approve or provide a justified refusal for investigation, conservation, restoration or reconstruction conditions for immovable cultural properties, if the works do not comply with the conditions set forth in Article 21 of this Law, within a two-month period from the day of request, and the license shall be issued within a period of 15 days.

Only enterprises certified according to the procedure established by the Government of the Republic of Lithuania, may implement the work involved in the repair, examination, conservation, restoration and reconstruction of immovable cultural properties, and also prepare the conditions, programmes and draft plans relevant to this work. (Amended 25 September 1997)

Article 24. Protection of Objects Possessing Immovable Cultural Property Indicators

The Department of Cultural Heritage Protection must prohibit actions, that would diminish the cultural value of immovable cultural objects possessing cultural value indicators, not yet included in the Register, until such time as the question of their inclusion on the Register shall be resolved.

Article 25. Limitation of Works Involving Large-Scale Earth Moving Operations

Legal or natural persons, wishing to perform large-scale earth moving operations (construction, road laying, obtaining of useful fossils and the like) upon sites, which are not immovable cultural properties and exceed 5 hectares in size, must inform a year in advance of the start of operations the Department of Cultural Heritage Protection, which performs prospecting investigations of such sites, of the commencement of operations.

If, in the course of investigations, some objects possessing immovable cultural properties are discovered, the Department of Cultural Heritage Protection may propose to persons noted in part one of this article, to assume financial responsibility for expenses incurred in required archaeological research, investigation of discovered properties and transfer thereof to state depositories, or the transfer of planning operations to another location.

Large-scale earth moving operations shall be possible only upon completion of required archaeological research, and transfer work of discovered cultural properties to state depositories.

Article 26. Protection of Objects Discovered in Earth, Water, Buildings and Elsewhere, Possessing Immovable Cultural Property Indicators

Information concerning objects possessing indicators of immovable cultural properties, discovered in earth, water, buildings and elsewhere shall be furnished to the Department of Cultural Heritage Protection.

In cases wherein objects possessing indicators of immovable cultural properties are discovered in the course of earth excavations, construction or other operations, the owner, manager of this site, shall be responsible for suspending operations without delay, for guaranteeing protection of objects and informing the Department of Cultural Heritage Protection. The Department of Cultural Heritage Protection shall adopt a decision concerning investigation and registration of this site and the discovered objects, no later than within a 15-day period.

Article 27. Financing for Protection of Immovable Cultural Properties

Operations involved in protection of immovable cultural properties shall as a rule be carried out through owner or manager funding.

The following shall be funded from the State Budget:

- 1) accident prevention, repair, investigation, conservation, restoration and other operations involved in the supervision of cultural properties belonging to the state;
- 2) accident prevention, repair, investigation, conservation, restoration and other operations involved in the supervision of cultural properties not employed for economic purposes; and
- 3) fifty percent of the necessary investigation and conservation operation expenses on all cultural monuments not under state ownership, but open to the public. A larger portion of the expenses involved in these operations may also be compensated, subject to approval by the Government of the Republic of Lithuania.

The following shall be funded from the local government budget:

- 1) accident prevention, repair, investigation, conservation, restoration and other operations involved in protection of cultural properties belonging to local governments;
- 2) accident prevention, repair, investigation, conservation, restoration and other operations involved in the supervision of cultural properties non designated as cultural monuments.

The Department of Cultural Heritage Protection may finance from its allocated state budget funds, operations involved in the elimination of emergency conditions, installation of protection equipment and other preservation operations.

Preservation of immovable cultural properties may be financed also from other sources.

Article 28. Tax Reliefs and Funds

Tax reliefs established by laws shall be applied for owners of immovable cultural properties.

The funds obtained for use of immovable cultural properties and fines for damage thereof, are included in the cultural property protection accounts, according to established procedure, and shall be used for the repair, conservation and restoration of these properties.

Article 29. Transactions Involving Immovable Cultural Properties

Owners of immovable cultural properties, who seek to sell or otherwise transfer such properties, must advise future owners, concerning the status and protection routine requirements of such.

All new owners of immovable cultural properties assume all rights and regulations established by this Law.

In the event the condition of the immovable cultural property shall not coincide with that included in the protection register, an adjustment must be entered in the protection register.

Transactions involving registered immovable cultural properties must be confirmed by a notary and registered with the Department of Cultural Heritage Protection, within a period of three months.

Article 30. Insurance of Immovable Cultural Properties

In instances established by laws, immovable cultural properties must have mandatory insurance.

Article 31. Export of Immovable Cultural Properties

It shall be prohibited to permanently export from the Republic of Lithuania, immovable cultural properties or the parts thereof.

The Government of the Republic of Lithuania shall establish the procedure for temporary export from Republic of Lithuania, of immovable properties or the parts thereof.

IV. CHAPTER FINAL PROVISIONS

Article 32. Liability for Violations of Laws on Protection of Immovable Cultural Properties

Criminal, administrative and other liability shall be applied for individuals who have violated the laws on protection of immovable cultural properties.

Article 33. Compensation for Damages to Immovable Cultural Properties

Legal and natural persons, who have caused damage to immovable cultural properties, their sites or protection zones, shall be obligated to repair, restore or reconstruct the properties, and to restore the physical condition of their sites or protection zones and also to compensate for inflicted damages.

The Department of Cultural Heritage Protection shall establish the nature and amount of replacement for damages to immovable cultural properties, their sites or protection zones.

The funds obtained in compensation for inflicted damages, shall be used in accordance with Article 27 of this Law, regarding protection of immovable cultural property operations, financed from the state budget funds.

Article 34. Compulsory Purchase of Immovable Cultured Property by the State

In instances whereby the owners of immovable cultural properties shall fail to comply with regulations governing protection of these properties or shall inflict damage upon them, the Department of Cultural Heritage Protection shall warn the owner in writing and indicate the time limit set for elimination of shortcomings. In the event the owner shall fail to comply with this requirement, the court may, based upon a claim by the Department of Cultural Heritage Protection, seize and transfer this property into state ownership. The owner shall be compensated in accordance with the immovable cultural property's value, which is established according to the former owner's agreement with the Department of Cultural Heritage Protection, while in the existence of a dispute, it shall be decided by the court.

Article 35. Settlement of Disputes Involving Protection of Immovable Cultural Properties

Disputes between the Department of Cultural Heritage Protection and the owners or managers thereof, regarding protection of immovable cultural properties, shall be resolved in accordance with court procedure.

Article 36. International Agreements and Arrangements

In the event, the international agreements or arrangements, of which the Republic of Lithuania is a participant, shall establish regulations other than those indicated in this Law, the regulations of international agreements and arrangements shall apply.

Article 37. Coming into Effect of this Law

This Law becomes effective from February 1, 1995.

I hereby promulgate this Law passed by the Seimas of the Republic of Lithuania.

President of the Republic Algirdas Brazauskas