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LAW OF THE REPUBLIC OF BELARUS
January 9, 2006, No. 98-Z

**ON PROTECTION OF HISTORICAL AND CULTURAL HERITAGE OF THE REPUBLIC
OF BELARUS**

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Chapter 1
GENERAL PROVISIONS

Article 1. Basic Terms Used in the Law and Their Meanings

The present Law uses the following terms in the following meanings:

- **Protection of historical and cultural heritage** means a system of organizational, legal, economic, material and technical, scientific, informational and (or) other measures directed towards identification of material objects and non-material manifestations of human creativity, which can present a historical and cultural value, awarding material objects and non-material manifestations of human creativity the status of a historical and cultural value, accounting, storage, restoration, maintenance and usage of historical and cultural values, undertaken with the aim to preserve and multiply the historical and cultural heritage;

- **Historical and cultural heritage** means a combination of most notable results and evidences of historical, cultural and spiritual development of the people of Belarus, embodied in historical and cultural values;

- **Historical and cultural values** mean the material objects (material historical and cultural values) and non-material manifestations of human creativity (non-material historical and cultural values), which have notable spiritual, artistic and (or) documental importance, and which have been awarded the status of a historical and cultural value;

- **Collection** means a scientifically justified gathering of movable material historical and cultural values or samples of fixed non-material historical and cultural values;

- **Set** means a set (kit) of movable material historical and cultural values, which have general purpose;

- **Occupational layer** means a soil layer which contains the remnants of human activity;

- **Memorial apartments** mean non-dwelling premises connected with major historical events, life of outstanding political, state and military figures, people of science, literature and arts and intended to commemorate the memory about them, which were awarded the status of a historical and cultural value.

Article 2. Legislation of the Republic of Belarus on Protection of Historical and Cultural Heritage

1. The legislation of the Republic of Belarus on protection of historical and cultural heritage is based on the Constitution of the Republic of Belarus and comprises the Law of the Republic of Belarus dated June 4, 1991 "On Culture in the Republic of Belarus" (Gazette of the Supreme Soviet of the Byelorussian SSR, 1991, No. 20, item 291; National Register of Legal Acts of the Republic of

Belarus, 2004, No. 87, 2/1031), the present Law, other acts of legislation of the Republic of Belarus, and also international treaties of the Republic of Belarus.

2. Should an international treaty of the Republic of Belarus set other rules than those stipulated by the present Law, the rules of the international treaty shall apply.

Article 3. Principles and Basic Directions of State Policy in the Sphere of Protection of Historical and Cultural Heritage

1. The state policy in the sphere of protection of historical and cultural heritage is based on the following principles:

- 1.1. Recognition of historical and cultural heritage to be a development factor of the country;
- 1.2. Responsibility of the state for preservation of historical and cultural heritage;
- 1.3. Participation of citizens in protection of historical and cultural heritage.

2. The basic directions of the state policy in the sphere of protection of historical and cultural heritage are as follows:

- 2.1. Identification of material objects and non-material manifestations of human creativity, which may represent historical and cultural significance;
- 2.2. Awarding to material objects and non-material manifestations of human creativity of the status of a historical and cultural value, and accounting of historical and cultural values;
- 2.3. Preservation and restoration of historical and cultural values;
- 2.4. Maintenance and usage of historical and cultural values with account of the need of absolute preservation of their notable spiritual, artistic and (or) documentary worth;
- 2.5. Financing of protection of historical and cultural heritage from the funds of the Republic's (national) and local budgets, and from other sources, which are not prohibited by the legislation of the Republic of Belarus.

Article 4. Public Associations in the Sphere of Protection of Historical and Cultural Heritage

Public associations in the sphere of protection of historical and cultural heritage may:

- render assistance to state bodies in implementing the state policy in the sphere of protection of historical and cultural heritage;
- popularize historical and cultural values, legislation of the Republic of Belarus on protection of historical and cultural heritage;
- execute public control over observance of the legislation of the Republic of Belarus on protection of historical and cultural heritage in the order, established by the Council of Ministers of the Republic of Belarus;
- bring proposals to state bodies on protection of historical and cultural heritage;
- contribute to formation in citizens of patriotism and responsibility for preservation of historical and cultural heritage;
- undertake other activities related to protection of historical and cultural heritage, which are not prohibited by the legislation of the Republic of Belarus.

Article 5. Responsibility for Violation of the Legislation of the Republic of Belarus on Protection of Historical and Cultural Heritage

Violation of the legislation of the Republic of Belarus on protection of historical and cultural heritage shall entail responsibility in accordance with the legislation of the Republic of Belarus.

Chapter 2

STATE REGULATION IN THE SPHERE OF PROTECTION OF HISTORICAL AND CULTURAL HERITAGE

Article 6. State Bodies in Charge of State Regulation in the Sphere of Protection of Historical and Cultural Heritage

The state regulation in the sphere of protection of historical and cultural heritage is executed by the President of the Republic of Belarus, the Council of Ministers of the Republic of Belarus, the Ministry of Culture of the Republic of Belarus, local Soviets of Deputies, local executive and administrative bodies, and by other state bodies in accordance with their competence.

Article 7. Competence of the President of the Republic of Belarus in the Sphere of Protection of Historical and Cultural Heritage

The President of the Republic of Belarus in the sphere of protection of historical and cultural heritage shall:

- define the state policy in the sphere of protection of historical and cultural heritage;
- bring proposals into international organizations about inclusion of historical and cultural values into the List of Global Cultural and Natural Heritage, or into the International List of Global Endangered Heritage;
- execute other powers in this sphere in accordance with the Constitution of the Republic of Belarus, the Law of the Republic of Belarus dated February 21, 1995, "On the President of the Republic of Belarus" (Gazette of the Supreme Soviet of the Republic of Belarus, 1995, No. 17, item 179; Gazette of the National Assembly of the Republic of Belarus, 1997, No. 24, item 463), other legislative acts of the Republic of Belarus.

Article 8. Competence of the Council of Ministers of the Republic of Belarus in the Sphere of Protection of Historical and Cultural Heritage

The Council of Ministers of the Republic of Belarus shall ensure implementation of the state policy in the sphere of protection of historical and cultural heritage by means of the following:

- approval of concepts and nation-wide programmes on protection of historical and cultural heritage, ensuring fulfilment and supervision thereof;
- awarding to material objects and non-material manifestations of human creativity of the status of a historical and cultural value and deprivation them of such status;
- establishment of the procedure of running the State Register of historical and cultural values of the Republic of Belarus;
- establishment of the procedure of formation of the Databank on historical and cultural heritage of the Republic of Belarus, and of the procedure of studying the information contained in the Databank on historical and cultural heritage of the Republic of Belarus;
- establishment of the procedure of temporary export outside the Republic of Belarus of movable material historical and cultural values and samples of fixed non-material historical and cultural values;
- execution of other powers in conformity with the present Law, other legislative acts of the Republic of Belarus.

Article 9. Competence of the Ministry of Culture of the Republic of Belarus in the Sphere of Protection of Historical and Cultural Heritage

The Ministry of Culture of the Republic of Belarus shall implement the state policy in the sphere of protection of historical and cultural heritage by means of the following:

- drafting of proposals on the basic directions of the state policy in the sphere of protection of historical and cultural heritage;
- development, adoption (publication), within the bounds of its competence, of acts of legislation of the Republic of Belarus in the sphere of protection of historical and cultural heritage;

- control over enforcement of the present Law, including over maintenance and usage of historical and cultural values;
- coordination of the activities in the sphere of protection of historical and cultural heritage among other national bodies of state management;
- organization and assistance to implementing measures on protection of historical and cultural heritage;
- running the State Register of historical and cultural values of the Republic of Belarus;
- ensuring formation of the Databank on historical and cultural heritage of the Republic of Belarus;
- rendering of organizational, methodological and other assistance to legal entities and individuals, including individual entrepreneurs, on protection of historical and cultural heritage;
- issuance to legal entities and individuals, including individual entrepreneurs, of mandatory written prescriptions in the sphere of protection of historical and cultural heritage;
- participation in international programmes on protection of historical and cultural heritage;
- participation in the activities on return to the Republic of Belarus of historical and cultural values, which occurred to be abroad;
- issuance of written permits on temporary export outside the borders of the Republic of Belarus of movable material historical and cultural values and samples of fixed non-material historical and cultural values and exercising of control over observance of the conditions of temporary export thereof;
- popularization of historical and cultural values;
- execution of other powers in conformity with the present Law, other acts of legislation of the Republic of Belarus.

Article 10. Competence of Local Soviets of Deputies and of Local Executive and Administrative Bodies in the Sphere of Protection of Historical and Cultural Heritage

1. Local Soviets of Deputies shall take part in implementation of the state policy in the sphere of protection of historical and cultural heritage by means of the following:

1.1. Approval of regional programmes on protection of historical and cultural heritage and control over fulfilment thereof;

1.2. Assistance to implementation of measures on protection of and restoration of historical and cultural values;

1.3. Assistance to public associations in the sphere of protection of historical and cultural heritage;

1.4. Popularization of historical and cultural values;

1.5. Execution of other powers in conformity with acts of legislation of the Republic of Belarus.

2. Local executive and regulatory bodies shall take part in implementation of the state policy in the sphere of protection of historical and cultural heritage by means of the following:

2.1. Development of regional programmes on protection of historical and cultural heritage and ensuring of fulfilment thereof;

2.2. Organization and assistance to implementation of measures of identification of material objects and non-material manifestations of human creativity, which may represent historical and cultural significance, and nomination thereof for awarding the status of a historical and cultural value;

2.3. Organization and assistance to implementation of measures on protection and restoration of historical and cultural values;

2.4. Running accounting of historical and cultural values and exercising control over maintenance and usage thereof;

2.5. Rendering assistance to public associations in the sphere of protection of historical and cultural heritage;

- 2.6. Encouragement of citizens, who inhabit the respective territory, to take part in protection of historical and cultural heritage;
- 2.7. Popularization of historical and cultural values;
- 2.8. Execution of other powers in conformity with the present Law, other acts of legislation of the Republic of Belarus.

Article 11. Belarusian National Scientific and Methodological Council on Matters of Historical and Cultural Heritage under the Ministry of Culture of the Republic of Belarus

1. The Belarusian National Scientific and Methodological Council on matters of historical and cultural heritage under the Ministry of Culture of the Republic of Belarus (hereinafter – the Scientific and Methodological Council) shall execute the scientific and methodological support of protection of historical and cultural heritage.

2. The Scientific and Methodological Council in the sphere of protection of historical and cultural heritage shall:

2.1. Make decisions on the necessity of awarding to material objects and non-material manifestations of human creativity of the status of a historical and cultural value, or on the absence of the necessity of awarding of this status to them;

2.2. Make decisions on the necessity of referring of a historical and cultural value to a certain category, or on the necessity to change its category;

2.3. Approve or disapprove the scientific and design documentation on execution of restoration and renovation works on material historical and cultural values of categories "0", "1", "2" and samples of fixed non-material historical and cultural values;

2.4. Issue conclusions on compliance with qualification requirements of candidates for obtaining certificates on the right to perform scientific and research works on historical and cultural values, and to manage designing of scientific and design documentation on performance of restoration and renovation works on historical and cultural values;

2.5. Issue conclusions on impossibility of scientifically justified renovation of historical and cultural values in case of loss by them of their notable spiritual, artistic and (or) documentary worth, which had caused awarding them of the status of a historical and cultural value;

2.6. Issue conclusions on a complete study of archaeological monuments;

2.7. Perform other functions in accordance with the present Law, other acts of legislation of the Republic of Belarus.

3. The Regulations on the Belarusian National Scientific and Methodological Council on matters of historical and cultural heritage under the Ministry of Culture of the Republic of Belarus and its membership shall be approved by the Council of Ministers of the Republic of Belarus on presentation of the Ministry of Culture of the Republic of Belarus.

4. The operation of the Scientific and Methodological Council is made from the funds, allocated in the national budget for maintenance of the Ministry of Culture of the Republic of Belarus, other sources of financing, not prohibited by the legislation of the Republic of Belarus.

Chapter 3

HISTORICAL AND CULTURAL VALUES

Article 12. Types of Historical and Cultural Values. Complex Historical and Cultural Values

1. Historical and cultural values are subdivided into the following types:

1.1. Material historical and cultural values, the material embodiment of which makes the contents thereof;

1.2. Non-material historical and cultural values, the material embodiment of which has no essential effect on the contents thereof.

2. Material historical and cultural values may represent complex material historical and cultural values, if:

2.1. Two and more material objects have been put together by certain features and (or) placed close to each other (in this case the environment may make a part of a complex stationary material historical and cultural value as its individual component);

2.2. Two and more material objects have been united by common features and located in different places.

3. Non-material historical and cultural values may represent complex non-material historical and cultural values, if the contents thereof is expressed through rites and folklore (oral arts), comprising actions different in character (dances, songs, other non-material manifestations of human creativity). The embodied non-material historical and cultural values are, as a rule, complex non-material historical and cultural values.

Article 13. Material Historical and Cultural Values

1. The following refers to material historical and cultural values:

1.1. Documentary monuments – acts of state bodies, other written and graphic documents, camera documents and audio records, ancient and other manuscripts and archives, rare printed editions (publications);

1.2. Conservation areas – topographically delineated zones or landscapes, created by humans, or by humans and the nature;

1.3. Monuments of archaeology – fortified settlements (ancient towns, settlements, castles), non-fortified settlements (ancient sites, settlements, individual dwellings); burial mounds and soil burials, individual tombs, necropoles, mausoleums and other burials; ancient buildings and other objects of economic and creative purpose; fortification constructions; cult buildings (temples, monasteries, sanctuaries, places of rite administration, stone crosses, cult boulders, stone statues, obelisks); infrastructure of land, water and water-trailing courses; coin and material treasures; occupational layer, including all movable and stationary material objects, which are contained therein, and on the bottom of natural and man-made water bodies;

1.4. Monuments of architecture – buildings, constructions and other objects of economic, artistic, military or cult purpose, either individual or united into complexes and ensembles (together with the environment), objects of folk art of building, and the works of fine arts, ornamental-applied and garden and park arts;

1.5. Monuments of history – buildings, constructions, and also memorial apartments and other objects, related to major historical events, development of the society and the state, international relations, progress of science and engineering, culture and everyday life, life of outstanding political, state and military figures, renown workers of science, literature and arts;

1.6. Monuments of town planning – town development, planning structure or fragments of dwelling settlements (together with the environment, including the cultural layer). The monuments of town planning are, as a rule, complex historical and cultural values;

1.7. Monuments of arts – works of fine arts, decorative-applied and other arts.

2. Material historical and cultural values are subdivided as follows:

2.1. Stationary material historical and cultural values, transportation of which is space requires fulfilment of engineering measures and results in partial or complete loss by them of their notable spiritual, artistic and (or) documentary worth;

2.2. Movable material historical and cultural values, the displacement of which in space is not related to any change of their notable spiritual, artistic and (or) documentary worth.

Article 14. Non-Material Historical and Cultural Values

1. Non-material historical and cultural values include habits, traditions, rites, folklore (oral folk creations), language, its dialects, contents of heraldic and toponymic objects and works of folk arts (folk decorative-application arts), other non-material manifestations of human creativity.

2. Non-material historical and cultural values are subdivided as follows:

2.1. Fixed non-material historical and cultural values, which can be completely fixed (recorded) and do not depend on their creators;

2.2. Embodied non-material historical and cultural values, the contents or notable spiritual, artistic and (or) documentary worth of which is completely or partially lost with disappearance of their creators, bearers, or change of the conditions of their existence.

Article 15. Sample of a Fixed Non-Material Historical and Cultural Value

1. A complete, precise and high-quality fixing (recording) of a non-material historical and cultural value by graphic and technical means shall be approved as a sample (model) of a fixed non-material historical and cultural value by means of the procedure, established by the Ministry of Culture of the Republic of Belarus.

2. In case of revealing a more complete, precise and higher quality fixation of a non-material historical and cultural value, the Ministry of Culture of the Republic of Belarus shall have the right to recognize the earlier adopted sample of the fixed non-material historical and cultural value to be invalidated and to approve the newly revealed fixation (record) thereof to be its sample.

3. Samples of fixed non-material historical and cultural values are subject to protection in the same way as movable material historical and cultural values.

Article 16. Categories of Historical and Cultural Values

1. Historical and cultural values are divided into respective categories depending from their historical and cultural worth. A category is awarded to historical and cultural values and, if necessary, changed by the Council of Ministers of the Republic of Belarus on the basis of decisions of the Scientific and Methodological Council on the necessity of referring of a historical and cultural value to a certain category, and on the necessity to change its category.

The categories awarded to historical and cultural values shall be indicated in the State Register of historical and cultural values of the Republic of Belarus.

2. Material historical and cultural values are subdivided into the following categories:

2.1. Category "0" – historical and cultural values, which are included or proposed to be included in the established order into the List of World Cultural and Natural Heritage or the International List of Endangered World Heritage;

2.2. Category "1" – historical and cultural values, whose notable spiritual, artistic and (or) documentary worth has international importance;

2.3. Category "2" – historical and cultural values, whose notable spiritual, artistic and (or) documentary worth has national importance;

2.4. Category "3" – historical and cultural values, whose notable spiritual, artistic and (or) documentary worth has importance for particular regions of the Republic of Belarus.

3. Material objects, which make a part of complex material historical and cultural values, but have not been separately awarded the status of a historical and cultural value, are regarded to be material historical and cultural values without category.

4. Non-material historical and cultural values are subdivided into the following categories:

4.1. Category "A" – historical and cultural values, whose complete authenticity and precision (accuracy) are unconditional and unchangeable;

4.2. Category "B" – historical and cultural values, which have been completely or partially renovated (fixed) on the secondary material, or whose notable spiritual, artistic and (or) documentary worth may objectively vary with time.

Chapter 4

DETECTION OF MATERIAL OBJECTS AND NON-MATERIALS MANIFESTATIONS OF HUMAN CREATIVITY, WHICH MAY REPRESENT A HISTORICAL AND CULTURAL VALUE

Article 17. Detection of Material Objects and Non-Material Manifestations of Human Creativity, which May Represent Historical and Cultural Significance

1. Material objects, which may represent historical and cultural significance, are revealed through professional or occasional detection.
2. Non-material manifestations of human creativity, which may represent historical and cultural significance, are revealed through professional detection.
3. Detected material objects and non-material manifestations of human creativity, which may represent historical and cultural significance, are subject to fixation, scientific processing and artistic evaluation in the order, established by the Ministry of Culture of the Republic of Belarus.

Article 18. Professional Detection of Material Objects and Non-Material Manifestations of Human Creativity, which May Represent Historical and Cultural Significance

1. Professional detection of material objects and non-material manifestations of human creativity, which may represent historical and cultural significance, shall be made as follows:
 - 1.1. In the process of professional scientific and research activities;
 - 1.2. When directing material objects and non-material manifestations of human creativity, which may represent historical and cultural significance, in accordance with the legislation of the Republic of Belarus into the ownership of the state.
2. A legal entity or an individual, which or who has detected, in the process of professional scientific and research activities, a material object or a non-material manifestation of human creativity, which may represent historical and cultural significance, shall make a fixation thereof, scientific processing and artistic evaluation, take measures for proper protection thereof (from the moment of detection to delivery to the owner), and to notify, not later than two days, the Ministry of Culture of the Republic of Belarus about the detected material object or non-material manifestation of human creativity.
3. A legal entity or an individual, which or who has revealed, in the process of professional scientific and research activities, a material object or a non-material manifestation of human creativity, which are referred in subpoint 1.2 of point 1 of Article 21 of the present Law and may represent historical and cultural significance, shall have no right to command the revealed material object or non-material manifestation of human creativity.
4. A material object or a non-material manifestation of human creativity, which may represent historical and cultural significance, when directing them in accordance with the legislation of the Republic of Belarus into the ownership of the state on decision of the Ministry of Culture of the Republic of Belarus shall be delivered to establishments of culture and other legal entities.

Article 19. Occasional Detection of Material Objects, which May Represent Historical and Cultural Significance

1. A legal entity or an individual, which or who has revealed a material object, which is stipulated by subpoint 1.2 of point 1 of Article 21 of the present Law and may represent historical and cultural significance, shall take measures for its protection, and notify, not later than two days, the local executive and administrative body or the territorial body of internal affairs about the revealed object.

After receiving a notification about revealing of a movable material object, which may represent historical and cultural significance, the local executive and administrative body or the territorial

body of internal affairs shall accept this object from the person, who has revealed it in conformity with the acceptance certificate, one copy of which shall be handed over to this person, and inform, not later than two days, the Ministry of Culture of the Republic of Belarus about the revealed object.

Protection of the movable material object, which may represent historical and cultural significance, from the moment of its detection till delivery to the local executive and administrative body or territorial body of internal affairs shall be ensured by the legal entity or individual, which or who has revealed it, and from the moment of its delivery – by the local executive and administrative body or territorial body of internal affairs, which accepted this movable material object, or the entity (person) appointed by a written instruction of the Ministry of Culture of the Republic of Belarus.

After receiving a notification about revealing of a movable material object, which may represent historical and cultural significance, the Ministry of Culture of the Republic of Belarus shall accept, within five days, the revealed object in conformity with the acceptance-delivery certificate, or, in case of an obvious unjustified conclusion that the object possesses any notable spiritual, artistic and (or) documentary worth, draw up a certificate on the absence in the revealed movable material object of notable spiritual, artistic and (or) documentary worth.

2. A legal entity or an individual, which or who has occasionally revealed a stationary material object (archaeological object, element of décor, artistic decoration, fresco remnants, etc.), which is stipulated by subpoint 1.2 of point 1 of Article 21 of the present Law and may represent historical and cultural significance, shall immediately suspend the works or any other activities that may affect this object, take measures for protection thereof, and notify the Ministry of Culture of the Republic of Belarus or the local executive and administrative body about the revealed object.

After receiving a notification about detection of a stationary material object, which may represent historical and cultural significance, the local executive and administrative body shall notify, not later than two days, the Ministry of Culture of the Republic of Belarus about the revealed object.

After receiving a notification about revealing a stationary material object, which may represent historical and cultural significance, the Ministry of Culture of the Republic of Belarus shall organize, not later than three days, an arrival of its representative to the place of detection of the said object.

The representative of the Ministry of Culture of the Republic of Belarus, having examined in situ the revealed stationary material object, which may represent historical and cultural significance, shall issue a written prescription, which indicates a temporary mode of maintenance of this object and the validity period thereof, or, in case of an obvious groundlessness of the opinion about the presence in the object of any notable spiritual, artistic and (or) documentary worth, shall draw up a certificate on the absence in the revealed stationary material object of any notable spiritual, artistic and (or) documentary worth. The validity period of the mode of temporary maintenance of a stationary material object, which may represent historical and cultural significance, may be shortened or extended by the Ministry of Culture of the Republic of Belarus.

The works or other activities, suspended in connection with detection of a stationary material object, shall be resumed only upon a written permit of the Ministry of Culture of the Republic of Belarus.

The legal entity or the individual, which or who has occasionally revealed a stationary material object, which is stipulated by subpoint 1.2 of point 1 of Article 21 of the present Law and may represent historical and cultural significance, shall be reimbursed the losses suffered by suspension of the works or other activities in connection with detection of this object, in the order and at the rate as defined by the Council of Ministers of the Republic of Belarus.

3. The material object, occasionally revealed in the order, established by points 1 and 2 of this Article, shall be considered by the Scientific and Methodological Council for making a decision on the necessity of awarding it with the status of a historical and cultural value, or on the absence of the necessity of awarding this status to it. In this case, the author of the proposal on awarding the material object of the status of a historical and cultural value shall be the person, who has occasion-

ally revealed this object, or has informed about it. In this case, the said person shall need not bringing in writing of any proposal on awarding the material object of the status of a historical and cultural value and any justification thereof.

4. When an occasionally revealed material object, stipulated by subpoint 1.2 of point 1 of Article 21 of the present Law, have been awarded with the status of a historical and cultural value, it shall be directed, in conformity with the civil legislation of the Republic of Belarus, into the ownership of the state, while the owner of the land plot or other property, where this object has been revealed, and also the person, who has revealed it, shall have the right to get the reward in the order and on the conditions, stipulated by the legislation of the Republic of Belarus.

Chapter 5

AWARDING MATERIAL OBJECTS AND NON-MATERIAL MANIFESTATIONS OF HUMAN CREATIVITY WITH THE STATUS OF A HISTORICAL AND CULTURAL VALUE. ACCOUNTING OF HISTORICAL AND CULTURAL VALUES

Article 20. Selection Criteria of Material Objects and Non-Material Manifestations of Human Creativity for Awarding Them of the Status of a Historical and Cultural Value

1. The Scientific and Methodological Council, when considering proposals on awarding material objects or non-material manifestations of human creativity of the status of a historical and cultural value, shall outgo from the presence in the material objects or in non-material manifestations of human creativity of any notable spiritual, artistic and (or) documentary worth, which shall be confirmed by correspondence to one of the following criteria:

1.1. They are:

- one of the formation factors of the national mentality;
- a rare or precious evidence of existence of a perished civilization;
- an epic work, created or essentially rethought and altered by the people of Belarus;
- an author's piece of art, created in the territory of the Republic of Belarus, or under the influence of Belarusian history, reality, mentality, environment or other factors;
- an outstanding piece of art, masterpiece, created and (or) recognized outside the borders of the Republic of Belarus;
- a material object or a non-material manifestation of human creativity, peculiarities of the lifestyle specific only for the culture of the people of Belarus;
- a documentary fixation, symbol or another manifestation or definition of phenomena, events or processes, which are connected with the history of the Republic of Belarus, its particular regions, kins or ethnic groups, or have international importance;
- an excellent or original outcome (result) of a creative or scientific and technical experiment;
- a rare in the territory of the Republic of Belarus or an outstanding achievement of another people;
- an outcome or evidence of non-studied processes;
- a burial of a well-known person, a bed of honour (mass grave) of warriors, fighters, who perished at fight for some unified noble cause, and (or) victims of military actions, armed conflicts, massive repressions;
- a traditional toponymic name;

1.2. They are a rare or excellent example of the following:

- a man-made environment;
- usage in human activities of natural factors and peculiarities;
- a construction or another creation, which posses typical peculiarities, specific only for the culture of the people of Belarus;
- a construction or another creation, objects of everyday life or articles of other destination of a certain historical period, region or ethnic group;
- a work of folk arts of a certain historical period, region or ethnic group;

- a solution of economic, creative, fortification, organizational and other issues;
 - a stylistic direction or regional or ethnic peculiarity, revealed in any kind of arts;
- 1.3. They are directly connected with the following:
- events or ideas and beliefs, which had an essential influence on the process of historical, cultural and (or) spiritual development of the mankind and of the people of Belarus;
 - life and work of outstanding figures of the world and of the Republic of Belarus;
- 1.4. They are considered to be:
- connected with folk traditions, legends, other ethnic creations, and folk rites;
 - material objects, which have outstanding peculiarities;
- 1.5. They have caused (are causing) an essential influence on development of the arts, spirituality of the society, world outlook of people during a certain historical period, or in the territory of a certain region or ethnic group;
- 1.6. They comprise an understudied (not completely studied) occupational layer.
2. A decision on the necessity of awarding to material objects of the status of a historical and cultural value may be made only in relation to the material object, authentic or restored in accordance with scientific and design documentation. In this case, at least 40 years shall have passed from the time of initial creation of a stationary material object, or it shall have been completely or at least by 90 percent restored in accordance with historical data in the previous place.

Article 21. Nomination of Material Objects and Non-Material Manifestations of Human Creativity for Awarding Them of the Status of a Historical and Cultural Value

1. A material object or a non-material manifestation of human creativity, which may represent historical and cultural significance, shall be nominated for awarding them of the status of a historical and cultural value from among the following:

1.1. Material objects or non-material manifestations of human creativity, which exist actually, used in human activities or represented in the form of fixed non-material manifestations of human creativity, other forms of demonstration of notable spiritual, artistic and (or) documentary worth, irrespective of location thereof;

1.2. Material objects or non-material manifestations of human creativity, the data about existence of which were absent before the moment of revealing them, and the owner of which is unknown, waived his or her ownership right on them, or has lost the ownership right on them for other reasons, envisaged by the legislation of the Republic of Belarus;

1.3. Material objects or non-material manifestations of human creativity, the existence of which has been documentarily evidenced, provided doubtless documentary data is absent on destruction, loss or disappearance of these material objects or non-material manifestations of human creativity.

2. A legal entity or an individual, which or who has revealed a material object or a non-material manifestation of human creativity, stipulated by point 1 of this Article, shall bring to the Ministry of Culture of the Republic of Belarus a written proposal on awarding the revealed material object or non-material manifestation of human creativity of the status of a historical and cultural value with a mandatory justification, except for the case stipulated by point 3 of Article 19 of the present Law.

Article 22. Consideration of Proposals on Awarding Material Objects and Non-Material Manifestations of Human Creativity of the Status of a Historical and Cultural Values

1. After receiving of a proposal on awarding a material object or non-material manifestation of human creativity of the status of a historical and cultural value, the Ministry of Culture of the Republic of Belarus shall notify the owner (holder) of the material object or of the non-material manifestation of human creativity about the fact, and also to the local executive and administrative body, and shall organize a qualified consideration of this proposal by the Scientific and Methodological

Council, including consideration of the fixation, scientific processing and artistic evaluation of the material object or of the non-material manifestation of human creativity, for making a decision on the necessity of awarding material object or non-material manifestation of human creativity of the status of a historical and cultural value, or on the absence of the necessity of awarding of this status to them.

2. The local executive and administrative body, and also the owner (proprietor) of the material object or of the non-material manifestation of human creativity shall take measures, from the moment of receiving a notification stipulated by point 1 of this Article and till the moment of making a decision on the necessity of awarding the material object or non-material manifestation of human creativity of the status of a historical and cultural value, or on the absence of the necessity of awarding of this status to them, to suspend the works or other activities, which may result in destruction or threat of destruction, loss or threat of loss, disappearance or loss of disappearance, causing damage or threat of causing such, degradation of technical condition or threat of such degradation, and also to scientifically ungrounded change or degradation of the conditions of perception of the said material object or of the non-material manifestation of human creativity.

3. Material objects, nominated for awarding them of the status of a historical and cultural value, are subject to protection in the same way as material historical and cultural values without a category.

4. The Scientific and Methodological Council shall make a decision, based on a qualified consideration, provided an absence of doubtless documentary data on destruction, loss or disappearance of the material object or fixed non-material manifestation of human creativity, on the necessity of awarding material object or non-material manifestation of human creativity of the status of a historical and cultural value, or on the absence of the necessity of awarding of this status to them. In this case, the decision on the necessity of awarding material object or non-material manifestation of human creativity of the status of a historical and cultural value shall indicate the category of a historical and cultural value, to which they shall be referred.

5. The status of a historical and cultural value may be awarded to a material object or a non-material manifestation of human creativity, which is officially considered to be a historical and cultural value in other countries, provided an absence of doubtless documentary data on destruction, loss or disappearance of this material object or non-material manifestation of human creativity.

Article 23. Awarding to Material Objects and Non-Material Manifestations of Human Creativity of the Status of a Historical and Cultural Value, Deprivation of Them of This Status

1. The Council of Ministers of the Republic of Belarus shall make a decision on awarding of the status of a historical and cultural value to the material object or non-material manifestation of human creativity, on which the Scientific and Methodological Council has made a respective decision on the necessity of awarding of this status to them.

2. The material objects and non-material manifestations of human creativity, on which the Council of Ministers of the Republic of Belarus has made decisions on awarding to them of the status of a historical and cultural value, shall be included into the State Register of historical and cultural values of the Republic of Belarus.

3. Material objects and non-material manifestations of human creativity may be deprived by the Council of Ministers of the Republic of Belarus of the status of a historical and cultural value in case of loss by them of their notable spiritual, artistic and (or) documentary worth, which had caused the awarding them of the status of a historical and cultural value, and also in case of their destruction, loss or disappearance as a result of the influence of natural factors or other situations at impossibility to restore them. A conclusion on impossibility of scientifically justified restoration of these historical and cultural values shall be given by the Scientific and Methodological Council.

4. At the necessity of solution of exceptional state tasks, the monuments of archaeology may, after a complete study thereof, be deprived of the status of a historical and cultural value by the

Council of Ministers of the Republic of Belarus. A conclusion on a complete study of the monuments of archaeology shall be made by the Scientific and Methodological Council.

5. Material objects and non-material manifestations of human creativity, deprived of the status of a historical and cultural value, are excluded from the State Register of historical and cultural values of the Republic of Belarus.

Article 24. State Register of Historical and Cultural Values of the Republic of Belarus

1. The State Register of historical and cultural values of the Republic of Belarus contains the following sections:

1.1. Historical and cultural values, located in the territory of the Republic of Belarus. This section includes information on material and non-material historical and cultural values, located in the territory of the Republic of Belarus (irrespective of the origin thereof);

1.2. Historical and cultural values, which according to the legislation of the Republic of Belarus are located outside the borders of the Republic of Belarus. This section contains the data on material and non-material historical and cultural values, which have occurred, under the documentarily confirmed Belarusian origin, outside the borders of the Republic of Belarus in the order, which corresponds with the norms of international law, and also the data on embodied non-material historical and cultural values, the bearers of which under doubtless (including recognized by themselves) Belarusian origin (nationality) do not have citizenship of the Republic of Belarus;

1.3. Historical and cultural values, which are illegally located outside the borders of the Republic of Belarus. This section contains the data on material and non-material historical and cultural values, which have occurred to be, through violation of international law, under documentarily confirmed Belarusian origin outside the borders of the Republic of Belarus;

1.4. Historical and cultural values, which have disappeared or have been lost under unclarified circumstances. This section contains the data on material and non-material historical and cultural values, the existence of which has been documentarily certified, provided an absence of doubtless documentary data on destruction of these historical and cultural values;

1.5. Historical and cultural values, which are under a threat of destruction, loss or disappearance. This section contains the data on material and non-material historical and cultural values, which are under a threat of destruction, loss or disappearance, with indication of the reasons, which cause the threat, and the measures, necessary to preserve these historical and cultural values.

2. When a complex historical and cultural value is included into the State Register of historical and cultural values of the Republic of Belarus, this Register shall also include each of its material objects or non-material manifestations of human creativity, which make a part of the complex historical and cultural value, and by their notable spiritual, artistic and (or) documentary worth may be regarded to be a separate historical and cultural value.

3. Running of the State Register of historical and cultural values of the Republic of Belarus shall be made by the Ministry of Culture of the Republic of Belarus in the order, established by the Council of Ministers of the Republic of Belarus.

Article 25. Accounting Documents on Historical and Cultural Values

1. For every historical and cultural value an accounting card of a historical and cultural value shall be filled in of the unified form, and a certificate (passport) shall be drawn up on a historical and cultural value of unified model.

2. The accounting card of a historical and cultural value shall contain condensed factual data on the historical and cultural value (name, type of value, its location, date of appearance, creator, owner (proprietor), order of usage, current technical condition, scientific research supervisor), and shall also indicate the data on the presence of documentation and examinations of the technical condition of the historical and cultural value.

3. The certificate (passport) of a historical and cultural value shall indicate complete scientific and factual data about that historical and cultural value (it shall describe its history, current technical condition, indicate its location, accounting data, estimation of its historical, scientific, artistic, cultural or other worth, the elements, which have their notable spiritual, artistic and (or) documentary worth, information about the owner (holder), details of the protection obligation certificate (date and number), information on the protective zones of stationary material historical and cultural values, scientific and project documentation, authors thereof, and also additional data on the events and persons, connected with this historical and cultural value, archive and bibliographic sources, and graphic materials).

4. When obtaining any new data on a historical and cultural value, respective additions and (or) changes shall be entered into the accounting documents.

5. The accounting documents on historical and cultural values shall indicate their categories with a reference to a respective Decree of the Council of Ministers of the Republic of Belarus.

6. The forms and models of accounting documents on historical and cultural values and the order of filling them in shall be established by the Ministry of Culture of the Republic of Belarus.

7. Compilation of accounting documents on a historical and cultural value, except for entering additions and (or) changes into them, shall be paid from the funds of the owner thereof.

Article 26. Databank on Historical and Cultural Heritage of the Republic of Belarus

1. With the aim of storing and systematization of accounting documents on historical and cultural values, information on notable outcomes and evidences of historical, cultural and spiritual development of the people of Belarus, on lost material objects and non-material manifestations of human creativity, the existence of which has been documentarily certified and which could obtain the status of a historical and cultural value, and also with the aim to fulfil the works on collection, systematization, and to protect scientific and research, publication and other materials, which refer to historical and cultural values, a Databank shall be formed on historical and cultural heritage of the Republic of Belarus.

2. Formation of the Databank on historical and cultural heritage of the Republic of Belarus shall be made by the Ministry of Culture of the Republic of Belarus, or by the organization authorized by the Ministry, for the funds allocated in the national budget on special social programmes and measures in the sphere of culture, other sources of financing, not prohibited by the legislation of the Republic of Belarus.

3. The Databank on historical and cultural heritage of the Republic of Belarus may keep samples of fixed non-material historical and cultural values on the proposal of the owners thereof.

4. The order of formation of the Databank on historical and cultural heritage of the Republic of Belarus and the order of getting acquainted with the information contained therein shall be established by the Council of Ministers of the Republic of Belarus.

Chapter 6

PRESERVATION OF HISTORICAL AND CULTURAL VALUES

Article 27. Measures to Protect Historical and Cultural Values

1. Preservation of historical and cultural values comprises a system of organizational, legal, economic, material-technical, scientific, information and other measures directed at non-admission of destruction or threat of destruction, loss or threat of loss, disappearance or threat of disappearance, causing damage or threat of causing such, degradation of technical condition or threat of such degradation, and also of scientifically unjustified change, degradation of perception conditions of historical and cultural values (of environment and protective zones of stationary historical and cultural values).

2. The activities, which may cause influence on historical and cultural values, shall be undertaken with account of the need of absolute (unconditional) preservation of the notable spiritual, artistic and (or) documentary worth of these values.

Article 28. Ensuring of Preservation of Stationary Material Historical and Cultural Values

1. To ensure the preservation of stationary material historical and cultural values (of their environment and protective zones), relocation (transportation) of these stationary material historical and cultural values, destruction or creation of a threat of destruction of stationary material historical and cultural values (of their environment and protective zones), causing any damage to them or creation of a threat of causing such, degradation of technical condition or creation of a threat of such degradation, and also any scientifically unjustified change and degradation of the perception conditions of these stationary material historical and cultural values (of their environment and protective zones) shall be forbidden, except for the cases stipulated by points 2 and 3 of this Article.

2. Removal (transportation) of a stationary material historical and cultural value shall be allowed in exclusive cases only with a permit of the Ministry of Culture of the Republic of Belarus in case of impossibility of its preservation in situ and existence of scientific and project documentation on performance of restoration and renovation works on this value with the aim of its renovation under the conditions, required to ensure the preservation of the stationary material historical and cultural value. An impossibility of preservation of a stationary material historical and cultural value in situ shall be established by the Scientific and Methodological Council.

3. Creation of a threat of destruction of a stationary material historical and cultural value (its environment and protective zones) and causing damage thereto, degradation of technical condition or creation of a threat of such degradation, and also a scientifically unjustified change and degradation of perception conditions of a stationary material historical and cultural value (its environment and protective zones) are allowed only on decision of the Council of Ministers of the Republic of Belarus, when their necessity is caused by taking measures on liquidation of implications of natural calamities, accidents, and military actions.

4. When obeying to requirements of fire safety, protection of the environment, sanitary and other requirements, and also during performance of scientific and research, and restoration and renovation works on a stationary material historical and cultural value, it is forbidden to make any changes of this historical and cultural value, or cause any degradation of its notable spiritual, artistic and (or) documentary worth.

5. A stationary material historical and cultural value shall carry a protection board (plate), which shall contain information about belonging of this stationary material historical and cultural value to historical and cultural heritage of the Republic of Belarus.

The protection boards of unified form, which is approved by the Ministry of Culture of the Republic of Belarus, shall be installed and maintained from the funds of the owners of historical and cultural values.

6. An identification sign, in accordance with international treaties of the Republic of Belarus may be installed on a stationary material historical and cultural value.

Article 29. Protective Zones of Stationary Material Historical and Cultural Values

1. To ensure the preservation of stationary material historical and cultural values and of their environment, the following protective zones of stationary material historical and cultural values are established:

- 1.1. Protective zone;
- 1.2. Construction regulation zone;
- 1.3. Landscape protective zone;
- 1.4. Protective zone of the occupational layer.

2. Protective zones of stationary material historical and cultural values, their borders, composition and maintenance modes shall be identified by a draft of protective zones of stationary material historical and cultural values, approved by the Ministry of Culture of the Republic of Belarus.

The maintenance and usage modes of protective zones of stationary material historical and cultural values stipulate a restriction or complete prohibition of any activities, which create a threat to protection of stationary material historical and cultural values (their environment) and conditions of maintaining and using them.

A draft of protective zones of a stationary material historical and cultural value, including the maintenance and usage modes of these zones, shall be designed in accordance with the legislation of the Republic of Belarus for every stationary material historical and cultural value.

3. Any development of town planning and land management documentation, and also of any other project documentation, implementation of which may influence historical and cultural values, without marking (drawing) established protective zones of stationary material historical and cultural values, or without establishing such, shall be forbidden.

4. All types of works within the protective zones of stationary material historical and cultural values shall be performed only under the requirements of the maintenance and usage modes of these protective zones.

Article 30. Ensuring of Preservation of Movable Material Historical and Cultural Values

1. To ensure the preservation of movable material historical and cultural values, the following shall be forbidden:

1.1. Destruction or creation of a threat of destruction, loss or creation of a threat of loss, disappearance or creation of a threat of disappearance, causing damage or creation of a threat of causing such, degradation of technical condition or creation of a threat of such degradation, and also a scientifically unjustified change of movable material historical and cultural values;

1.2. Deking of complex movable material historical and cultural values.

2. In case when one and the same movable material historical and cultural value belongs both to a set and a collection, the preference is given to the collection. If necessary, a copy of the movable material historical and cultural value, created at the cost of the owner of the collection, shall be included into the set, intended (collected) for a certain purpose.

Article 31. Ensuring of Preservation of Non-Material Historical and Cultural Values

1. Preservation of fixed non-material historical and cultural values shall be made by means of detection (revealing) of their complete, precise and high-quality fixations, approval of them in the capacity of samples of fixed non-material historical and cultural values, and preservation of these samples.

2. To ensure the preservation of fixed non-material historical and cultural values, it is forbidden to make any destruction or creation of a threat of destruction, loss or creation of a threat of loss, disappearance or creation of a threat of disappearance, causing damage or creation of a threat of causing such, degradation of technical condition or creation of a threat of such degradation, and also a scientifically unjustified change of samples of fixed non-material historical and cultural values.

3. To ensure the preservation of embodied non-material historical and cultural values, the local executive and regulatory bodies shall take measures to preserve and restore (renovate) the conditions of existence, development and delivery to descendants of traditions of folk handicrafts, peculiarities of the people's lifestyle, characteristic only for the culture of the people of Belarus, factors of formation of national mentality, and shall also encourage (including in the material way) their bearers to preserve, develop and deliver to descendants the contents of these values.

Creation of any obstacles to existence, development and delivery to descendants of embodied non-material historical and cultural values, and also any essential change of the conditions of their existence, development and delivery to descendants, shall be forbidden.

Article 32. Prevention of Threat to Protection of Material Historical and Cultural Values and Samples of Fixed Non-Material Historical and Cultural Values

1. Any production, placement, storage and maintenance of machines, mechanisms and substances, execution of other activities, which create dynamic and vibration effects, unfavourable temperature and humidity conditions, chemical, radiation or mechanical contamination, a threat of explosion and fire, other threats to protection of historical and cultural values (their environment and protective zones), and also in the premises (rooms), which house any movable material historical and cultural values or samples of fixed non-material historical and cultural values, shall be forbidden.

2. In case of revealing (detection) of any activities of legal entities and (or) individuals, including individual entrepreneurs, which create a threat to protection of stationary material historical and cultural values (their environment and protective zones), the Ministry of Culture of the Republic of Belarus shall issue, within three days from the moment of detection of such threat, to legal entities and (or) individuals, including individual entrepreneurs, mandatory for fulfilment written prescriptions on the necessity to change or completely stop their activities.

3. In case the traffic of transport vehicles, self-propelled agricultural, amelioration and road-construction machines along the roads adjacent to stationary material historical and cultural values or their protective zones, or the operation of communication lines, create a threat to protection of these historical and cultural values or their protective zones, local executive and regulatory bodies, other legal entities and (or) individuals, including individual entrepreneurs, who are in charge (own) the roads or communication lines, shall, under prescription of the Ministry of Culture of the Republic of Belarus, restrict or completely stop the traffic of transport vehicles, self-propelled agricultural, amelioration and road-construction machines along these roads, and to restrict or stop the operation of communication lines.

4. When legal entities and (or) individuals, including individual entrepreneurs, have no possibility to restrict or stop the activities stipulated by point 3 of this Article, they shall pay, in the order, established by Article 48 of the present Law, a compensation for the damage caused to movable material historical and cultural values or their protective zones.

5. In case of revealing any economic or other activities of legal entities and (or) individuals, including individual entrepreneurs, which result in contamination of the air space or water bodies and make a threat to protection of stationary material historical and cultural values or their protective zones, those guilty legal entities and (or) individuals, including individual entrepreneurs, shall restrict, on prescription of the Ministry of Culture of the Republic of Belarus, these activities, and in case of impossibility to restrict them, shall pay, in the order, stipulated by Article 48 of the present Law, compensation for the damage, which is caused to movable material historical and cultural values or their protective zones.

6. The requirements of prescriptions on the necessity to restrict a certain activity or to stop it completely in case of absence of a threat to protection of stationary material historical and cultural values or their protective zones may be cancelled by the Ministry of Culture of the Republic of Belarus, or by the court.

7. When designing and execution of earthmoving, construction, amelioration and other types of work, which may create a threat to protection of stationary material historical and cultural values or their protective zones, the following measures shall be taken: a preliminary study of these historical and cultural values, fixation thereof, archaeological studies, if necessary, – relocation thereof, and also measures to ensure the conditions, required for protection of these stationary material historical and cultural values and their protective zones.

Scientific and project documentation on execution of the works, stipulated by part one of this point, shall comprise a special section on the measures to study and preserve historical and cultural values.

Article 33. Change of Material Historical and Cultural Values

1. When undertaking the activity, which may influence material historical and cultural values, any changes of historical and cultural values shall be admitted only with consent of the Ministry of Culture of the Republic of Belarus, provided there is a scientific justification of this change and with accounting the category of historical and cultural values.

2. A decision on recognition of the change of material historical and cultural values to be scientifically justified or unjustified shall be made by the Scientific and Methodological Council.

Article 34. Changing of Samples of Fixed Non-Material Historical and Cultural Values

1. Any changes of samples of fixed non-material historical and cultural values of category "A" shall be forbidden.

2. Change of samples of fixed non-material historical and cultural values of category "B" shall be allowed in the following cases:

2.1. Revealing (detection) of a more complete, accurate and of higher quality fixation of these non-material historical and cultural values and (or) scientific information on their notable spiritual, artistic and (or) documentary worth;

2.2. Change of fixed non-material historical and cultural values themselves under the effect of objective reasons.

3. In cases, stipulated by subpoint 2.1 of point 2 of this Article, changing of a sample of a fixed non-material historical and cultural value shall be undertaken on decision of the Scientific and Methodological Council, and in cases, stipulated by subpoint 2.2 of point 2 of this Article, – on decision of the Ministry of Culture of the Republic of Belarus, or by the organization duly authorized by the Ministry. In this case, one shall ensure periodical maximal possible fixation by graphic or technical means of the process of changing of notable spiritual, artistic and (or) documentary worth of these non-material historical and cultural values.

Article 35. Export Outside the Borders of the Republic of Belarus of Movable Material Historical and Cultural Values and Samples of Fixed Non-Material Historical and Cultural Values

1. Any export outside the borders of the Republic of Belarus for permanent storage of movable material historical and cultural values and samples of fixed non-material historical and cultural values shall be forbidden.

2. Temporary export outside the borders of the Republic of Belarus of movable material historical and cultural values and samples of fixed non-material historical and cultural values shall be admitted only within the limits of international cultural exchange and in case of armed conflicts.

3. Temporary export outside the borders of the Republic of Belarus of movable material historical and cultural values and samples of fixed non-material historical and cultural values shall be made according to the procedure, established by the Council of Ministers of the Republic of Belarus.

4. Movable material objects, which conform to the criteria, stipulated by point 1 of Article 20 of the present Law, but are not historical and cultural values, may be exported outside the borders of the Republic of Belarus in the order, established by the Council of Ministers of the Republic of Belarus.

Chapter 7

RENOVATION OF HISTORICAL AND CULTURAL VALUES

Article 36. Types of Scientific and Research, and Restoration and Renovation Works, which Are Performed on Material Historical and Cultural Values and Samples of Fixed Non-Material Historical and Cultural Values

1. Scientific and research, and restoration and renovation works (hereinafter – works on historical and cultural values, unless established otherwise) shall be performed on material historical and cultural values (in protective zones of stationary material historical and cultural values) and samples of fixed non-material historical and cultural values.

2. The following shall refer to scientific and research works, which are performed on material historical and cultural values (in protective zones of stationary material historical and cultural values) and samples of fixed non-material historical and cultural values (hereinafter – scientific and research works on historical and cultural values):

2.1. Archaeological studies (prospecting and diggings) – a complex of measures intended to clarify and investigate stationary material historical and cultural values, including carrying out of supervision at execution of earthmoving and construction works;

2.2. Archive and bibliographic studies – a complex of measures intended to study archive, bibliographic and other materials, which refer to historical and cultural values;

2.3. Field studies – a complex of measures intended to reveal and clarify (update) notable spiritual, artistic and (or) documentary worth of historical and cultural values.

3. The following shall refer to restoration and renovation works, which are performed on material historical and cultural values (in protective zones of stationary material historical and cultural values) and samples of fixed non-material historical and cultural values (hereinafter – restoration and renovation works on historical and cultural values):

3.1. Renovation works – a complex of measures, directed at scientifically justified complete or partial repeated creation of historical and cultural values (for stationary material historical and cultural values – obligingly, in the place of their earlier location);

3.2. Addition – a complex of measures intended to create additions to historical and cultural values, including those to complete timely unimplemented author's ideas;

3.3. Conservation – a complex of measures intended to temporary or long-term preservation of the technical condition of historical and cultural values with application of respective methods, which allow to prevent its further degradation;

3.4. Adaptation – a complex of measures intended to adapt historical and cultural values to the needs and peculiarities of technical maintenance;

3.5. Repair – a complex of measures intended to improve the technical condition of historical and cultural values without making any changes in their structural and (or) aesthetic implementation;

3.6. Opening – a complex of measures intended to remove any later dissonant layers from the surface of historical and cultural values;

3.7. Regeneration – a complex of measures intended to recover the integrity and general compositional solution of historical and cultural values (mainly of complex historical and cultural values);

3.8. Reconstruction – a complex of measures intended to improve the technical condition and functional peculiarities of historical and cultural values with admittance of partial changes of their structural and non-essential physical features;

3.9. Restoration – a complex of measures intended to scientifically justified recovery of lost fragments of historical and cultural values, and also of their notable spiritual, artistic and (or) documentary worth.

Article 37. Performance of the Works on Historical and Cultural Values

1. The works on historical and cultural values, and also the works of development of scientific and project documentation on performance of restoration and renovation works on historical and cultural values may be performed only with a permit of the Ministry of Culture of the Republic of Belarus.

When developing scientific and project documentation on performance of restoration and renovation works on historical and cultural values, the Ministry of Culture of the Republic of Belarus shall issue a permit on performance of archive and bibliographic studies.

2. A permit on fulfilment of works on historical and cultural values, except for the cases, stipulated by part two of point 1 of this Article and by part two of this point, shall be issued by the Ministry of Culture of the Republic of Belarus after coordination and approval of justified programme of scientific and research works or scientific and project documentation on performance of restoration and renovation works on historical and cultural values.

A permit on execution of archaeological studies is issued by the Ministry of Culture of the Republic of Belarus after provision by the National Academy of Sciences of Belarus of the right to the performers thereof on holding of archaeological studies. Documentation on archaeological studies shall be kept in the archives of the National Academy of Sciences of Belarus.

3. The order of issuance of permits on performance of works on historical and cultural values shall be established by the Council of Ministers of the Republic of Belarus.

4. A permit of the Ministry of Culture of the Republic of Belarus on performance of the works on historical and cultural values shall not liberate the customer of the necessity to draw up documents at the respective state bodies on performance of such works in cases, stipulated by the legislation of the Republic of Belarus.

Article 38. Works to Ensure Proper Technical and Sanitary Condition of Historical and Cultural Values

The works to ensure a proper technical and sanitary condition of historical and cultural values, including works of repairing them within the limits of the protection responsibility, stipulated by Article 44 of the present Law, may be performed on a historical and cultural value on the everyday basis or any other periodicity without the need to obtain a permit of the Ministry of Culture of the Republic of Belarus.

Article 39. Persons Admitted to Perform Scientific and Research Works on Historical and Cultural Values and Manage Development of Scientific and Project Documentation on Performance of Restoration and Renovation Works on Historical and Cultural Values

The persons, who have a certificate on the right to perform scientific and research works on historical and cultural values and to manage development of scientific and project documentation on performance of restoration and renovation works on historical and cultural values, shall be admitted to perform scientific and research works on historical and cultural values and to manage development of scientific and project documentation on performance of restoration and renovation works on historical and cultural values, including to execution of the author's supervision over performance thereof, except for the case, stipulated by Article 42 of the present Law.

Article 40. Certificates on the Right to Perform Scientific and Research Works on Historical and Cultural Values and to Manage Development of Scientific and Project Documentation on Performance of Restoration and Renovation Works on Historical and Cultural Values

1. Certificates on the right to perform scientific and research works on historical and cultural values and to manage development of scientific and project documentation on performance of restoration and renovation works on historical and cultural values are issued by the Ministry of Culture of the Republic of Belarus after consideration of conclusions on conformity with qualification requirements of the candidates to obtain such.

2. Conclusions on conformity with qualification requirements of the candidates on obtaining certificates on the right to perform scientific and research works on historical and cultural values

and to manage development of scientific and project documentation on performance of restoration and renovation works on historical and cultural values are issued free of charge:

2.1. by the Scientific and Methodological Council – on the right to perform scientific and research works on historical and cultural values and to manage development of scientific and project documentation on performance of restoration and renovation works on historical and cultural values, except for holding archaeological studies;

2.2. By the National Academy of Sciences of Belarus – on the right to hold archaeological studies.

3. The order of issuance of certificates on the right to perform scientific and research works on historical and cultural values and to manage development of scientific and project documentation on performance of restoration and renovation works on historical and cultural values shall be established by the Council of Ministers of the Republic of Belarus.

Article 41. Research Managers

1. When performing works on historical and cultural values, except for the works, stipulated by Article 38 of the present Law, a research manager shall be appointed on each historical and cultural value.

2. The research manager shall be in charge of managing the process of works on historical and cultural values and development of scientific and project documentation on performance of restoration and renovation works on historical and cultural values, including carrying out of author's supervision over performance of these works, and shall bear personal responsibility for preservation of notable spiritual, artistic and (or) documentary worth of historical and cultural values, and also for scientific justification of project decisions and implementation thereof.

3. To perform the works on material historical and cultural values of categories "0", "1", "2" and on samples of fixed non-material historical and cultural values, research managers are appointed by the Ministry of Culture of the Republic of Belarus on presentation of the customers or managers of project or scientific and research establishments on the basis of respective conclusions of the Scientific and Methodological Council.

To perform the works on material historical and cultural values of category "3", research managers are appointed by the Ministry of Culture of the Republic of Belarus on presentation of the customers or managers of project or scientific and research institutions.

4. Replacement of a research manager shall be forbidden, except for the cases of:

4.1. A written refusal of the research manager to perform his or her duties and functions;

4.2. Non-fulfilment by the research manager of his or her duties and functions;

4.3. An impossibility of fulfilment by the research manager his or her duties and functions for the reason of illness, exit for permanent residence outside the borders of the Republic of Belarus, transfer to some other work, not related to design and restoration activities;

4.4. Other cases established by a conclusion of the Scientific and Methodological Council, when the research manager is not able to perform his or her duties and functions.

5. A research manager shall receive, in accordance with the legislation of the Republic of Belarus, payment for performance of his or her duties and functions and compensation of the expenses related thereto at the account of the legal entity or (and) individual, including an individual entrepreneur, which or who is interested in performing the works on a historical and cultural value.

Article 42. Persons, Who May Be Admitted to Performance of Scientific and Research Works on Historical and Cultural Values without a Category and to Manage Development of Scientific and Project Documentation on Performance of Restoration and Renovation Works on Historical and Cultural Values without a Category

The persons, who have no certificates on the right to perform scientific and research works on historical and cultural values and to manage development of scientific and project documentation

on performance of restoration and renovation works on historical and cultural values may be admitted to perform scientific and research works on historical and cultural values without a category and to manage development of scientific and project documentation on performance of restoration and renovation works on historical and cultural values without a category, including to carry out the author's supervision over the performance thereof, provided they have respective qualification, enabling them to ensure high quality performance of these works.

Article 43. Coordination of Scientific and Project Documentation on Performance of Restoration and Renovation Works on Historical and Cultural Values

1. Scientific and project documentation on performance of restoration and renovation works on historical and cultural values, and also on the works in protective zones of stationary material historical and cultural values, which get beyond the limits of the requirements of the maintenance and usage modes of these protective zones, shall be coordinated with the Ministry of Culture of the Republic of Belarus.

2. Scientific and project documentation on performance of restoration and renovation works on historical and cultural values, implementation of which may result in an essential change of material historical and cultural values of categories "0", "1", "2", or to destruction, loss or disappearance thereof, or to a change of conditions of maintenance and usage of samples of fixed non-material historical and cultural values, shall be initially considered at the sitting of the Scientific and Methodological Council. Scientific and project documentation on performance of restoration and renovation works on historical and cultural values, which has not been approved by the Scientific and Methodological Council, shall not subject to coordination.

The necessity of consideration by the Scientific and Methodological Council of scientific and project documentation on performance of restoration and renovation works on historical and cultural values, which is not indicated in part one of this point, shall be defined by the Ministry of Culture of the Republic of Belarus.

The expenses, related to consideration by the Scientific and Methodological Council of scientific and project documentation on performance of restoration and renovation works on historical and cultural values, shall be compensated by the customer of scientific and project documentation.

3. Legal entities and individuals, including individual entrepreneurs, which or who are the customers of scientific and project documentation on performance of restoration and renovation works on historical and cultural values, shall deliver, in the mandatory order, free of charge to the Databank of historical and cultural heritage of the Republic of Belarus the sections of the scientific and project documentation, established by the Ministry of Culture of the Republic of Belarus, which refer to execution of restoration and renovation works on historical and cultural values and works in protective zones of stationary material historical and cultural values.

4. In the process of development of scientific and project documentation on performance of restoration and renovation works on historical and cultural values, and also in the process of its coordination, the priority shall be recognized of protection of historical and cultural heritage.

5. Coordination with the Ministry of Culture of the Republic of Belarus of scientific and project documentation on performance of restoration and renovation works on historical and cultural values shall not liberate from the necessity to coordinate it with other state bodies in the cases, stipulated by the legislation of the Republic of Belarus.

Chapter 8

MAINTENANCE AND USE OF HISTORICAL AND CULTURAL VALUES

Article 44. Protection Obligations

1. For every material historical and cultural value, or for every sample of a fixed non-material historical and cultural value, the Ministry of Culture of the Republic of Belarus shall define individ-

ual conditions of maintenance and use, set the order of performing the works on these historical and cultural values, other restrictions of the activity of their owners (holders) and (or) users, and also the requirements for ensuring the preservation thereof, including in case of an emergency situation or in the period of armed conflicts. These requirements shall be fixed in the protection obligation, compiled according to the form, established by the Ministry of Culture of the Republic of Belarus, and shall be subject to observance by all legal entities and individuals, including individual entrepreneurs.

2. The protection obligation shall be signed by the owner, or on direction thereof, by the proprietor of a historical and cultural value within the term, stipulated by points 2 and 3 of Article 53 of the present Law.

Article 45. Peculiarities of Usage of Material Historical and Cultural Values and Samples of Fixed Non-Material Historical and Cultural Values

1. The usage of material historical and cultural values (of environment of stationary material historical and cultural values and their protective zones) and samples of fixed non-material historical and cultural values shall be made in accordance with their historical and cultural importance, and also according to the legislation of the Republic of Belarus, individual conditions of their maintenance and usage, defined by the Ministry of Culture of the Republic of Belarus, with account of the need to ensure protection of these historical and cultural values.

2. The usage of material historical and cultural values (of environment of stationary material historical and cultural values and their protective zones) and samples of fixed non-material historical and cultural values in the aims, related to the activities of the Military Forces of the Republic of Belarus and other armed formations, which are formed in accordance with the legislation of the Republic of Belarus during peace and war times, and also the presence of material historical and cultural values and samples of fixed non-material historical and cultural values in the territory, occupied by such armed formations, shall be forbidden.

3. The usage of material historical and cultural values (of environment of stationary material historical and cultural values and their protective zones) and samples of fixed non-material historical and cultural values in case of an armed conflict, when it creates a threat to protection of these values (to the environment of stationary material historical and cultural values and their protective zones), and also committing of any other act directed against these values (environment of stationary material historical and cultural values and their protective zones), shall be forbidden, except for the necessity to resolve exclusive state tasks during the wartime.

Article 46. Improper Usage of Historical and Cultural Values

1. An improper usage of historical and cultural values (not in accordance with their historical and cultural importance) shall lead to collection from their users, in the order, stipulated by Article 48 of the present Law, of compensation for the damage, caused to historical and cultural values or their protective zones through improper usage thereof, and for any restriction therefore of the access of citizens to these historical and cultural values.

2. The usage of historical and cultural values according to their initial destination shall not be regarded their improper usage.

Article 47. Entrepreneurial Activity Causing Direct Influence on a Historical and Cultural Value, or on Protective Zones of a Stationary Material Historical and Cultural Value

1. The entrepreneurial activity, causing a direct influence on a historical and cultural value, or on protective zones of a stationary material historical and cultural value through creation of additional traffic loads, introduction of the functions, which are not characteristic for this value, creation of additional volume-spatial constructions, which are not specific and not characteristic for this his-

torical and cultural value, shall not be undertaken without an agreement concluded in writing with the owner of the historical and cultural value, and a permit obtained in accordance with point 1 of Article 33 of the present Law.

2. The legal entities and individuals, including individual entrepreneurs, which or who execute entrepreneurial activity in conformity with an agreement, stipulated by point 1 of this Article, shall every year, in the order, established by the Council of Ministers of the Republic of Belarus, make deductions into the Fund of the President of the Republic of Belarus for Support of Culture and Arts. The rate of such deductions shall make for legal entities and individuals of the Republic of Belarus, including individual entrepreneurs, 5 percent, for foreign legal entities and individuals – 25 percent of the profit, obtained as a result of the activity, which has caused a direct influence on the historical and cultural value, or on protective zones of a stationary material historical and cultural value.

Article 48. The Order of Payment of Compensation for the Damage Caused to Historical and Cultural Values, or to Protective Zones of Stationary Material Historical and Cultural Values

1. In case when legal entities and (or) individuals, including individual entrepreneurs, have no possibility to restrict or completely stop the activity, stipulated by points 3 and 5 of Article 32 and (or) restricted by Article 44 of the present Law, or admit improper usage of historical and cultural values, stipulated by Article 46 of the present Law, they shall pay into the Fund of the President of the Republic of Belarus for Support of Culture and Arts a compensation for the damage, caused to these historical and cultural values, or to protective zones of stationary material historical and cultural values. The compensation shall be paid at a rate of up to 5 percent of the profit obtained as a result of the activity, which has caused damage to historical and cultural values, or to protective zones of stationary material historical and cultural values. If legal entities and (or) individuals, including individual entrepreneurs, are not engaged into any entrepreneurial activities, related to obtaining of profit, they shall pay, on the monthly basis, a fixed compensation sum into the Fund of the President of the Republic of Belarus for Support of Culture and Arts.

2. The percent of deductions, or a fixed sum of compensation of the damage caused to historical and cultural values or protective zones of stationary material historical and cultural values, and order of payment thereof, shall be defined by the Council of Ministers of the Republic of Belarus upon agreement with the President of the Republic of Belarus.

Chapter 9 OWNERSHIP RIGHT ON HISTORICAL AND CULTURAL VALUES

Article 49. Legal Regulation of Ownership Issues of Historical and Cultural Values

1. The reasons of appearance and the order of execution of the ownership right on historical and cultural values, definition of the ownership right on material objects or non-material manifestations of human creativity, which may represent historical and cultural significance and as of the moment of detection thereof, or awarding them of the status of a historical and cultural value have no owner, and also the order of buy out of historical and cultural values, which are mismanaged? shall be defined by the present Law and by the civil legislation of the Republic of Belarus.

2. At warding material objects and non-material manifestations of human creativity of the status of a historical and cultural value, the ownership right on them shall continue.

Article 50. Subjects of the Ownership Right on Historical and Cultural Values

1. Historical and cultural values may be kept in the ownership of the Republic of Belarus, administrative and territorial units of the Republic of Belarus, legal entities and individuals, including individual entrepreneurs.

2. Certain historical and cultural values may be referred by the law to the objects, which remain only in the ownership of the Republic of Belarus.

Article 51. Rights of the Owner of Material Historical and Cultural Value, or of a Sample of a Fixed Non-Material Historical and Cultural Value. Rights of the Owner of a Collection

1. The owner of a material historical and cultural value, or of a sample of a fixed non-material historical and cultural value shall have, apart from other rights, which in accordance with the civil legislation of the Republic of Belarus belong to him or her as the owner, the following rights:

1.1. To deliver a historical and cultural value for storage to state bodies and institutions with indication of the conditions of its maintenance and usage;

1.2. To enjoy the preferential right to purchase other components of a historical and cultural value, which remain in joint ownership;

1.3. To obtain material assistance from the funds of the national budget, other sources, not prohibited by the legislation of the Republic of Belarus, for performance of the works on a historical and cultural value within the limits of the protection obligation for lack of own funds.

2. The owner of a collection (a part thereof) shall have the right to obtain free of charge from state museums, libraries and (or) archives, other state organizations the following services:

2.1. Definition of individual conditions of maintenance and usage of the collection as a whole and (or) its individual articles;

2.2. Assistance in holding a scientific inventory and scientific processing of the articles of the collection;

2.3. Storage of the articles of the collection at state institutions of the respective profile. In this case, the state institution shall have the right to use the articles of the collection (its part or an individual article), delivered to it for storage, for the aims of science and exhibition;

2.4. Guarantee of safety of the collection and (or) its individual articles in the process of exhibition and (or) transportation.

3. On the wish of the owner of the collection (its part or an individual article), the Ministry of Culture of the Republic of Belarus, and also the state museums, libraries and (or) archives, other state organizations, engaged in rendering of the services, stipulated by point 2 of this Article, shall guarantee the confidentiality of information of the owner of the collection (its part or an individual article).

Article 52. Limitation of the Rights of the Owner of a Material Historical and Cultural Value, or of a Sample of a Fixed Non-Material Historical and Cultural Value

The owner of a material historical and cultural value or of a sample of a fixed non-material historical and cultural value shall be forbidden:

- to destroy the historical and cultural value;

- to admit causing any damage, change of the historical and cultural value and performance of the works on this historical and cultural value without a permit of the Ministry of Culture of the Republic of Belarus, except for the works, stipulated by Article 38 of the present Law;

- to alienate, or otherwise assign the ownership right on the historical and cultural value without coordination with the Ministry of Culture of the Republic of Belarus;

- to change the location (place of storage), conditions of maintenance and usage of the historical and cultural value without coordination with the Ministry of Culture of the Republic of Belarus;

- to export (remove) the historical and cultural value outside the borders of the Republic of Belarus for permanent storage;

- to deliver the historical and cultural value into ownership and (or) usage to the Military Forces of the Republic of Belarus, other armed (military) formations.

Article 53. Duties of the Owner of a Material Historical and Cultural Value, or of a Sample of a Fixed Non-Material Historical and Cultural Value

1. The owner of a material historical and cultural value, or of a sample of a fixed non-material historical and cultural value shall undertake to ensure protection thereof through signing protection obligations, compiled under the form, established by the Ministry of Culture of the Republic of Belarus, including the following obligations:

- 1.1. To ensure preservation of the historical and cultural value;
- 1.2. To ensure access to the historical and cultural value of specialists, who have the right, on permission of the Ministry of Culture of the Republic of Belarus, to study it;
- 1.3. To provide periodically, or on agreement with the Ministry of Culture of the Republic of Belarus, or with respective institutions of culture, access to the historical and cultural value of citizens for the period of at least six months within every ten years;
- 1.4. To inform the Ministry of Culture of the Republic of Belarus on any circumstances, which threaten to protection of a historical and cultural value;
- 1.5. To preserve in safety collections and other scientifically justified gatherings of movable material historical and cultural values, or samples of fixed non-material historical and cultural values.

2. When acquiring the ownership right on a material historical and cultural value, or on a sample of a fixed non-material historical and cultural value, the new owner, or a proprietor acting on commission thereof, shall sign a protection obligation within one month. A default of this provision shall entail recognition of such transaction to be null and void.

3. In case of awarding a material object of the status of a historical and cultural value, the owner of this object, or a proprietor acting on commission thereof, shall sign a protection obligation within one month. A default of this provision may entail recognition of the said object, in the established order, to be a historical and cultural value, which is mismanaged.

Article 54. Rights of Individuals, Who Have Direct Attitude to Appearance (Creation) of a Historical and Cultural Value

When a material object or a non-material manifestation of human creativity, which make historical and cultural values, are connected, by their origin or contents, with a certain individual or his or her direct descendants (in the course of no more than two generations), this individual shall have the right to condition the inaccessibility of the historical and cultural value for public examination (other way of disclosure of the contents of the historical and cultural value) during his or her life, or for some other period, which does not exceed this very period.

Article 55. Preference Right to Purchase a Historical and Cultural Value (Its Part)

When selling a share in the joint property on a historical and cultural value, the remaining participants of the shared property shall enjoy the preference right to purchase this share at the price, at which it is sold. Should they refuse or be not able to purchase the component part of a historical and cultural value, the state shall have the preference right to purchase it.

Chapter 10 FINANCING OF PROTECTION OF HISTORICAL AND CULTURAL HERITAGE

Article 56. Financing of Protection of Historical and Cultural Heritage

Financing of protection of historical and cultural heritage is made from the funds of the Republic's and local budgets, owners and (or) holders of historical and cultural values, other sources, not prohibited by the legislation of the Republic of Belarus.

Article 57. Financing of Certain Measures to Prevent a Threat to Protection of Stationary Material Historical and Cultural Values, or Their Protective Zones

The measures stipulated by part one of point 7 of Article 32 of the present Law shall be financed by the legal entities and (or) individuals, including individual entrepreneurs, interested in designing and execution of earth, construction, amelioration and other works that may create a threat to protection of stationary material historical and cultural values, or their protective zones.

Article 58. Financing of the Works on Historical and Cultural Values within Protection Obligations

Financing of the works on historical and cultural values within the limits of protection obligations shall be made from the funds owners and (or) holders of these historical and cultural values, and also from the funds of the national budget in cases, stipulated by subpoint 1.3 of point 1 of Article 51 of the present Law, or from other sources, not prohibited by the legislation of the Republic of Belarus.

Chapter 11 CONCLUDING PROVISIONS

Article 59 has entered its force from the day official publication.

Article 59. Entrance of the Present Law into Its Force

The present Law shall come into its force six months after its official publication, except for the present Article and Article 60, which shall come into their force from the day official publication of the present Law.

Article 60 has entered its force from the day official publication (Article 59 of the present document).

Article 60. Bringing Acts of Legislation of the Republic of Belarus into Conformity with the Present Law

Within six months after the official publication of the present Law, the Council of Minister shall:

- take measures to bring the acts of legislation into conformity with the present Law;
- take other measures required to implement the provisions of the present Law.

Article 61. Recognition Null and Void of Certain Legislative Acts of the Republic of Belarus

In connection with the adoption of the present Law, the following shall be recognized null and void:

- the Law of the Republic of Belarus dated November 13, 1992, "On Protection of Historical and Cultural Heritage" (Gazette of the Supreme Soviet of the Republic of Belarus, 1992, No. 30, item 504);
- the Law of the Republic of Belarus dated March 22, 1995, "On Making Changes and Additions into the Law of the Republic of Belarus "On Protection of Historical and Cultural Heritage" (Gazette of the Supreme Soviet of the Republic of Belarus, 1995, No. 18, item 199);

- the Law of the Republic of Belarus dated July 7, 1998, "On Making Changes and Additions into the Law of the Republic of Belarus "On Protection of Historical and Cultural Heritage" (Gazette of the National Assembly of the Republic of Belarus, 1998, No. 29-30, item 467);

- point 8 of Article 2 of the Law of the Republic of Belarus dated May 14, 2001, "On Recognition Null and Void of Legislative Acts, and on Making Changes in Certain Legislative Acts of the Republic of Belarus on Ownership Issues" (National Register of Legal Acts of the Republic of Belarus, 2001, No. 48, 2/759);

- Article 10 of the Law of the Republic of Belarus dated July 24, 2002, "On Making Changes and Additions into Certain Legislative Acts of the Republic of Belarus in Connection with Reorganization of the System of the Republic's Bodies of State Management" (National Register of Legal Acts of the Republic of Belarus, 2002, No. 87, 2/883);

- Decree of the Supreme Soviet of the Republic of Belarus dated November 13, 1992, "On Enactment of the Law of the Republic of Belarus "On Protection of Historical and Cultural Heritage" (Gazette of the Supreme Soviet of the Republic of Belarus, 1992, No. 30, item 505).

President of the Republic of Belarus

A. LUKASHENKO
