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Protection of
Cultural Property in
the Event of Armed Conflict

**Four-year cycle
2017-2020**

**Questionnaire
National report on the implementation of the 1954 Hague
Convention and its two (1954 and 1999) Protocols**

GENERAL INFORMATION

1. Region:

Europe

State Party:

LITHUANIA

2. Submission of previous national reports

2.1. 2013-2016 cycle

Yes

No

3. Actors involved in the preparation of the national report

3.1. Government institutions responsible for the protection of cultural property

3.2. National Commission for UNESCO

3.3. Military expert

3.4. Independent experts

If other actors have been involved, please indicate them

4. National Focal Point

According to paragraph 120 of the Guidelines for the Implementation of the Second Protocol: *"Unless a Party requests otherwise, the presumed focal point would be its Permanent Delegation to UNESCO."* If you do not consider the Permanent Delegation as a focal point, you are invited to provide the Secretariat with the name and address of a national focal point who will receive all official documents and correspondence related to the national periodic reporting.

Institution: <input type="text"/>	Email: <input type="text"/>
Name: <input type="text"/>	Tel.: <input type="text"/>
Address: <input type="text"/>	Fax: <input type="text"/>

I. The Hague Convention of 1954

1. Article 3 - Safeguarding of cultural property

This Article provides for the obligation of the High Contracting Parties to adopt relevant peacetime safeguarding measures against the foreseeable effects of an armed conflict.

- *Has your State undertaken such measures?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

1) Administrative measures.

The Ministry of National Defence, the Ministry of Culture and the Department of Cultural Heritage under the Ministry of Culture are mainly responsible for implementation of The 1954 Hague Convention.

In addition, on the initiative of the Commission on Implementation of the International Humanitarian Law, in 2004, a position of a Chief Specialist of Cultural Heritage protection was established in the Lithuanian Armed Forces. The main task for the Specialist is to coordinate and ensure implementation of the Convention in the National Defence System (More deeply this question is discussed in section 2 of this Report (Implementation of Article 7 – „Military measures“)).

2) Legal regulation.

The following legislation was adopted in order to safeguard cultural heritage in the event of armed conflict:

Programme for the Protection of Cultural Heritage in the Event of Armed Conflict and other Extreme Situations¹ was approved by the Resolution No. X-557 of the Seimas on 13 April 2006. The aim of the Programme is to limit damage by using preventive measures and rapid interventions in order to protect cultural heritage.

In accordance with this Programme, **Plan of Implementing Measures of the Programme**² was approved by the Resolution No. 845 of the Government on 5 September 2006. The Plan provides 10 measures, which should be taken by respective institutions in order to implement certain provisions of the Convention and the Second Protocol:

¹ Current edition of the Resolution is available on the Seimas website (Lithuanian only): http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=274234

² Current edition of the Resolution is available on the Seimas website (Lithuanian only): http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=282151&p_query=&p_tr2=2

Measure 1. To make lists of immovable cultural heritage objects of outstanding cultural significance.

The Lists of Immovable Cultural Heritage Objects of Outstanding Cultural Significance and Buildings and Premises designed to Safeguard and Exhibit Movable Cultural Property were approved by the Resolution No. 193³ of the Government on 7 February 2007.

These lists include:

19 immovable cultural heritage objects – buildings;

35 immovable cultural heritage sites - archaeological sites;

3 immovable cultural heritage sites – World Heritage objects;

12 buildings and premises designed to safeguard and exhibit movable cultural property.

These lists are not final – they will be constantly updated.

Measure 2. To make lists of movable cultural property of outstanding ethnical, historical, aesthetic or scientific significance kept in museums, libraries, archives and cult buildings.

The following institutions are responsible for implementation of this measure: the Ministry of Culture, the Department of Cultural Heritage under the Ministry of Culture, the Archives Department under the Government, the State archives, museums, libraries. This measure should have been implemented by the end of 2008 according to **Instruction for Protection and Evacuation of Movable Cultural Property kept in Museums, Libraries, Archives and Cult Buildings** approved by the Order No. JV-500⁴ of the Minister of Culture on 18 July 2007, but it has not been done concerning difficult financial situation of the Republic of Lithuania. However, this measure is implemented in accordance with the financial possibilities of our country.

Measure 3. To prepare rules for marking objects included in the lists of immovable cultural heritage objects of outstanding cultural significance with the distinctive emblem of the Convention.

Rules for Marking Immovable Cultural Heritage Objects and Buildings and Premises designed to Safeguard and Exhibit Movable Cultural Property with a Distinctive Emblem of the Convention for the Protection of Cultural Heritage in the Event of

³ Current edition of the Resolution is available on the Seimas website (Lithuanian only): http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=292439&p_query=&p_tr2=2

⁴ Current edition of Order is available on the Seimas website (Lithuanian only): http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=302283&p_query=&p_tr2=2

Armed Conflict were approved by the Order No. JV-199⁵ of the Minister of Culture on 22 March 2007.

Measure 4. To prepare instructions for participation of the Armed Forces during immovable cultural heritage objects' preservation works in the event of armed conflict or other extreme situations.

Instruction on Participation of the Armed Forces during Immovable Cultural Heritage Objects' Preservation Works in the Event of Armed Conflict or other Extreme Situations was approved by the Oder No. V-540⁶ of the Minister of National Defence on 24 May 2007. (More deeply this question is discussed in section 2 of this Report (Implementation of Article 7 – „Military measures“))

Measure 5. To prepare instructions for protection and evacuation of movable cultural property kept in museums, libraries, archives and cult buildings.

Instruction for Protection and Evacuation of Movable Cultural Property kept in Museums, Libraries, Archives and Cult Buildings were approved by the Order No. JV-500⁷ of the Minister of Culture on 18 July 2007. This instruction regulates actions to be taken by persons administrating museums, libraries, archives and cult buildings in order to protect and evacuate movable cultural property kept in museums, libraries, archives and cult buildings in the event of armed conflict and other extreme situations in the territory of the Republic of Lithuania.

Measure 6. To equip special premises in museums, libraries and archives designed for protection and safeguard of movable cultural property included in the lists of movable cultural property of outstanding ethnical, historical, aesthetical and scientific significance. This measure should have been implemented by the end of 2010. But it has not been done concerning difficult financial situation of the Republic of Lithuania.

The Ministry of Culture and the Archives Department under the Government were/are responsible for implementation of this measure in accordance with the financial possibilities of our country.

⁵ Current edition of the Order is available on the Seimas website (Lithuanian only):
http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=294526&p_query=&p_tr2=2

The Amendment of the Oder is available on the Seimas website (Lithuanian only):
http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=308120

⁶ Current edition of Order is available on the Seimas website (Lithuanian only):
http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=298867&p_query=&p_tr2=2

⁷ Current edition of Order is available on the Seimas website (Lithuanian only):
http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=302283&p_query=&p_tr2=2

Measure 7. To mark objects included in the lists of immovable cultural heritage objects of outstanding cultural significance (except archaeological sites) with a distinctive emblem of the Convention.

According to the abovementioned lists, 19 immovable cultural heritage objects – buildings - were marked with a distinctive emblem of the Convention during the year 2008. The Department of Cultural Heritage under the Ministry of Culture was responsible for implementation of this measure.

(More deeply this question is discussed in section 3 of this Report (Implementation of Chapter V - „The distinctive emblem“))

2) **Measure 8.** To supplement legends of topographical maps with a new symbol – the distinctive emblem of the Convention. The National Land Service under the Ministry of Agriculture was responsible for implementation of this measure. The symbol was introduced into the system of arbitrary symbols on 4 November 2008 by Director of The National Land Service under The Ministry of Agriculture of The Republic of Lithuania by the Order No 1P-140⁸ „**On the Amendment of the Order No 28 of 22 July 1999 of the Director of the State Department of Geodesy and Cartography under the Government of the Republic of Lithuania on the Approval of Regulations of Technical Requirements GKTR 2.03.01:1999, GKTR 2.04.01:1999, GKTR 2.05.01:1999, 2:06:01 GKTR: 1999**“ and by the Order No 1P-141⁹ „**On the Amendment of the Order No 27 of 7 July 1999 of the Director of the State Department of Geodesy and Cartography under the Government of the Republic of Lithuania on the Approval of Regulations of Technical Requirements to Topographic Maps M 1:10 000**“ on 4 November 2008 by Director of the National Land Service under the Ministry of Agriculture of the Republic of Lithuania.

To supplement new and renewable data bases of the topographical maps with information on situation/condition of objects included in the lists of cultural heritage objects of outstanding cultural significance and to include those objects in the new maps published for purposes of the national defence system.

The Ministry of National Defence was responsible for implementation of this measure and new and renewable data bases of the topographical maps were supplemented with information on situation/condition of objects included in the lists of cultural heritage objects of outstanding cultural significance and these objects were included in the new maps (only

⁸ Current edition of Order is available on the Seimas website (Lithuanian only):

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=330407&p_query=&p_tr2=2

⁹ Current edition of Order is available on the Seimas website (Lithuanian only):

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=330408&p_query=&p_tr2=2

in digital format, because the Lithuanian Armed Forces use the topographical maps in digital format).

Measure 9. To organise courses on protection of cultural heritage in the event of armed conflict or other extreme situations for personnel working in the field of cultural heritage, officers of special services, representatives of armed forces, employees of educational system and other institutions.

The Department of Cultural Heritage under the Ministry of Culture is responsible for organisation of these courses.

Measure 10. To prepare itineraries for transitional, military and industrial transport carrying hazardous cargo in order to bypass objects included in the lists of immovable cultural heritage objects of outstanding cultural significance.

List of Itineraries for Vehicles Transporting Hazardous Cargo by State Roads to bypass Objects included in the Lists of Immovable Cultural Heritage Objects of Outstanding Cultural Significance was approved by the Order No. 3-398¹⁰ of the Minister of Transport on 6 December 2007.

2. Article 6 - Use of the distinctive emblem for the marking of cultural property

The 1954 Hague Convention creates a distinctive emblem for the exclusive marking of cultural property, with a view to ensure its recognition, particularly in the event of armed conflict. The marking of cultural property is one of the preparatory measures that can be undertaken in time of peace.

- *Has your State **marked cultural property** by using the distinctive emblem of the Convention?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

Implementing Measure 7 of the Plan of Implementing Measures of the Programme for the Protection of Cultural Heritage in the Event of Armed Conflict and other Extreme Situations, 19 immovable cultural heritage objects (buildings) from the **Lists of Immovable Cultural Heritage Objects and Buildings and Premises of Outstanding**

¹⁰ Current edition of Order is available on the Seimas website (Lithuanian only):

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=311283&p_query=&p_tr2=2

Annex:

http://www3.lrs.lt/pls/inter3/dokpaieska.dok_priedas?p_id=25240

Cultural Significance designed to Protect and Exhibit Movable Cultural Property

approved by the Resolution No 193 of the Government on 7 February 2007 (see footnote No 3), were marked with one distinctive emblem of the Convention in 2008.

The objects were marked:

1. The remains of Kaunas Castle; Pilies Str. 17, Kaunas;
2. The building of the Cabinet of Ministers in Kaunas; K. Donelaitis Str. 58, Kaunas;
3. Maironis (S. Sirutis) Palace in Kaunas; Rotušės Sq. 13, Kaunas;
4. Kaunas State Musical Theatre; Laisvės Ave. 91, Kaunas;
5. Kaunas Art School (M. K. Čiurlionis Art Gallery); Mickevičius Str. 27A, Kaunas;
6. The Presidential Palace complex in Kaunas; Vilnius Str. 33, Kaunas
7. The Officer Club of the Lithuanian Armed Forces (Karininkų ramovė); A. Mickevičius Str. 19, Kaunas;
8. The country seat in Ožkabalai – J. Basanavičius Memorial Museum and the oak park dedicated to the Lithuanian popular revival; Ožkabalai village, Bartninkų elderate, Vilkaviškis district;
9. Chaim Frenkel Vila; Vilnius Str. 74, Šiauliai;
10. The remains of Trakai Peninsula Castle; Kęstutis Str. 4, Trakai;
11. Medininkai Castle; Medininkai village, Medininkai elderate, Vilnius district;
12. The remains of Vilnius Lower Castle; Arsenalo Str. 1, Arsenalo Str. 3, Arsenalo Str. 3A, Vilnius;
13. The buildings and their remains of Vilnius Upper Castle; Arsenalo Str. 5, Vilnius;
14. Trakai Island Castle; Kęstutis Str. 7, Trakai;
15. Vilnius Bastion; Bokšto Str. 20/Subačiaus Str. 18, Vilnius;
16. Užutrakis Estate; Užutrakio str. 17, Užutrakio Str. 7, Užutrakio Str. 8, Užutrakio Str. 8A, Užutrakio Str. 2, Užutrakio Str. 4, Užutrakio Str. 5, Užutrakio Str. 3, Užutrakio Str. 10, Trakai;
17. House of the Signatories; Pilies Str. 26, Vilnius;
18. Lithuanian Art Museum; Vilnius Str. 22, Vilnius;
19. Šiauliai “Aušros Museum”; Vytautas Str. 89, Šiauliai.

3. Article 7 - Military measures

This Article provides for the obligations of the High Contracting Parties with regard to the introduction in their regulations or instructions for the use of their armed forces of provisions to ensure compliance with the Convention, as well as to plan or establish within their armed forces, services or specialist personnel whose purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding such property. These are obligations to be implemented in time of peace.

- *Has your State introduced provisions in the **regulations and instructions for your armed forces** to ensure compliance with the Convention?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

Implementing Measure 4 of the Plan of Implementing Measures of the Programme for the Protection of Cultural Heritage in the Event of Armed Conflict and other Extreme Situations, **Instructions on Participation of the Armed Forces during Immovable Cultural Heritage Objects' Preservation Works in the Event of Armed Conflict or other Extreme Situations** were approved by the Order of the Minister of National Defence. These instructions define actions, duties and responsibilities of the Armed Forces to protect or safeguard cultural heritage objects in the event of armed conflict or other extreme situations within the territory of the Republic of Lithuania.

- *Has your State established **services** or designated specialist personnel *within your armed forces* to ensure respect for cultural property?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

4. Article 25 - Dissemination of the Convention

Regulations relating to the protection of cultural property in time of armed conflict must be included into the programmes of military and, if possible, civilian training. The objective is to ensure that the principles of the Convention are known by the whole population, especially the armed forces and personnel engaged in the protection of cultural property.

- *Has your State **disseminated the provisions of the Convention** within the armed forces as well as among target groups and the general public?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

Accordingly, texts of the Convention and the Second Protocol, as well as Regulations for the execution of the Convention are published on the **website of the Seimas**: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.67006>

Other internet sources of information about the Convention and the related questions:

- Website of the Commission on Implementation of the International Humanitarian Law within the website of the Ministry of National Defence.

(http://www.kam.lt/lt/tarptautine_humanitarine_teise_628/tht_sutartys_629.html)

On this website the Commission publishes information about its activities and also texts of all international humanitarian law treaties to which Lithuania is a State Party (in Lithuanian). Moreover, different issues concerning international humanitarian cooperation are presented and described.

- Website of the Ministry of Culture

(<http://www.lrkm.lt>);

(<https://lrkm.lrv.lt/lt/nuorodos/tarptautines-konvencijos-kurias-ratifikavo-lietuva>)

(<https://lrkm.lrv.lt/lt/veiklos-sritys/tarptautinis-bendradarbiavimas/tarptautines-organizacijos-ir-regioninis-bendradarbiavimas/jungtiniu-tautu-svietimo-mokslo-ir-kulturos-organizacija-unesco>)

On this website information about activities of the Ministry of Culture is published. Additionally, all basic information regarding cultural heritage protection in the Republic of Lithuania is presented (in Lithuanian).

- Website of the Ministry of Foreign Affairs

(<https://www.urm.lt>);

(<https://www.urm.lt/default/lt/uzsienio-politika/tarptautines-sutartys/konvencijos/unesco>)

- Website of Lithuanian National Commission for UNESCO

(<http://www.unesco.lt/>); (<https://unesco.lt/kultura/kulturos-vertybiu-apsauga-ginkluoto-konflikto-metu>)

- Website of the Kernavė Archaeological Site

<https://www.kernave.org/unesco-paveldo-vietove/>

The following institutions and specialist personnel are responsible for dissemination of the Convention:

- The Department of Cultural Heritage under the Ministry of Culture. This institution organises training for civil personnel, working in the field of the protection of cultural heritage. Also the provisions of the Convention are disseminated and explained to the representatives of municipalities, responsible for the protection of cultural heritage. They have courses once a year.

- The Chief Specialist of Cultural Heritage Protection in the Lithuanian Armed Forces. In order to strengthen knowledge and respect for cultural heritage within the National Defence System, the following educational measures were taken by the Specialist:

(a) pre-mission training. Military personnel to be deployed for international operations and missions undergo training on the protection of cultural heritage in the areas of armed conflict. During this training, the provisions of the Convention and its two Protocols are explained and analysed;

(b) educational articles in military publishing.

- The Commission on Implementation of the International Humanitarian Law ¹¹ coordinates dissemination of information on international humanitarian law, including the Convention and its two Protocols. Moreover, Commission among other activities also organises national and international seminars, courses and workshops on international humanitarian law and other related topics for members of the Commission, Lithuanian and foreign civil servants and military officers.

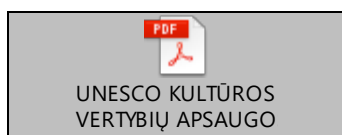
The subject of international humanitarian law is included in education programmes of all levels of military personnel, also in the curriculum of education of police personnel, secondary schools etc. Also, international humanitarian law is optional course in the Law faculties of the leading universities as well as in the Institute of International Relations and Political Science and in the Lithuanian Military Academy too.

5. Article 26(1) - Official translations

This Article requires that the High Contracting Parties communicate to one another, through the Director-General of the United Nations Educational, Scientific and Cultural Organization, the official translations of the present Convention and of the Regulations for its execution:

Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat”

Please annex an *electronic copy of your translation(s) to this report:*



¹¹ It was established in 2001 as an advisory body to the Minister of National Defence and consists of representatives of various institutions (National Defence System, Ministries of Justice, Foreign Affairs, Health, Culture, Education and Science, Interior, European Law Department, National Red Cross Society, leading universities etc).

6. Article 28 - Sanctions

This Article provides for the obligations of the High Contracting Parties to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, regardless of their nationality, who commit or order a breach of the Convention.

- *Has your State introduced in your domestic legislation all necessary steps to prosecute and impose penal or disciplinary sanctions against a conduct contrary to the obligations set out in the Convention?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

The Criminal Code of the Republic of Lithuania¹² provides especially strict sanctions upon the persons who violate the provisions of the Convention and other international conventions. **The Article 106 “Destruction of Protected Objects, Plunder, Destruction of or Causing Damage to National Valuable Properties ”** of the Criminal Code says the following:

“A person who issues an order not justifiable by military necessity to destroy or destroys the historic monuments, objects of culture, art, education, upbringing, science or religion protected by treaties or national legal acts, uses such objects or their environment for military actions, plunders or appropriates national valuable properties in an occupied or annexed territory or destroys or causes damage to them by acts of vandalism and causes extensive damage shall be punished by imprisonment for a term of three up to twelve years.”

The Paragraph 1 of Article 111 „Prohibited Military Attack” of the Criminal Code says the following:

“1. A person who orders to carry out or carries out a military attack prohibited under international humanitarian law against civilians, medical or civil defence personnel, a military or civilian hospital, a first-aid post, a vehicle carrying wounded or sick persons, the personnel of the International Red Cross Committee or a National Red Cross or Red Crescent Society, a military attack against an undefended settlement or a demilitarised zone, a military attack against a protected cultural valuable property, a military attack without selecting a specific target and being aware that it could result in civilian casualties or destruction of a civilian object, or a military attack against the combatants who had clearly withdrawn from the battle and had given up resistance or other persons shall be punished by imprisonment for a term of five up to fifteen years.”

There are special norms, to which prescription period to penalty does not apply, i.e. persons, having committed crimes under this article, can be prosecuted their whole life.

¹² Current edition of the Criminal Code is available on the Seimas website (Lithuanian only): <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.111555/asr>

II. Resolution II of the 1954 Conference

- *Has your State established a **National Advisory Committee** in accordance with the wish expressed by the Intergovernmental Conference (1954) in [Resolution II](#)?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

- *In the event that you have established a National Advisory Committee, has it been incorporated into a national commission for the implementation of international humanitarian law?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

III. 1954 (First) Protocol

[To be completed only by the High Contracting Parties to the 1954 Protocol]

The main purpose of the 1954 Protocol is the protection of cultural property in **or stemming from** occupied territory.

- *Has your State undertaken **measures to implement** these international obligations, including the adoption of relevant legislation?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

The Republic of Lithuania had never occupied any other State or part of its territory.

IV. The 1999 Second Protocol

[To be filled in only by the Parties to the 1999 Second Protocol]

The 1999 Second Protocol supplements the 1954 Hague Convention in many respects. In case the information has already been presented in the context of questions relating to the 1954 Hague Convention, you can directly refer to it.

1. Article 5 - Safeguarding of cultural property

Article 5 of the Second Protocol supplements Article 3 of the Hague Convention by providing concrete examples of preparatory measures to be undertaken in time of peace, such as the preparation of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property.

- *Has your State undertaken such measures?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report

(Please see part I section 1 of this Report)

2. Article 9 - Protection of cultural property in occupied territory

Article 9 of the Second Protocol complements Article 5 of the 1954 Hague Convention by imposing specific obligations on the occupying power. Paragraph 119 of the Guidelines for the Implementation of the 1999 Second Protocol requires Parties that are occupying powers to provide information in their national reports on how the provisions relating to the protection of cultural property in occupied territory are being respected.

- *Do you ensure compliance with the provisions relating to the **protection of cultural property in the context of military occupation**?*

YES: NO: Not applicable:

You can complete your answer below, taking into account the guidelines in the model report.

The Republic of Lithuania had never occupied and is not going to occupy any other State or part of its territory.

3. Article 10 - Enhanced protection

The 1999 Second Protocol establishes an enhanced protection regime. Enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed conflict (composed of 12 Parties).

- *Do you **intend to request the granting** of enhanced protection for cultural property within the next four years or, if appropriate, to submit a **national tentative list** under Article 11 (1) of the 1999 Second Protocol?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION

[If some cultural property in your State benefits from enhanced protection, please also fill in this part of the questionnaire].

The benefit of enhanced protection implies the continued fulfilment of the conditions provided for in Article 10 of the 1999 Second Protocol.

- *Is a **specific mechanism for monitoring cultural property under enhanced protection** in place? For example, are the measures undertaken to ensure the highest level of protection periodically reviewed to ensure their full adequacy in all circumstances?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

Lithuania has one cultural property object which is under Enhanced protection in accordance with the provisions of Article 10 of the Second Protocol: the Kernavė Archaeological Site. This cultural object complies with all three provisions of Article 10 of the Second Protocol: it is a cultural property of the greatest importance to humanity, as it is on the UNESCO World Heritage List; Cultural property is also protected by appropriate domestic legal and administrative measures, recognizing its exceptional cultural and historical value and ensuring the highest level of protection; It is also not used for military purposes or to cover military areas.

Kernavė Archaeological Site is constantly observed by the Administration of the State Cultural Reserve of Kernave - every workday specialist inspects most visited site area, once a week uses a drone for inspection of the site from above. Furthermore - the Administration of the State Cultural Reserve of Kernave summarizes, assesses and forecasts changes in the condition of the area, anthropogenic and natural impacts and prepares annual site monitoring report. These measures ensure immediate reaction of existing or potential damage of the site and take appropriate actions to safeguard the Kernavė Archaeological Site.

Pursuant to paragraph 94 of the Guidelines, a distinctive emblem is created for the exclusive marking of cultural property under enhanced protection.

- *Has your State **marked with the distinctive emblem** cultural property under enhanced protection?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

The Kernavė Archaeological Site is marked with the distinctive emblem under enhanced protection on military maps as well as on the website of this area. Physically, a sign will be built at this location in 2022.

<https://www.kernave.org/unesco-paveldo-vietove/>

4. Article 15 - Serious violations of the 1999 Second Protocol

“Article 15 obliges Parties to **establish as criminal** offences in their domestic law offences constituting serious breaches of the Second Protocol, **and to make such offences punishable by** appropriate penalties”.

- *Has your State **implemented this obligation**? If yes, what measures have been undertaken?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

For implementation of Article 15 of the Second Protocol:

The Criminal Code of the Republic of Lithuania¹³ provides especially strict sanctions upon the persons who violate the provisions of the Convention and other international conventions. **The Article 106 “Destruction of Protected Objects, Plunder, Destruction of or Causing Damage to National Valuable Properties ”** of the Criminal Code says the following:

“A person who issues an order not justifiable by military necessity to destroy or destroys the historic monuments, objects of culture, art, education, upbringing, science or religion protected by treaties or national legal acts, uses such objects or their environment for military actions, plunders or appropriates national valuable properties in an occupied or annexed territory or destroys or causes damage to them by acts of vandalism and causes extensive damage

shall be punished by imprisonment for a term of three up to twelve years.”

The Paragraph 1 of Article 111 „Prohibited Military Attack” of the Criminal Code says the following:

“1. A person who orders to carry out or carries out a military attack prohibited under international humanitarian law against civilians, medical or civil defence personnel, a military or civilian hospital, a first-aid post, a vehicle carrying wounded or sick persons, the personnel of the International Red Cross Committee or a National Red Cross or Red Crescent Society, a military attack against an undefended settlement or a demilitarised zone, a military attack

¹³ Current edition of the Criminal Code is available on the Seimas website (Lithuanian only):
<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.111555/asr>

against a protected cultural valuable property, a military attack without selecting a specific target and being aware that it could result in civilian casualties or destruction of a civilian object, or a military attack against the combatants who had clearly withdrawn from the battle and had given up resistance or other persons shall be punished by imprisonment for a term of five up to fifteen years.”

5. Article 16 - Jurisdiction

Pursuant to Article 16 of the Second Protocol, the Parties shall take the necessary legislative measures to establish their jurisdiction over offences set forth in Article 15 of the 1999 Second Protocol in certain cases.

- *Has your State implemented this obligation?* If yes, what measures have been undertaken **to grant jurisdiction to your courts** over serious offences under the 1999 Second Protocol?

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

For crimes against humanity and war crimes (incl. Article 106 “**Destruction of Protected Objects, Plunder, Destruction of or Causing Damage to National Valuable Properties**“ and Article 111 „**Prohibited Military Attack**“ of the Criminal Code) Lithuania applies universal jurisdiction.

Article 7 “**Criminal Liability for Crimes provided in International Agreements**” of the Criminal Code says the following:

“Persons shall be criminally liable under this Code regardless of their citizenship, their place of residence, the place of commission of the crime and whether the committed act is punishable under the laws of the place where the crime was committed, if they commit the following crimes the liability for which is provided on the grounds of international agreements”:

- 1) **crimes against humanity and war crimes (Articles 99 to 113¹)**
- 2) *trafficking in human beings (Article 147)*
- 3) *purchase or sale of a child (Article 157)*
- 4) *production, storage or handling of counterfeit currency or securities (Article 213)*
- 5) *property laundering (Article 216)*
- 6) *bribery (Article 225);*
- 7) *trading in influence (Article 226)*
- 8) *graft (Article 227);*
- 9) *piracy (Article 251¹);*
- 10) *acts of terrorism and crimes related to terrorist activity (Article (252¹ (1) and (2);*
- 11) *unlawful handling of nuclear or radioactive materials or other sources of ionising radiation (Articles 256, 256¹ and 257);*
- 12) *the crimes related to possession of narcotic or psychotropic, toxic or highly active substances (Articles 259-269);*
- 13) *crimes against the environment (Articles 270, 270¹, 270², 270³, 271, 272 and 274).”*

6. Article 21 - Measures regarding other violations

The 1999 Second Protocol obliges Parties to adopt legislative, administrative or disciplinary measures as may be necessary to **suppress certain other violations of the Second Protocol**:

a. any use of cultural property in violation of the 1954 Hague Convention or the 1999 Second Protocol;

b. any illicit export, other removal or transfer of ownership of cultural property from occupied territory in violation of the 1954 Hague Convention or the 1999 Second Protocol.

- *Has your State implemented such measures?*

YES: NO:

You can complete your answer below, taking into account the guidelines in the model report.

For implementation of Article 21 of the Second Protocol, Lithuania has adopted legislative, administrative and disciplinary measures, necessary to suppress any use of cultural heritage in violation of the Convention and its two Protocols.

Protection of cultural heritage is regulated by the **Law of the Republic of Lithuania on the Protection of Immovable Cultural Heritage**¹⁴ and the **Law of the Republic of Lithuania on the Protection of Movable Cultural Property**.¹⁵

In case the aforementioned laws are violated, Article 314 “**Violation of cultural heritage protection requirements**”, of the Code of Administrative Offences¹⁶ provides the administrative liability:

“1. Violation of the requirements for the protection of cultural heritage established by law

imposes a fine on persons from one hundred and fifty to three hundred euros and on the heads of legal persons or other responsible persons - from three hundred to eight hundred and sixty euros.

2. The administrative offense referred to in paragraph 1, committed repeatedly,

imposes a fine on persons from three hundred to five hundred and eighty euros and on the managers of legal persons or other responsible persons - from five hundred and fifty to one thousand five hundred euros.

3. Violation of the requirements for the protection of cultural heritage established by law when performing management, construction works, design or planning works of these works

imposes a fine on persons from three hundred to five hundred and sixty euros and on the heads of legal persons or other responsible persons - from eight hundred and fifty to one thousand five hundred euros.

¹⁴ Current edition of Law is available on the Seimas website:

<https://www.e-tar.lt/portal/lt/legalAct/TAR.9BC8AEE9D9F8/asr> (Lithuanian)

¹⁵ Current edition of Law is available on the Seimas website:

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.24349/asr> (Lithuanian)

¹⁶ Current edition of *the Code of Administrative Offences is available* on the Seimas website (Lithuanian only):

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/b8d908c0215b11e58a4198cd62929b7a/asr>

4. *The administrative offense referred to in paragraph 3, committed repeatedly,*

imposes a fine on persons from five hundred and fifty to one thousand two hundred euros and on the heads of legal persons or other responsible persons - from one thousand four hundred to two thousand four hundred euros.

5. *Infringement of the requirements for the search for movable property of cultural value through excavations or the use of metal detectors or any other search equipment*

imposes a fine on persons from three hundred to five hundred and sixty euros and on the heads of legal persons or other responsible persons - from five hundred and sixty to one thousand two hundred euros.

6. *The administrative offense referred to in paragraph 5, committed repeatedly,*

imposes a fine on persons from five hundred and sixty to one thousand two hundred euros and on the heads of legal persons or other responsible persons - from one thousand two hundred to two thousand three hundred euros.

7. *For the administrative offenses provided for in Paragraphs 5 and 6 of this Article, confiscation of the means, means and results of the prohibited act shall be imposed."*

All military personnel must follow rules and regulations established by the **Disciplinary Statute of the Armed Forces of the Republic of Lithuania**¹⁷. **Article 80 of the Statute** provides grounds for the disciplinary punishment for violations of the rules of international humanitarian law:

"1. For violation of the rules of international humanitarian law, in so far as it does not entail criminal liability, a soldier of compulsory military service shall be reprimanded or assigned additional duties, or shall be prohibited from leaving the service, or the rank of soldier shall be reduced; a soldier of professional military service is reprimanded or his salary is reduced, or the rank of soldier is reduced.

2. A soldier of professional military service shall be dismissed for the same act committed in aggravating circumstances."

Sanctions concerning any illegal export or shipment of cultural property or transfer of property from occupied territory, violating the Convention and the Second Protocol, are provided in **Part 2 of Article 189 "Purchase or Realization of Property gained illegally"** of the Criminal Code:

"A person who acquired, owned, used or disposed of property of great value or great scientific, historical or cultural significance, knowing that such property or property was obtained by criminal means, shall be punished with a fine or restraint of liberty, or arrest, or imprisonment for a term of up to six years."

¹⁷ Current edition of the Disciplinary Statute of the Armed Forces of the Republic of Lithuania is available on the Seimas website (Lithuanian only):
<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.410978>

The Paragraph 3 of Article 199 „Smuggling” of the Criminal Code says the following:

“3. A person who, when transporting across the state border of the Republic of Lithuania the items which must be declared at the customs and whose value exceeds the amount of 250 MSLs, fails to go through the customs control or otherwise avoids this control or transports across the state border of the Republic of Lithuania, without an authorisation, movable cultural properties or antiques shall be punished by a fine or by imprisonment for a term of up to eight years.”

7. Article 30 - Dissemination

Article 30 of the Second Protocol complements Articles 7 and 25 of the 1954 Hague Convention. In this regard, Article 30 it asks the Parties, to endeavour by appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect for cultural property by their entire population, to ensure the dissemination of the 1999 Second Protocol, and to incorporate in their military regulations' guidelines and instructions for the protection of cultural property.

- *Has your State **disseminated the provisions of the Convention and the Second Protocol** within the armed forces as well as to target groups and the general public?*

YES: x NO:

You can complete your answer below, taking into account the guidelines in the model report.

The provisions of Article 30 of the Second Protocol are implemented in the same way as the provisions of Article 25 of the Convention. (Please see part I section 4 of the Report).

8. Article 33 – Assistance of UNESCO

Pursuant to paragraph 151 of the Guidelines for the Implementation of the 1999 Second Protocol, the Parties having activities at bilateral or multilateral level are invited to inform the Committee, in their periodic reports, of their activities in order to share their experiences or good practices.

- *Has your State shared, in particular through the Secretariat of UNESCO, your **experiences and good practices in implementation of the 1954 Hague Convention and / or its Protocols?***

YES: NO: x

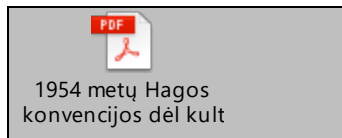
You can complete your answer below, taking into account the guidelines in the model report.

9. Article 37 - Official translation of the 1999 Second Protocol to the 1954 Hague Convention

Pursuant to Article 37 of the Second Protocol, the Parties shall translate the 1999 Second Protocol into their official language(s) of their countries and shall communicate these official translations to the Director-General.

Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat.

Please annex an *electronic copy of your translation(s) to this report.*



V. Other questions relating to the 1954 Hague Convention and its two Protocols

1. Ratification of / accession to other international treaties having provisions of the protection of cultural property

- Can you indicate the other international instruments to which your State is a party?

International instruments	Ratification/Accession
1970 UNESCO Convention on the means on Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property	1998 Ratification
1972 UNESCO Convention on the Protection of the World, Cultural and Natural Heritage	2006 Ratification
2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage	2006 Ratification
2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage	2004 Ratification
2005 UNESCO Convention for the Protection and Promotion of Diversity of Cultural Expressions	2006 Ratification
Additional Protocol (I) to the Geneva Conventions, 1977	2000 Ratification
Additional Protocol (II) to the Geneva Conventions, 1977	2000 Ratification
Additional Protocol (III) to the Geneva Conventions, 2005	2007 Ratification

2. National practice relating to the implementation of the Hague Convention and its two Protocols

The Secretariat would be grateful if you could annex a copy of the following documents in French and/or English:

- Relevant **civil and military administrative regulations**:

PDF Document:



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Website:

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.298867>

- **National laws** relating to the protection of cultural property, as well as criminal provisions adopted in the context of the implementation of Article 28 of the Hague Convention and Articles 15, 16 and 21 of the Second Protocol, and case law relating to the protection of cultural property.

PDF Document:



Articles of Criminal Code of Lithuania.p

Website:

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.111555/asr>

PDF Document:



Law on the protectio of movabl

Website:

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/e9fb6c22c1fc11eb91e294a1358e77e9?jfwid=tcgd2grgz>

PDF Document:



PROTECTION OF IMMOVABLE CULTUI

Website:

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/30b3a4e0e38011ea869e86e74cfea363?jfwid=tcgd2grhe>

Documents relating to awareness-raising activities (seminar programme, brochures, etc.), as well as any other document (legislative, judicial or administrative) relevant to the dissemination of the 1954 Hague Convention and its 1999 Second Protocol.

PDF Document

Website

3. Effectiveness of cooperation mechanisms at the national level

- The implementation of the Hague Convention and its two Protocols requires cooperation at the national level between the various authorities (civil, military, etc.). Can you assess the degree of cooperation, at the national level, in your State?

- | | |
|---|-------------------------------------|
| There is no cooperation between the different authorities | <input type="checkbox"/> |
| There is limited cooperation between the different authorities | <input type="checkbox"/> |
| There is cooperation between the various authorities, but there are still improvements to be made | <input checked="" type="checkbox"/> |
| There is a perfectly functional cooperation between the different authorities | <input type="checkbox"/> |
| Other (specify) | |

VI. Self-assessment forms

In order to reflect in the synthesis document of the national reports the status of implementation of the 1954 Hague Convention and its 1999 Second Protocol in key areas, please fill in the two tables below.

1. Assessment of the degree of implementation

[To do this, please use the following rating scale]

1. Not at all implemented;
2. Partially implemented and the process is at standstill;
3. Partially implemented, the process following its course; and
4. Fully implemented.

Implementation of the safeguarding obligation through the adoption of preparatory measures	3
Military training on regulations for the protection of cultural property	3
Use of the distinctive emblem to mark cultural property	3
Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	2
Adoption of relevant criminal legislation	4
<i>For Parties with cultural property under enhanced protection only.</i> Establishment of a monitoring system for cultural property under enhanced protection at the national level	4

2. Assessment of the difficulties encountered

[To do this, please use the following rating scale]

1. Difficulties are encountered, but there are no plans to seek technical assistance from the UNESCO Secretariat;
2. Difficulties are encountered, nevertheless, it is planned to make use of the technical assistance of the UNESCO Secretariat;
3. Difficulties were encountered, but thanks to the technical assistance of the Secretariat they could be resolved;
4. Difficulties were encountered at first, but they turned into challenges that were overcome; and
5. No difficulties were encountered.

Implementation of the safeguarding obligation through the adoption of preparatory measures	4
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Military training on regulations for the protection of cultural property	4
Use of the distinctive emblem to mark cultural property	5
Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences	4
Adoption of relevant criminal legislation	5
<i>For Parties with cultural property under enhanced protection only.</i>	4
Establishment of a monitoring system for cultural property under enhanced protection at the national level	

VII. Enhanced protection mechanism – Opinion survey

Pursuant to Chapter 3 of the 1999 Second Protocol, enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict if three criteria are cumulatively met:

- ✓ Cultural property is of the greatest importance to humanity;
- ✓ Cultural property is protected by adequate domestic, legal and administrative measures recognising its exceptional cultural and historical value and ensuring the highest level of protection; and
- ✓ Cultural property must not be used for military purposes or to shield military sites. And the Party which has control over the cultural property has to make a declaration confirming that it will not be used for military purposes or to shield military sites.

As these conditions are set out in an international treaty, their interpretation cannot be made independently of State practice, which is of fundamental importance under international treaty law. Therefore, this national report is an opportunity for the national authorities of the Parties to express their views on the conditions under which enhanced protection is granted.

For each of the conditions set out in Article 10 of the Second Protocol, please answer the following questions, taking into consideration the relevant paragraphs of the Guidelines for the Implementation of the Second Protocol.

- Article 10, paragraph (a) - "The greatest importance for humanity"

Please list the main factors to be undertaken into consideration in determining whether a cultural property is of the greatest importance for humanity?

Lithuania agrees with the criteria of the greatest importance for humanity listed in Articles 32 - 37 of the Guidelines for the Implementation of the 1999 Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict.

- Article 10, paragraph (b) - "The highest level of protection"

Please mention the national authorities to be consulted in determining the choice of measures to be adopted to ensure the highest level of protection for a cultural property for which enhanced protection is requested. What measures can ensure the highest level of protection?

Ministry of Culture of the Republic of Lithuania, Department of Cultural Heritage under the Ministry of Culture, Administration of the State Cultural Reserve of Kernavė, the Ministry of National Defence, Lithuanian National Commission for UNESCO.

Adequate domestic legal and administrative measures (e.g., restrictions of destructive interventions in the territory of cultural property, constant monitoring, awareness raising of visitors, etc.) can ensure the highest level of protection for a cultural property.

- Article 10, paragraph (c) - "Not-used for military purposes"

Please mention the national authorities to be consulted in order to take the decision not to use the proposed cultural property for granting enhanced protection for military purposes or to shield military sites?

Ministry of Defense of the Republic of Lithuania; Lithuanian Armed Forces.

UNESCO KULTŪROS VERTYBIŲ APSAUGOS GINKLUOTO KONFLIKTO METU KONVENCIJA*

Priimta 1954 m. gegužės 14 d. Hagoje.

Aukštosios susitariančios šalys,

Pripažindamos, kad pastaruoju metu vykusių ginkluotų konfliktų metu kultūros vertybėms padaryta didelė žala, o dabar, nuolat tobulėjant karybos būdams, kultūros vertybėms vis labiau gresia pavojus būti visiškai sunaikintoms;

Įsitikinusias, kad tautos kultūros vertybėms daroma žala yra visos žmonijos kultūros paveldui daroma žala, nes kiekvienos tautos kultūra yra neatskiriama pasaulio kultūros dalis;

Laikydamos, kad viso pasaulio tautoms labai svarbu išsaugoti kultūros paveldą ir kad tą paveldą būtina saugoti tarptautiniu lygiu;

Vadovaudamosi 1899 ir 1907 metų Hagos Konvencijose bei 1935 m. balandžio 15 dienos Vašingtono pakte nustatytais kultūros vertybių apsaugos ginkluoto konflikto metu principais;

Manydamos, kad taikos metu nesiėmus nacionalinių ir tarptautinių priemonių organizuoti kultūros vertybių apsaugą ginkluoto konflikto atveju, veiksmingai tų vertybių apsaugoti nebus įmanoma;

Pasiryžusios imtis visų įmanomų priemonių kultūros vertybėms apsaugoti,
s u s i t a r ė dėl tokių nuostatų:

I SKYRIUS. KULTŪROS VERTYBIŲ APSAUGOS BENDROSIOS NUOSTATOS

1 straipsnis. Kultūros vertybių apibrėžimas

Šioje Konvencijoje terminas „kultūros vertybės“ apima, nepaisant jų kilmės ir nuosavybės:

a) kilnojamąsias ir nekilnojamąsias vertybes, kurios yra ypatingai svarbios kiekvienos tautos kultūros paveldui, tokias kaip religiniai ir pasaulietiniai architektūros, dailės ir istorijos paminklai; archeologinės vietovės; istorinės arba meninės vertės pastatų ansambliai; meno kūriniai; meninės, istorinės ar archeologinės reikšmės rankraščiai, knygos ir kiti objektai; bei mokslinės arba reikšmingos knygų, archyvinių dokumentų arba anksčiau išvardytų vertybių reprodukcijų kolekcijos;

b) pastatus, iš esmės skirtus tinkamai saugoti ir eksponuoti (a) punkte apibrėžtas kilnojamąsias vertybes, tokius kaip muziejai, didelės bibliotekos, archyvų saugyklos bei slėptuvės, skirtos (a) punkte apibrėžtoms kilnojamosioms kultūros vertybėms saugoti ginkluoto konflikto atveju;

c) (a) ir (b) punktuose apibrėžtų kultūros vertybių sankaupos centrus, vadinamus „paminklų sankaupos centrais.“

2 straipsnis. Kultūros vertybių apsauga

Šioje Konvencijoje kultūros vertybių apsauga yra tokių vertybių saugos užtikrinimas ir pagarba joms.

3 straipsnis. Kultūros vertybių saugos užtikrinimas

Aukštosios susitariančios šalys, pasitelkdamos savo nuožiūra pasirinktas tinkamas priemones, taikos metu įsipareigoja pasirengti užtikrinti savo teritorijoje ir kitų aukštųjų susitariančių šalių teritorijose esančių kultūros vertybių apsaugą nuo galimų ginkluoto konflikto padarinių.

4 straipsnis. Pagarba kultūros vertybėms

* Įsigaliojo 1998 m. spalio 27 d.

1. Aukštosios susitariančios šalys įsipareigoja pagarbiai elgtis su savo teritorijoje ir kitų aukštųjų susitariančių šalių teritorijose esančiomis kultūros vertybėmis: nenaudoti tų vertybių, jų aplinkos arba vertybėms saugoti skirtų prietaisų kitiems tikslams, jeigu dėl to ginkluoto konflikto atveju tos vertybės galėtų būti sunaikintos arba apgadintos, taip pat nesiimti prieš tas vertybes jokių piktavališkų veiksmų.

2. Šio straipsnio pirmoje dalyje nurodytus įsipareigojimus atsisakyti vykdyti galima tik tokiais atvejais, kai tai yra neišvengiama dėl susidariusios karinės padėties.

3. Aukštosios susitariančios šalys taip pat įsipareigoja uždrausti, užkirsti kelią arba prireikus nutraukti bet kokios formos tokių vertybių vagystes, grobstymus, pasisavinimą arba prieš jas nukreiptus vandalizmo aktus. Jos įsipareigoja nerekvizuoti kitos aukštosios susitariančios šalies teritorijoje esančių kilnojamųjų kultūros vertybių.

4. Jos susilaiko nuo bet kokių prieš kultūros vertybes nukreiptų atsakomųjų baudžiamųjų veiksmų.

5. Aukštosios susitariančios šalys neturi teisės atsisakyti vykdyti šiuo straipsniu nustatytus įsipareigojimus kitos aukštosios susitariančios šalies atžvilgiu, argumentuodamos tuo, kad ta aukštoji susitarianti šalis netaikė 3 straipsnyje nustatytų saugos užtikrinimo priemonių.

5 straipsnis. Okupacija

1. Aukštoji susitarianti šalis, okupavusi visą kitos aukštosios susitariančios šalies teritoriją arba jos dalį, kiek įmanoma padeda kompetentingiems okupuotosios valstybės valdžios organams garantuoti tos šalies kultūros vertybių saugą ir išsaugojimą.

2. Prireikus imtis priemonių išsaugoti okupuotoje teritorijoje esančioms karo veiksmų pažeistoms kultūros vertybėms, jeigu tokių priemonių negali imtis okupuotosios valstybės valdžios organai, su jais glaudžiai bendradarbiaudama, tokių reikalingiausių priemonių kiek įmanoma imasi okupavusioji valstybė.

3. Aukštoji susitarianti šalis, kurios valdžią pasipriešinimo judėjimo dalyviai laiko teisėta, jei įmanoma, atkreipia jų dėmesį į tai, kad būtina laikytis su kultūros vertybėmis susijusių Konvencijos nuostatų.

6 straipsnis. Kultūros vertybių žymėjimas

Pagal 16 straipsnio nuostatas kultūros vertybės gali būti pažymėtos skiriamuoju simboliu, kad jas lengviau būtų atpažinti.

7 straipsnis. Karinės priemonės

1. Aukštosios susitariančios šalys įsipareigoja taikos metu į karinius nuostatus ir instrukcijas įtraukti nuostatus, kurios garantuotų, kad bus laikomasi šios Konvencijos, ir ugdytų ginkluotųjų pajėgų narių pagarbą visų tautų kultūrai ir kultūros vertybėms.

2. Aukštosios susitariančios šalys įsipareigoja taikos metu savo ginkluotosiose pajėgose numatyti arba įkurti specialios paskirties tarnybą arba paskirti specialius darbuotojus, kurie būtų atsakingi už pagarbų elgesį su kultūros vertybėmis ir bendradarbiautų su jų sauga besirūpinančiais civilinės valdžios organais.

II SKYRIUS. SPECIALIOJI APSAUGA

8 straipsnis. Specialiosios apsaugos skyrimas

1. Specialioji apsauga gali būti skiriama ribotam skaičiui slėptuvių, kuriose ginkluoto konflikto atveju saugomos kilnojamiosios kultūros vertybės, paminklų sancaupų centrams ir kitoms labai svarbioms kultūros vertybėms, jeigu jos:

a) yra pakankamai toli nuo didelių pramonės centrų arba svarbių karinių objektų, kurie gali būti ypatingai atakuojami, tokių kaip oro uostai, transliacijos stotys, valstybės saugumo institucijos, uostai, svarbesnės geležinkelio stotys ir ryšių linijos;

b) nėra naudojamos kariniais tikslais.

2. Specialioji apsauga gali būti skiriama bet kokioje vietoje esančiai slėptuvei, jeigu jos konstrukcija pritaikyta atlaikyti bombardavimą.

3. Laikoma, kad paminklų sancaupos centras naudojamas kariniais tikslais, jeigu per jo teritoriją yra gabenami kareiviai arba karinės medžiagos, net jeigu jie gabenami tranzitu, taip pat jeigu centre yra vykdoma su karinėmis operacijomis tiesiogiai susijusi veikla, dislokuojami kariniai daliniai arba gaminamos karinės medžiagos.

4. Šio straipsnio 1 dalyje apibrėžta specialiai paskirta ginkluota kultūros vertybių apsauga arba netoli kultūros vertybių patruliuojantys policijos pareigūnai, kaip įprasta saugantys viešąją tvarką, nelaikomi veikiantys kariniais tikslais.

5. Jeigu šio straipsnio 1 dalyje apibrėžtos kultūros vertybės yra netoli toje dalyje apibrėžto svarbaus karinio objekto, joms vis tiek gali būti paskirta specialioji apsauga su sąlyga, kad tokios apsaugos paprašiusi aukštoji susitarianti šalis ginkluoto konflikto atveju įsipareigoja nenaudoti to karinio objekto ir visą transportą nukreipti kitur, aplenkiant šį objektą, ypač jeigu objektas yra uostas, geležinkelio stotis arba oro uostas. Taip nukreipti transportą turi būti pasirengta dar taikos metu.

6. Specialioji apsauga skiriama kultūros vertybėms, įrašytoms į Tarptautinį specialiai saugomų kultūros vertybių registrą. Kultūros vertybės į šį registrą įrašomos laikantis šios Konvencijos nuostatų ir Konvencijos vykdymo taisyklėse nustatytų sąlygų.

9 straipsnis. Specialiai saugomų kultūros vertybių neliečiamumas

Aukštosios susitariančios šalys įsipareigoja garantuoti specialiai saugomų kultūros vertybių neliečiamumą: įrašius kultūros vertybes į Tarptautinį specialiai saugomų kultūros vertybių registrą, susilaikyti nuo piktavališkų prieš jas nukreiptų veiksmų ir tų vertybių bei jų aplinkos nenaudoti kariniais tikslais, išskyrus 8 straipsnio 5 dalyje numatytus atvejus.

10 straipsnis. Tapatybės nustatymas ir kontrolė

Ginkluoto konflikto metu kultūros vertybės turi būti pažymėtos 16 straipsnyje apibrėžtu skiriamuoju simboliu. Turi būti sudarytos sąlygos tas vertybes patikrinti tarptautinei kontrolei, numatyta Konvencijos vykdymo taisyklėse.

11 straipsnis. Neliečiamumo statuso panaikinimas

1. Jeigu viena aukštoji susitarianti šalis nevykdo 9 straipsnyje nustatytų pareigų specialiai saugomų kultūros vertybių atžvilgiu, priešiška šalis, kol tos pareigos nebus pradėtos vykdyti, atleidžiama nuo įsipareigojimo garantuoti tų vertybių neliečiamumą. Jeigu įmanoma, pastaroji šalis pirmiausia turi pareikalauti per atitinkamą laiko tarpą nutraukti pažeidimus.

2. Išskyrus šio straipsnio 1 dalyje nurodytą atvejį, specialiai saugomų kultūros vertybių neliečiamumo statusas gali būti panaikintas tik išimtiniais atvejais, kai tai yra neišvengiama dėl susidariusios karinės situacijos, ir turi būti atstatytas tai situacijai pasikeitus. Tokią karinę padėtį gali paskelbti pareigūnas, vadovaujantis divizijai arba panašaus dydžio ar didesniai kariuomenės daliniui. Jeigu yra sąlygos, apie sprendimą panaikinti neliečiamumo statusą prieš atitinkamą laiko tarpą pranešama priešiška šaliai.

3. Neliečiamumo statusą panaikinusi šalis kaip galėdama greičiau apie tai raštu praneša pagal Konvencijos vykdymo taisykles veikiančiam kultūros vertybių Generaliniam komisarui ir nurodo tokio sprendimo priežastis.

III SKYRIUS. KULTŪROS VERTYBIŲ GABENIMAS

12 straipsnis. Gabenimas su specialiąja apsauga

1. Aukštajai susitariančiai šaliai prašant, kultūros vertybėms, gabenamoms norint jas perkelti į kitą vietą toje pačioje arba kitoje teritorijoje, Konvencijos vykdymo taisyklėse nustatytais sąlygomis gali būti paskirta specialioji apsauga.

2. Kultūros vertybių gabenimą su specialiąja apsauga Konvencijos vykdymo taisyklėse nustatyta tvarka prižiūri tarptautinės institucijos. Gabenamos kultūros vertybės pažymimos 16 straipsnyje nustatytu skiriamuoju simboliu.

3. Aukštosios susitariančios šalys susilaiko nuo piktavališkų veiksmų, nukreiptų prieš su specialia apsauga gabenamas kultūros vertybes.

13 straipsnis. Gabenimas skubos atvejais

1. Jeigu aukštoji susitarianti šalis mano, kad tam tikrų kultūros vertybių saugos dėlei jas būtina perkelti į kitą vietą taip skubiai, kad 12 straipsnyje nurodyta procedūra yra netinkama, ypač ką tik prasidėjus ginkluotam konfliktui, net ir neprašius ir negavus 12 straipsnyje nurodyto neliečiamumo, galima gabenamas kultūros vertybes pažymėti 16 straipsnyje nustatytu skiriamuoju simboliu. Apie tokį gabenimą reikia kiek įmanoma perspėti priešiškas šalis. Tačiau negavus neliečiamumo statuso, skiriamuoju simboliu negalima žymėti kultūros vertybių, gabenamų į kitos valstybės teritoriją.

2. Aukštosios susitariančios šalys pagal išgales imasi reikalingų atsargumo priemonių apsaugoti šio straipsnio pirmoje dalyje aprašytas gabenamas skiriamuoju simboliu pažymėtas kultūros vertybes nuo prieš jas nukreiptų piktavališkų veiksmų.

14 straipsnis. Imunitetas prieš konfiskavimą, pagrobimą ir paėmimą trofėjumi

1. Imunitetas prieš konfiskavimą, paėmimą trofėjumi ir pagrobimą suteikiamas:

- a) 12 arba 13 straipsnyje numatyta tvarka saugomoms kultūros vertybėms;
- b) tik tokias kultūros vertybes gabenančioms transporto priemonėms.

2. Šio straipsnio nuostatos neriboja teisės atlikti patikrinimus arba kratą.

IV SKYRIUS. DARBUOTOJAI

15 straipsnis. Darbuotojai

Kultūros vertybių labui, kiek leidžia saugumo sumetimai, reikia gerbti kultūros vertybių apsaugos darbuotojus. Šiems darbuotojams patekus į priešiškos šalies rankas, jiems turi būti leidžiama tęsti savo darbą, jeigu jų saugomos kultūros vertybės taip pat yra patekusios į priešiškos šalies rankas.

V SKYRIUS. SKIRIAMASIS SIMBOLIS

16 straipsnis. Konvencijos simbolis

1. Konvencijos skiriamasis simbolis yra smaigaliu žemyn nukreipto baltai mėlyno skydo formos (skydas yra sudarytas iš ryškiai mėlynos spalvos kvadrato, kurio vienas kampas yra skydo smaigalys, ant kurio yra ryškiai mėlynos spalvos trikampis, o abiejose mėlynų figūrų pusėse esančius plotus užpildo baltos spalvos trikampiai).

2. 17 straipsnyje numatytais atvejais galima vartoti vieną skiriamąjį simbolį arba tris trikampiu išdėstytus simbolius (du viršuje, vienas apačioje).

17 straipsnis. Simbolio vartojimas

1. Trimis simboliais galima žymėti tik:

- a) specialiai saugomas nekilnojamas kultūros vertybes;

- b) 12 ir 13 straipsniuose numatytomis sąlygomis gabenamas kultūros vertybes;
 - c) slėptuves, įrengtas Konvencijos vykdymo taisyklėse numatyta tvarka.
2. Vienas simbolis gali būti vartojamas tik:
- a) kultūros vertybėms, kurioms nėra paskirta specialioji apsauga, žymėti;
 - b) jį gali nešioti Konvencijos vykdymo taisyklėse numatytą kontrolę vykdančys asmenys bei
 - c) kultūros vertybių apsaugos darbuotojai;
 - d) Konvencijos vykdymo taisyklėse nustatytiems asmenims pažymėjimams ženklinti.
3. Ginkluoto konflikto metu skiriamąjį simbolį ar kitus į jį panašius simbolius vartoti kitais nei šio straipsnio 1 ir 2 dalyje nustatytais tikslais draudžiama.
4. Neturint aukštosios susitariančios šalies kompetentingos valdžios institucijos tinkamai pasirašyto įgaliojimo su nurodyta jo išdavimo data, nekilnojamųjų kultūros vertybių žymėti skiriamuoju simboliu negalima.

VI SKYRIUS. KONVENCIJOS TAIKYMO SRITIS

18 straipsnis. Konvencijos taikymas

1. Šios Konvencijos nuostatos, išskyrus tas nuostatas, kurios taikomos taikos metu, yra taikomos paskelbus karą arba kitokio ginkluoto konflikto tarp dviejų ar daugiau aukštųjų susitariančių šalių atveju, net jeigu viena ar daugiau iš tų šalių karinės padėties nepripažįsta.
2. Konvencija taip pat taikoma visais aukštosios susitariančios šalies teritorijos visiškos ar dalinės okupacijos atvejais, net jeigu okupuotoje šalyje nėra jokio ginkluoto pasipriešinimo judėjimo.
3. Jeigu viena iš konflikto šalių nėra prisijungusi prie šios Konvencijos, prie šios Konvencijos prisijungusių kitų konflikto šalių tarpusavio santykius vis tiek reglamentuoja ši Konvencija. Ši Konvencija reglamentuoja ir tų šalių santykius su neprisijungusiaja šalimi, jeigu pastaroji pareiškia priimanti Konvencijos nuostatas ir jų laikosi.

19 straipsnis. Netarpvalstybiniai konfliktai

1. Aukštosios susitariančios šalies teritorijoje iškilus netarpvalstybiniam ginkluotam konfliktui, konflikto pusės privalo taikyti bent su kultūros vertybėmis susijusias šios Konvencijos nuostatas.
2. Konflikto pusės, sudarydamos specialias sutartis, stengiasi įgyvendinti ir visas kitas šios Konvencijos nuostatas arba bent kai kurias iš jų.
3. Jungtinių Tautų Švietimo, mokslo ir kultūros organizacija (UNESCO) konflikto šalims gali pasiūlyti savo paslaugas.
4. Ankstesnių šio straipsnio nuostatų vykdymas nekeičia konflikto šalių teisinio statuso.

VII SKYRIUS. KONVENCIJOS VYKDYMAS

20 straipsnis. Konvencijos vykdymo taisyklės

Šios Konvencijos taikymo tvarka yra nustatyta Konvencijos vykdymo taisyklėse, kurios yra neatskiriama šios Konvencijos dalis.

21 straipsnis. Saugančiosios valdžios institucijos

Vykdančią šią Konvenciją ir taikant jos vykdymo taisykles, bendradarbiaujama su saugančiosiomis valdžios institucijomis, kurios yra atsakingos už konflikto šalių interesų gynimą.

22 straipsnis. Sutaikinimo tvarka

1. Saugančioji valdžia, manydama, kad to reikia kultūros vertybių labui, siūlo savo kompetentingų institucijų paslaugas, ypač jeigu konflikto šalys nesutaria dėl šios Konvencijos ar jos vykdymo taisyklių taikymo arba interpretacijos.

2. Tuo tikslu bet kuri iš saugančiųjų valdžios institucijų, vienos konflikto šalies prašymu, Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinio direktoriaus prašymu arba savo iniciatyva gali pasiūlyti surengti konflikto šalių, o ypač už kultūros vertybių apsaugą atsakingų institucijų, atstovų susitikimą tinkamai parinktoje neutralioje teritorijoje. Konflikto šalys privalo atsakyti į joms pateiktą pasiūlymą atvykti į susitikimą. Saugančiosios valdžios institucijos konflikto šalims siūlo neutralios šalies atstovą arba Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinio direktoriaus parinktą asmenį, kuris, konflikto šalims pritarus, pirmininkautų tokiam susitikimui.

23 straipsnis. UNESCO pagalba

1. Aukštosios susitariančios šalys gali kreiptis į Jungtinių Tautų Švietimo, mokslo ir kultūros organizaciją, prašydamos techninės pagalbos kultūros vertybėms saugoti arba su šio Konvencijos arba jos vykdymo taisyklių taikymu susijusioms problemoms spręsti. Jungtinių Tautų Švietimo, mokslo ir kultūros organizacija tokią pagalbą suteikia, kiek leidžia jos programa ir lėšos.

2. Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijai suteikiama teisė savo iniciatyva siūlyti pagalbą aukštosioms susitariančioms šalims.

24 straipsnis. Specialiosios sutartys

1. Aukštosios susitariančios šalys gali pasirašyti specialiąsias sutartis bet kokiais klausimais, kurie, jų nuomone, turi būti reglamentuojami atskiru dokumentu.

2. Draudžiama sudaryti specialiąsias sutartis, kurios numatytų prastesnę kultūros vertybių ir jas saugančių darbuotojų apsaugą, nei garantuojama šioje Konvencijoje.

25 straipsnis. Konvencijos platinimas

Aukštosios susitariančios šalys įsipareigoja taikos ir ginkluoto konflikto metu savo šalies teritorijoje kuo plačiau skleisti šios Konvencijos ir jos vykdymo taisyklių tekstą. Taip pat jos įsipareigoja šios Konvencijos nagrinėjimą įtraukti į ginkluotųjų pajėgų narių ir, jeigu įmanoma, civilių apmokymo programas, kad visi šalies gyventojai, o ypač ginkluotųjų pajėgų nariai ir kultūros vertybes saugantys darbuotojai sužinotų šios Konvencijos nuostatas.

26 straipsnis. Pranešimai apie vertimus

1. Aukštosios susitariančios šalys kitoms aukštosioms susitariančioms šalims per Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinį direktorių perduoda oficialių šios Konvencijos ir jos vykdymo taisyklių vertimų tekstus.

2. Be to, bent kartą per ketverius metus aukštosios susitariančios šalys Generaliniam direktoriui pateikia ataskaitą, kurioje nurodo jų nuomone reikalingą informaciją apie jų valdymo institucijų įgyvendinamas, rengiamas ar numatomas rengti priemones šiai Konvencijai ir jos taisyklėms vykdyti.

27 straipsnis. Susirinkimai

1. Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinis direktorius, administracinei valdybai pritarus, gali sušaukti aukštųjų susitariančių šalių atstovų susirinkimą. Jis privalo sušaukti tokį susirinkimą, jeigu to reikalauja ne mažiau kaip penktadalis visų aukštųjų susitariančių šalių.

2. Nepažeidžiant kitų reikalavimų, kuriuos ši Konvencija arba jos vykdymo taisyklės kelia minėto susirinkimo funkcijoms, susirinkimo tikslas yra nagrinėti sunkumus, iškylančius taikant šią Konvenciją ir jos vykdymo taisykles, ir tais klausimais pateikti rekomendacijas.

3. Susirinkime dalyvaujant daugumai aukštųjų susitariančių šalių, pagal 39 straipsnio nuostatas gali būti peržiūrima ši Konvencija arba jos vykdymo taisyklės.

28 straipsnis. Sankcijos

Aukštosios susitariančios šalys įsipareigoja imtis visų reikalingų jų įprastinės baudžiamosios jurisdikcijos ribose esančių priemonių nubausti ir paskirti baudžiamąsias arba drausmines sankcijas bet kokios tautybės asmenims, savo iniciatyva ar kitų asmenų nurodymu pažeidusiems šią Konvenciją.

BAIGIAMOSIOS NUOSTATOS

29 straipsnis. Kalbos

1. Ši Konvencija parengiama anglų, prancūzų, rusų ir ispanų kalbomis. Šie keturi variantai yra vienodos teisinės galios.

2. Jungtinių Tautų Švietimo, mokslo ir kultūros organizacija organizuoja Konvencijos vertimą į kitas oficialiąsias generalinės konferencijos kalbas.

30 straipsnis. Pasirašymas

Ši Konvencija pažymima 1954 m. gegužės 14 dienos data. Iki 1954 m. gruodžio 31 dienos ją laisvai gali pasirašyti visos į konferenciją pakviestos valstybės, posėdžiavusios Hagoje nuo 1954 m. balandžio 21 dienos iki 1954 m. gegužės 14 dienos.

31 straipsnis. Ratifikavimas

1. Šią Konvenciją gali ratifikuoti ją pasirašiusios valstybės jų konstitucijose nustatyta tvarka.

2. Ratifikavimo dokumentai pateikiami Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generaliniam direktoriui.

32 straipsnis. Prisijungimas

Nuo šios Konvencijos įsigaliojimo datos prie jos gali prisijungti visos 30 straipsnyje nurodytos ir Konvencijos dar nepasirašiusios valstybės bei kitos valstybės, kurias pakviečia prisijungti Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Administracija. Valstybės prisijungimas prie Konvencijos patvirtinamas pateikiant prisijungimo dokumentus Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generaliniam direktoriui.

33 straipsnis. Įsigaliojimas

1. Ši Konvencija įsigalioja praėjus trimis mėnesiams po to, kai penkios valstybės pateikia Konvencijos ratifikavimo dokumentus.

2. Po to Konvenciją ratifikavusiai arba prie jos prisijungusiai valstybei Konvencija ima galioti, praėjus trimis mėnesiams po ratifikavimo arba prisijungimo dokumentų pateikimo.

3. 18 ir 19 straipsniuose numatytais atvejais prieš prasidedant ar jau prasidėjus konfliktui arba okupacijai, konflikto šalių pateikti Konvencijos ratifikavimo arba prisijungimo prie Konvencijos dokumentai įsigalioja iš karto. Tokiais atvejais Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinis direktorius 38 straipsnyje numatytus pranešimus perduoda pačiu skubiausiu būdu.

34 straipsnis. Veiksmingas taikymas

1. Kiekviena valstybė Konvencijos narė nuo Konvencijos įsigaliojimo dienos imasi visų priemonių, reikalingų, kad per šešis mėnesius po Konvencijos įsigaliojimo dienos būtų pradėta Konvenciją veiksmingai taikyti.

2. Valstybėms, kurios ratifikavimo arba prisijungimo dokumentus pateikia Konvencijai jau įsigaliojus, minėtas laikotarpis yra šeši mėnesiai po ratifikavimo arba prisijungimo dokumentų pateikimo.

35 straipsnis. Konvencijos geografinio taikymo plėtra

Aukštoji susitarianti šalis, ratifikuodama Konvenciją, prie jos prisijungdama arba vėliau, gali Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generaliniam direktoriui adresuotu pranešimu pareikšti, kad ši Konvencija bus taikoma visose teritorijose, už kurių tarptautinius santykius ta šalis yra atsakinga. Minėtas pranešimas įsigalioja praėjus trimis mėnesiams po jo gavimo datos.

36 straipsnis. Ryšys su ankstesnėmis konvencijomis

1. Prisijungusių prie 1899 m. liepos 29 dienos arba 1907 m. spalio 18 dienos Hagos konvencijų – Karo sausumoje įstatymų ir papročių konvencijos (IV) ir Karinio laivyno bombardavimo karo metu konvencijos (IX), – valstybių tarpusavio santykių atžvilgiu ši Konvencija papildo anksčiau minėtą (IX) konvenciją ir anksčiau minėtos (VI) konvencijos priede nurodytas taisykles, o tais atvejais, kai šioje Konvencijoje ir jos vykdymo taisyklėse numatyta vartoti skiriamąjį simbolį, vietoj anksčiau minėtos (IX) konvencijos 5 straipsnyje nurodyto simbolio vartojamas šios Konvencijos 16 straipsnyje nurodytas simbolis.

2. Prisijungusių prie 1935 m. balandžio 15 dienos Vašingtone priimto „Meno ir mokslo institucijų ir istorijos paminklų apsaugos pakto“ (Rericho pakto) valstybių, kurios yra šios Konvencijos narės, tarpusavio santykių atžvilgiu ši Konvencija papildo Rericho pakta, o tais atvejais, kai šioje Konvencijoje ir jos vykdymo taisyklėse numatyta vartoti skiriamąjį simbolį, vietoj minėto pakto III straipsnyje nurodytos simbolinės vėliavos vartojamas šios Konvencijos 16 straipsnyje nurodytas simbolis.

37 straipsnis. Denonsavimas

1. Aukštoji susitarianti šalis gali savo vardu arba kitos teritorijos, už kurios tarptautinius santykius ji yra atsakinga, vardu denonsuoti šią Konvenciją.

2. Konvencijos denonsavimo dokumentą ji pateikia Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generaliniam direktoriui.

3. Konvencijos denonsavimas įsigalioja praėjus vieneriems metams po denonsavimo dokumento pateikimo datos. Tačiau jeigu šiam laikotarpiui besibaigiant Konvenciją denonsavusi šalis dalyvauja ginkluotame konflikte, Konvencija lieka galioti, kol bus baigti karo veiksmai ir kol bus grąžintos visos kultūros vertybės.

38 straipsnis. Pranešimai

Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinis direktorius 30 ir 32 straipsniuose nurodytoms valstybėms ir Jungtinėms Tautoms praneša apie jam pateiktus šios Konvencijos ratifikavimo, akcepto arba prisijungimo prie šios Konvencijos dokumentus, nurodytus 31, 32 ir 39 straipsniuose, bei apie pranešimus ir denonsavimo dokumentus, nurodytus 35, 37 ir 39 straipsniuose.

39 straipsnis. Konvencijos ir jos vykdymo taisyklių peržiūrėjimas

1. Bet kuri aukštoji susitarianti šalis gali siūlyti pakeisti arba papildyti šią Konvenciją arba jos vykdymo taisykles. Siūlomo pakeitimo arba papildymo tekstas pateikiamas Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generaliniam direktoriui, kuris jį perduoda visoms aukštosioms susitariančioms šalims, prašydamas per keturis mėnesius pranešti, ar aukštoji susitarianti šalis:

a) pageidauja, kad siūlomam pakeitimui arba papildymui apsvaistyti būtų sušaukta konferencija;

b) pritaria siūlomam pakeitimui arba papildymui, nešaukiant konferencijos;

c) nepritaria siūlomam pakeitimui arba papildymui, nešaukiant konferencijos.

2. Generalinis direktorius apie nuomones, gautas pagal šio straipsnio 1 dalies nuostatas, praneša visoms aukštosioms susitariančioms šalims.

3. Jeigu visų iki nustatytos datos Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generaliniam direktoriui savo atsakymus pranešusių šalių nuomonės atitinka 1 dalies (b) punktą, tai yra jos pritaria siūlomam pakeitimui arba papildymui, nešaukiant konferencijos, Generalinis direktorius apie jų sprendimą praneša 38 straipsnyje nustatyta tvarka. Pakeitimas arba papildymas įsigalioja, praėjus devyniasdešimčiai dienų po tokio pranešimo datos.

4. Generalinis direktorius siūlomam pakeitimui arba papildymui apsvaistyti šaukia aukštųjų susitariančių šalių konferenciją, jeigu to reikalauja daugiau nei vienas trečdalis aukštųjų susitariančių šalių.

5. Šio straipsnio ketvirtoje dalyje nustatyta tvarka apsvaistyti šios Konvencijos arba jos vykdymo taisyklių pakeitimai arba papildymai įsigalioja tik tada, kai jas vienbalsiai priima konferencijoje dalyvavusios aukštosios susitariančios šalys ir kai joms pritaria visos aukštosios susitariančios šalys.

6. Aukštosios susitariančiosios šalies pritarimas šios Konvencijos arba jos vykdymo taisyklių pakeitimams arba papildymams, priimtiems 4 ir 5 dalyje nurodytoje konferencijoje, įforminamas oficialiu dokumentu, kurį jos pateikia Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generaliniam direktoriui.

7. Įsigaliojus šios Konvencijos arba jos vykdymo taisyklių pakeitimams ir papildymams, galima ratifikuoti arba prisijungti tik prie naujosios, atitinkamai pakeistos ir papildytos Konvencijos arba jos vykdymo taisyklių redakcijos.

40 straipsnis. Registracija

Pagal Jungtinių Tautų Chartijos 102 straipsnį Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinio direktoriaus prašymu ši Konvencija registruojama Jungtinių Tautų Sekretariate.

Tai patvirtindami, šią Konvenciją pasirašo reikiamus įgaliojimus turintys asmenys.

Priimta 1954 m. gegužės keturioliktą dieną Hagoje. Vieninteliame Konvencijos egzemplioriuje anglų, prancūzų, rusų ir vokiečių kalbomis pateikiamas Konvencijos tekstas turi vienodą teisinę galią. Vienintelis Konvencijos egzempliorius atiduodamas saugoti Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos archyvui. Patvirtinti tikri jos nuorašai perduodami 30 ir 32 straipsniuose nurodytoms valstybėms ir Jungtinėms Tautoms.

KULTŪROS VERTYBIŲ APSAUGOS GINKLUOTO KONFLIKTO ATVEJU KONVENCIJOS VYKDYMO TAISYKLĖS

I SKYRIUS. KONTROLĖ

1 straipsnis. Tarptautinis kandidatų sąrašas

Įsigaliojus konvencijai, Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinis direktorius sudaro sąrašą visų asmenų, kuriuos aukštosios susitariančios šalys yra įvardijusios kaip tinkančius atlikti kultūros vertybių Generalinio komisaro funkcijas. Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinio direktoriaus iniciatyva aukštųjų susitariančių šalių prašymu šis sąrašas reguliariai tikslinamas.

2 straipsnis. Kontrolės organizavimas

Aukštajai susitariančiai šaliai ištraukus į konvencijos 18 straipsnyje apibrėžtą ginkluotą konfliktą, nedelsiant:

a) paskiriamas už jos teritorijoje esančias kultūros vertybes atsakingas atstovas; jeigu šalis yra okupavusi kitos valstybės teritoriją, paskiriamas ir už okupuotoje teritorijoje esančias vertybes atsakingas specialusis atstovas;

b) kiekvieną aukštajai susitariančiai šaliai priešišką šalį atstovaujančios saugančiosios valstybės 3 straipsnyje nustatyta tvarka paskiria toje aukštojoje susitariančioje šalyje oficialiai įgaliotus atstovus;

c) kultūros vertybių Generalinis komisaras į tą aukštąją susitariančią šalį skiriamas 4 straipsnyje nustatyta tvarka.

3 straipsnis. Saugančiųjų valstybių atstovų skyrimas

Saugančioji valstybė savo atstovus skiria iš diplomatinio arba konsulinio korpuso narių arba valstybei, į kurią jie bus paskirti, pritarus – iš kitų asmenų tarpo.

4 straipsnis. Generalinio komisaro skyrimas

1. Kultūros vertybių Generalinis komisaras renkamas iš tarptautinio kandidatų sąrašo šalies, į kurią jis bus oficialiai skiriamas, ir priešišku šalių vardu veikiančių saugančiųjų valstybių susitarimu.

2. Jeigu per tris savaites nuo derybų pradžios šiuo klausimu šalims susitarti nepavyktų, jos prašo, kad Generalinį komisarą paskirtų Tarptautinio Teisingumo Teismo pirmininkas. Paskirtasis Generalinis komisaras pradeda vykdyti pareigas tik tada, kai šalis, į kurią jis yra paskirtas, pritaria jo paskyrimui.

5 straipsnis. Atstovų funkcijos

Saugančiųjų valstybių atstovai registruoja konvencijos pažeidimus, šaliai, į kurią jie yra paskirti, pritarus, tiria tų pažeidimų aplinkybes, vietose vykdo kampanijas, skatinančias nutraukti pažeidimus, ir prireikus apie tokius pažeidimus praneša Generaliniam komisarui. Atstovai apie savo veiklą informuoja Generalinį komisarą.

6 straipsnis. Generalinio komisaro funkcijos

1. Kultūros vertybių Generalinis komisaras kartu su šalies, į kurią jis yra oficialiai paskirtas, atstovais ir suinteresuotų saugančiųjų valstybių atstovais sprendžia visus jam pateiktus klausimus, susijusius su Konvencijos taikymu.

2. Jis turi teisę šiose taisyklėse numatytais atvejais priimti sprendimus ir skirti asmenis.

3. Šaliai, į kurią jis yra oficialiai paskirtas, pritarus, jis turi teisę nurodyti atlikti tyrimus arba pats juos atlikti.

4. Jis kreipiasi į konflikto šalis arba jas saugančiąsias valstybes, jeigu jo nuomone toks kreipimasis bus naudingas taikant konvenciją.

5. Jis rengia konvencijai taikyti reikalingas ataskaitas ir jas pateikia suinteresuotoms šalims ir jas saugančiosioms valstybėms. Ataskaitų kopijas jis siunčia Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generaliniam direktoriui, kuris gali pasinaudoti tik techniniu jų turiniu.

6. Jeigu šalies nesaugo jokia valstybė, saugančiosios institucijos funkcijas, nurodytas Konvencijos 21 ir 22 straipsniuose, atlieka Generalinis komisaras.

7 straipsnis. Inspektoriai ir ekspertai

1. Jeigu kultūros vertybių Generalinis komisaras mano esant būtina, suinteresuotų atstovų prašymu arba su jais pasitaręs, jis šaliai, į kurią jis yra oficialiai paskirtas, patvirtinti teikia kultūros vertybių inspektoriaus tam tikrai užduočiai atlikti kandidatūrą. Inspektorius atsiskaito tik Generaliniam komisarui.

2. Generalinis inspektorius, atstovai ir inspektoriai gali naudotis ekspertų paslaugomis. Ekspertų kandidatūros taip pat teikiamos pirmoje dalyje minėtai šaliai patvirtinti.

8 straipsnis. Kontrolės ribojimas

Kultūros vertybių Generalinis komisaras, saugančiųjų valstybių atstovai, inspektoriai ir ekspertai jokiais atvejais neviršija savo įgaliojimų. Jie turi ypatingai atsižvelgti į aukštosios susitariančios šalies, į kurią jie yra oficialiai paskirti, saugumo garantijas ir, atlikdami visas užduotis, vadovautis aukštosios susitariančios šalies nustatytais karinės situacijos sąlygojamais reikalavimais.

9 straipsnis. Saugančiųjų valstybių funkcijų perdavimas

Jeigu konflikto šaliai saugančiosios valstybės veikla yra nenaudinga arba tampa nebenaudinga, neutrali valstybė gali būti paprašyta perimti jos funkcijas, susijusias su kultūros vertybių Generalinio komisaro skyrimu 4 straipsnyje nustatyta tvarka. Jei reikia, taip paskirtas Generalinis komisaras įgalioja inspektorius vykdyti šiose taisyklėse nustatytas saugančiųjų institucijų funkcijas.

10 straipsnis. Išlaidos

Kultūros vertybių Generalinio komisaro, inspektorių ir ekspertų darbo užmokesčio ir kitas išlaidas dengia šalis, į kurią jie yra oficialiai paskirti. Saugančiųjų valstybių atstovų darbo užmokesčių ir kitos išlaidos dengiamos tų saugančiųjų valstybių ir valstybių, kurių interesus jos gina, susitarimu.

II SKYRIUS. SPECIALIOJI APSAUGA

11 straipsnis. Laikinos slėptuvės

1. Jeigu ginkluoto konflikto metu dėl nenumatytų priežasčių aukštoji susitarianti šalis yra priversta įrengti laikiną slėptuvę ir nori, kad tai slėptuvei būtų skirta specialioji apsauga, apie tai ji kreipiasi į oficialiai į tą šalį paskirtą Generalinį komisarą.

2. Jeigu Generalinis komisaras, atsižvelgdamas į susidariusias aplinkybes ir laikinoje slėptuvėje saugomų kultūros vertybių svarbą, nusprendžia, kad tokia apsauga yra būtina, jis gali aukštajai susitariančiai šaliai duoti leidimą slėptuvę pažymėti Konvencijos 16 straipsnyje nustatyto skiriamuoju simboliu. Apie šį sprendimą jis nedelsdamas praneša suinteresuotų saugančiųjų valstybių atstovams. Bet kuris iš šių atstovų per 30 dienų gali pareikalauti šį sprendimą nedelsiant atšaukti.

3. Atstovams sutikus su tokiu sprendimu arba jeigu per 30 dienų nė vienas delegatas nepareikalavo jį atšaukti ir jeigu, Generalinio komisaro nuomone, slėptuvė tenkina Konvencijos 8

straipsnyje nustatytas sąlygas, Generalinis komisaras kreipiasi į Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinį direktorių, prašydamas tą slėptuvę įrašyti į Specialiai saugomų kultūros vertybių registrą.

12 straipsnis. Tarptautinis specialiai saugomų kultūros vertybių registras

1. Parengiamas Tarptautinis specialiai saugomų kultūros vertybių registras.
2. Registrą tvarko Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinis direktorius. Registro nuorašus jis pateikia Jungtinių Tautų Generaliniam sekretoriui ir aukštosioms susitariančioms šalims.
3. Registras dalijamas į skyrius, kurių kiekvienas yra skirtas vienai aukštajai susitariančiai šaliai. Kiekvienas skyrius sudarytas iš trijų dalių su tokiais pavadinimais: „Slėptuvės“, „Paminklų sancaupos centrai“ ir „Kitos nekilnojamosios kultūros vertybės“. Šių dalių turinį nustato Generalinis direktorius.

13 straipsnis. Registracijos paraiškios

1. Aukštoji susitarianti šalis Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generaliniam direktoriui gali pateikti paraišką įtraukti į Registrą tam tikras jos teritorijoje esančias slėptuves, paminklų sancaupos centrus arba kitas nekilnojamasias kultūros vertybes. Paraiškoje turi būti aprašyta kultūros vertybės vieta ir patvirtinta, kad ta kultūros vertybė atitinka Konvencijos 8 straipsnio nuostatas.
2. Okupacijos atveju teisę pateikti tokias paraiškas turi okupavusioji valstybė.
3. Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinis direktorius tokių paraiškų nuorašus nedelsdamas išsiunčia visoms aukštosioms susitariančioms šalims.

14 straipsnis. Protestai

1. Aukštoji susitarianti šalis Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generaliniam direktoriui adresuotu laišku gali pareikšti protestuojanti prieš tam tikrų kultūros vertybių įregistravimą. Tą laišką jis turi gauti ne vėliau kaip po keturių mėnesių nuo registracijos paraiškos nuorašų išsiuntimo datos.
2. Tokiame laiške nurodomas protesto pagrindas. Galiojančiomis laikomos tik tokios priežastys:
 - a) vertybės, kurias prašoma įregistruoti, nėra kultūros vertybės;
 - b) vertybės netenkina Konvencijos 8 straipsnyje nurodytų sąlygų.
3. Generalinis direktorius protesto laiško nuorašus nedelsdamas išsiunčia visoms aukštosioms susitariančioms šalims. Prireikus jis kreipiasi patarimo į Tarptautinį paminklų, meninių ir istorinių vietovių bei archeologinių kasinėjimų reikalų komitetą ir, jeigu jis mano esant reikalinga, į kitas kompetentingas organizacijas ir asmenis.
4. Generalinis direktorius arba aukštoji susitarianti šalis visais jo manymu reikalingais atvejais gali kreiptis į protestą pareiškusias aukštąsias susitariančias šalis, norėdamas jas įtikinti atšaukti protestą.
5. Jeigu taikos metu pateikusi registracijos paraišką aukštoji susitarianti šalis įsitraukia į ginkluotą konfliktą paraiškoje išvardytų kultūros vertybių dar nespėjus įtraukti į Registrą, Generalinis direktorius tas kultūros vertybes, neatsižvelgiant į pareikštus ar dar nepareikštus pritarimus, protestus ir protestų atšaukimus, nedelsdamas laikinai įtraukia į Registrą.
6. Jeigu per šešis mėnesius po protesto laiško gavimo datos Generalinis direktorius iš protestą pareiškusios aukštosios susitariančios šalies negauna pranešimo, kad tas protestas yra atšaukiamas, registracijos paraišką pateikusi aukštoji susitarianti šalis gali pareikalauti ginčą nagrinėti arbitražo tvarka, kaip nurodyta šio straipsnio septintoje dalyje.
7. Paraiška nagrinėti ginčą arbitražo tvarka pateikiama praėjus ne daugiau kaip vieneriems metams nuo dienos, kai Generalinis direktorius gavo protesto laišką. Abi ginčo šalys paskiria po

vieną arbitrą. Jeigu prieš registraciją pareiškė protestą daugiau nei viena aukštoji susitarianti šalis, jos visuotiniu sutikimu paskiria vieną arbitrą. Iš šių taisyklių 1 straipsnyje nurodyto tarptautinio sąrašo šiedu arbitrai pasirenka asmenį, kuriam bus pavesta atlikti vyriausiojo arbitro funkcijas. Jeigu arbitrai nesutaria dėl vyriausiojo arbitro kandidatūros, jie prašo, kad vyriausiąjį arbitrą – nebūtinai iš tarptautinio sąrašo – paskirtų Tarptautinio Teisingumo Teismo pirmininkas. Taip sudarytas arbitražo teismas pats nustato savo teismo proceso tvarką. Šio teismo sprendimai yra neapskundžiami.

8. Aukštoji susitarianti šalis, įsitraukusi į ginčą, gali pareikšti nepageidaujanti nagrinėti ginčo 7 dalyje nustatyta arbitražo tvarka. Tokiais atvejais Generalinis direktorius tos aukštosios susitariančios šalies prieš registraciją pareikštą protestą perduoda visoms aukštosioms susitariančioms šalims. Protestas bus patvirtintas tik tada, jeigu jam pritaris du trečdaliai balsavime dalyvaujančių aukštųjų susitariančių šalių. Balsavimas vyksta paštu, išskyrus tuos atvejus, kai Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinis direktorius, pasinaudodamas Konvencijos 27 straipsniu jam suteiktomis teisėmis, nusprendžia, kad būtina sušaukti susirinkimą. Jeigu Generalinis direktorius nusprendžia, kad bus balsuojama paštu, jis aukštosioms susitariančioms šalims nurodo per šešis mėnesius nuo to nurodymo datos jam atsiųsti savo balsus užkljuotame voke.

15 straipsnis. Registracija

1. Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinio direktoriaus nurodymu į Registrą įrašomos ir tam tikru serijos numeriu pažymimos visos kultūros vertybės, kurių registracijai buvo pateiktos paraiškos, jeigu per 14 straipsnio pirmoje dalyje nurodytą laikotarpį prieš tų vertybių registraciją nepareiškiamas protestas.

2. Jeigu pareiškiamas protestas, Generalinis direktorius, nepažeisdamas 14 straipsnio penktos dalies nuostatos, aptariamą kultūros vertybes į Registrą įtraukia tik tą protestą atšaukus arba to protesto nepatvirtinus 14 straipsnio septintoje arba aštuntoje dalyje nustatyta tvarka.

3. 11 straipsnio 3 dalyje nurodytais atvejais Generalinis direktorius vertybes į Registrą įtraukia Kultūros vertybių Generaliniam komisarui paprašius.

4. Generalinis direktorius visų naujų įrašų Registre patvirtintus nuorašus nedelsdamas išsiunčia Jungtinių Tautų Generaliniam Sekretoriui, aukštosioms susitariančioms šalims, o registracijos paraišką pateikusiai šaliai paprašius, ir visoms kitoms valstybėms, išvardytoms Konvencijos 30 ir 32 straipsniuose. Įrašai įsigalioja praėjus trisdešimčiai dienų po tų nuorašų išsiuntimo.

16 straipsnis. Išbraukimas iš Registro

1. Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinis direktorius nurodo išbraukti vertybes iš Registro:

- a) paprašius aukštajai susitariančiai šaliai, kurios teritorijoje yra tos vertybės;
- b) jeigu įregistruoti tas vertybes paprašiusi aukštoji susitarianti šalis denonsavo Konvenciją, kai denonsavimas įsigalioja;
- c) 14 straipsnio penktoje dalyje numatytu atveju, kai protestas patvirtinamas 14 straipsnio septintoje arba aštuntoje dalyje nustatyta tvarka.

2. Generalinis direktorius patvirtintus išbraukimo iš Registro dokumento nuorašus nedelsdamas išsiunčia Jungtinių Tautų Generaliniam Sekretoriui ir visoms valstybėms, kurios yra gavusios to įrašo Registre nuorašą. Išbraukimas įsigalioja praėjus trisdešimčiai dienų po minėtų nuorašų išsiuntimo datos.

III SKYRIUS. KULTŪROS VERTYBIŲ GABENIMAS

17 straipsnis. Neliečiamumo statuso suteikimo tvarka

1. Kultūros vertybių Generaliniam komisarui pateikiama Konvencijos 12 straipsnio pirmoje dalyje nurodytas prašymas. Prašyme nurodomos prašymo priežastys, planuojamų gabenti vertybių svarba ir skaičius, dabartinė jų saugojimo vieta, numatomas gabenimo tikslas, transporto priemonės, kelionės maršrutas, siūloma gabenimo data ir kita reikalinga informacija.

2. Jeigu Generalinis komisaras savo nuožiūra nusprendžia, kad kultūros vertybių gabenimo prašymas yra pagrįstas, dėl gabenimo būdo pasitaręs su suinteresuotais saugančiųjų valstybių atstovais, jis apie gabenimą praneša suinteresuotoms konflikto šalims, kartu pateikdamas visą naudingą informaciją.

3. Generalinis komisaras paskiria vieną arba daugiau inspektorių tikrinti, kad patvirtintais būdais būtų gabenamos tik paraiškoje nurodytos vertybės, pažymėtos skiriamuoju simboliu. Inspektorius arba inspektoriai lydi vertybes iki pat gabenimo maršruto pabaigos.

18 straipsnis. Gabenimas į užsienį

Jeigu specialiai saugomos vertybės gabenamos į kitos valstybės teritoriją, gabenimą reglamentuoja ne tik Konvencijos 12 straipsnis ir šių taisyklių 17 straipsnis, bet ir toliau išvardytos nuostatos:

a) kol kultūros vertybės yra kitos valstybės teritorijoje, ta valstybė yra tų vertybių saugotoja ir rūpinasi jomis taip, kaip tokiomis pat svarbiomis savo kultūros vertybėmis;

b) valstybė saugotoja vertybes grąžina tik kofliktui pasibaigus; vertybės turi būti grąžintos per šešis mėnesius nuo prašymo jas grąžinti datos;

c) gabenamos ir kitos valstybės teritorijoje esančios kultūros vertybės negali būti konfiskuotos arba valstybės savininkės arba valstybės saugotojos sunaikintos. Tačiau valstybė saugotoja, gavusi valstybės savininkės sutikimą, šiame straipsnyje nustatyta tvarka gali vertybes pergabenti į trečiosios valstybės teritoriją, jeigu tai yra būtina vertybėms apsaugoti;

d) specialiosios apsaugos prašyme nurodoma, kad valstybė, į kurios teritoriją bus gabenamos vertybės, sutinka laikytis šio straipsnio nuostatų.

19 straipsnis. Okupuotos teritorijos

Kitos aukštosios susitariančios šalies teritoriją okupavusi aukštoji susitarianti šalis, perkėlus kultūros vertybes į kitoje tos teritorijos vietoje esančią slėptuvę, negalėdama laikytis taisyklių 17 straipsnyje nustatytos tvarkos, nelaikoma pasisavinusia tas kultūros vertybes Konvencijos 4 straipsnyje apibrėžta prasme, jeigu Generalinis komisaras, pasitaręs su to turto saugotojais, patvirtina, kad dėl susidariusių aplinkybių vertybes perkelti buvo būtina.

IV SKYRIUS. SKIRIAMASIS SIMBOLIS

20 straipsnis. Žymėjimas skiriamuoju simboliu

1. Dėl skiriamojo simbolio vietos ir matomumo sprendžia aukštosios susitariančios šalies kompetentingos valdžios institucijos. Simboliu gali būti pažymėtos vėliavėlės arba ant rankovių užrišami raiščiai, simbolis gali būti nupieštas ant objekto arba parodytas kitokiu būdu.

2. Ginkluoto konflikto metu ir Konvencijos 12 ir 13 straipsniuose nurodytais atvejais simboliu pažymimos transporto priemonės, kad dienos šviesoje jis aiškiai matytųsi ir iš oro, ir nuo žemės. Šie žymėjimo reikalavimai yra minimalūs.

Nuo žemės turi matytis:

a) specialiai saugomų paminklų sankaupos centrų ribos, aiškiai pažymėtos pakankamai nedideliais atstumais išdėstytais simboliais;

b) simboliais pažymėti įėjimai į kitas specialiai saugomas nekilnojamąsias kultūros vertybes.

21 straipsnis. Asmens pažymėjimai

1. Konvencijos 17 straipsnio 2 dalies (b) ir (c) punktuose nurodyti asmenys ant rankovių gali ryšėti raiščius su skiriamuoju simboliu, kuriuos išduoda ir pažymi kompetentingos valdžios institucijos.

2. Šie asmenys privalo turėti specialų asmens pažymėjimą su skiriamuoju simboliu. Pažymėjime nurodoma bent savininko vardas ir pavardė, gimimo data, titulas arba laipsnis ir pareigos. Ant pažymėjimo turi būti savininko nuotrauka bei parašas ir (arba) pirštų atspaudai. Pažymėjimas turi būti antspauduotas kompetentingos institucijos reljefiniu spaudu.

3. Remdamosi prie šių taisyklių pridedamu pavyzdžiu, aukštosios susitariančios šalys pačios nustato tokio pažymėjimo formą. Patvirtinto pažymėjimo pavyzdžius jos pateikia kitoms aukštosioms susitariančioms šalims. Jeigu įmanoma, pažymėjimas išduodamas dviem egzemplioriais, vieną egzempliorių paliekant saugoti pažymėjimą išdavusiai institucijai.

4. Iš šių asmenų be teisėto pagrindo negali būti atimti pažymėjimai ir teisė ryšėti raištį.

Priekinė pusė

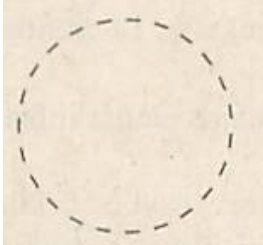
[Skiriamasis simbolis]	[Skiriamasis simbolis]
Asmens, atsakingo už kultūros vertybių apsaugą, PAŽYMĖJIMAS	
Pavardė
Vardas (-ai)
Gimimo data
Titulas arba laipsnis
Pareigos
Šio pažymėjimo turėtojui taikomos Kultūros vertybių apsaugos ginkluoto konflikto atveju konvencijos, priimtose 1954 m. gegužės 14 d. Hagoje, nuostatos	
Išdavimo data	Pažymėjimo numeris
.....

Užpakalinė pusė

Pažymėjimo
turėtojo
nuotrauka

Pažymėjimo turėtojo parašas
ir (arba) pirštų atspaudai

Valdžios institucijos,
išdavusios pažymėjimą,
reljefinis atspaudas



Ūgis	Akių spalva	Plaukų spalva
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Kiti skiriamieji bruožai

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PROTOKOLAS

Aukštosios susitariančios šalys sutaria:

I

1. Visos aukštosios susitariančios šalys įsipareigoja iš kitos šalies teritorijos, kurią ji okupavo ginkluoto konflikto metu, neleisti išvežti kultūros vertybių, apibrėžtų 1954 m. gegužės 14 dieną Hagoje pasirašytos Kultūros vertybių apsaugos ginkluoto konflikto atveju konvencijos 1 straipsnyje.

2. Visos aukštosios susitariančios šalys įsipareigoja saugoti iš okupuotų teritorijų į jos teritoriją tiesiogiai arba netiesiogiai įvežtas kultūros vertybes. Įvežus vertybes, ši nuostata įsigalioja automatiškai, o jeigu taip neatsitinka, ji pradama taikyti okupuotos teritorijos valdžios institucijoms paprašius.

3. Visos aukštosios susitariančios šalys, pasibaigus karo veiksams, įsipareigoja teisėtam savininkui grąžinti visas jų teritorijoje esančias anksčiau okupuotos teritorijos kompetentingiems valdžios organams priklausančias kultūros vertybes, kurios buvo išvežtos nesilaikant pirmoje dalyje nurodyto principo. Draudžiama kultūros vertybes pasilikti kaip karo reparacijas.

4. Aukštoji susitarianti šalis, kuri privalėjo neleisti iš okupuotos teritorijos išvežti kultūros vertybių, asmenims, sąžiningai įsigijusiems kultūros vertybes, kurias reikia grąžinti pagal 3 dalies reikalavimą, išmoka kompensacijas.

II

5. Iš vienos aukštosios susitariančios šalies teritorijos įvežtas kultūros vertybes, perkeltas į kitos aukštosios susitariančios šalies teritoriją norint jas apsaugoti nuo ginkluoto konflikto keliamų pavojų, pasibaigus karo veiksams pastaroji šalis grąžina teritorijos, iš kurios tos vertybės buvo įvežtos, kompetentingiems valdžios organams.

III

6. Šis Protokolas pažymimas 1954 m. gegužės 14 dienos data. Iki 1954 m. gruodžio 31 d. jį gali pasirašyti visos valstybės, pakviestos į Hagos konferenciją, vykusią nuo 1954 m. balandžio 21 dienos iki 1954 m. gegužės 14 dienos.

7. (a) Pasirašiusiosios valstybės šį Protokolą ratifikuoja jų konstitucijose nustatyta tvarka.

(b) Ratifikavimo dokumentai pateikiami Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generaliniam direktoriui.

8. Protokolui įsigaliojus, prie jo gali prisijungti visos 6 dalyje nurodytos jo dar nepasirašiusios valstybės ir kitos Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos administracinės valdybos pakviestos prisijungti valstybės. Prisijungimas įsigalioja pateikus prisijungimo dokumentus Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generaliniam direktoriui.

9. 6 ir 8 dalyse nurodytos valstybės, pasirašydamos, ratifikuodamos arba akceptuodamos šį Protokolą, gali pareikšti, kad jos neįsipareigoja laikytis šio Protokolo I arba II skirsnio nuostatų.

10. (a) Šis Protokolas įsigalioja praėjus trims mėnesiams po to, kai penkios valstybės pateikia Protokolo ratifikavimo dokumentus.

(b) Po to Protokolą ratifikavusiai arba prie jo prisijungusiai aukštajai susitariančiai šaliai Protokolas ima galioti praėjus trims mėnesiams po ratifikavimo arba prisijungimo dokumentų pateikimo.

(c) Kultūros vertybių apsaugos ginkluoto konflikto atveju konvencijos, pasirašytos Hagoje 1954 m. gegužės 14 dieną, 18 ir 19 straipsniuose numatytais atvejais, prieš prasidedant arba jau prasidėjus konfliktui arba okupacijai, konflikto šalių pateikti Protokolo ratifikavimo arba prisijungimo prie Protokolo dokumentai įsigalioja iš karto. Tokiais atvejais Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinis direktorius 14 dalyje numatytus pranešimus perduoda pačiu skubiausiu būdu.

11. (a) Kiekviena valstybė Protokolo narė nuo Protokolo įsigaliojimo dienos imasi visų priemonių, reikalingų, kad per šešis mėnesius po jo įsigaliojimo dienos būtų pradėta ši Protokolą veiksmingai taikyti.

(b) Valstybėms, kurios ratifikavimo arba prisijungimo dokumentus pateikia Protokolui jau įsigaliojus, minėtas laikotarpis yra šeši mėnesiai po ratifikavimo arba prisijungimo dokumentų pateikimo.

12. Aukštoji susitarianti šalis, ratifikuodama Protokolą, prie jo prisijungdama arba vėliau, gali Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generaliniam direktoriui adresuotu pranešimu pareikšti, kad šis Protokolas bus taikomas visose teritorijose, už kurių tarptautinius santykius ta šalis yra atsakinga. Minėtas pranešimas įsigalioja praėjus trimis mėnesiams po jo gavimo datos.

13. (a) Aukštoji susitarianti šalis gali savo vardu arba kitos teritorijos, už kurios tarptautinius santykius ji yra atsakinga, vardu denonsuoti šį Protokolą.

(b) Protokolo denonsavimo dokumentą ji pateikia Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generaliniam direktoriui.

(c) Protokolo denonsavimas įsigalioja praėjus vieneriems metams po denonsavimo dokumento pateikimo datos. Tačiau jeigu šiam laikotarpiui besibaigiant Protokolą denonsavusi šalis dalyvauja ginkluotame konflikte, Protokolas lieka galioti, kol bus baigti karo veiksmai ir kol bus gražintos visos kultūros vertybės.

14. Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinis direktorius 6 ir 8 dalyse nurodytoms valstybėms ir Jungtinėms Tautoms praneša apie jam pateiktus šio Protokolo ratifikavimo, prisijungimo arba akcepto dokumentus, nurodytus 7, 8 ir 15 dalyse, bei apie pranešimus ir denonsavimo dokumentus, nurodytus 12 ir 13 dalyse.

15. (a) Šis Protokolas gali būti peržiūrimas, jeigu to reikalauja daugiau nei trečdalis aukštųjų susitariančių šalių.

(b) Protokolui peržiūrėti Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinis direktorius sušaukia konferenciją.

(c) Konferencijos priimti šio Protokolo pakeitimai ir papildymai įsigalioja tik tada, kai juos vienbalsiai priima konferencijoje dalyvavusios aukštosios susitariančios šalys ir kai joms pritaria visos aukštosios susitariančios šalys.

(d) Aukštosios susitariančios šalies pritarimas šio Protokolo pakeitimams ir papildymams, priimtiems (b) ir (c) punktuose nurodytoje konferencijoje, įsigalioja Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generaliniam direktoriui pateikus oficialų pritarimo dokumentą.

(e) Įsigaliojus šio Protokolo pakeitimams ir papildymams, galima ratifikuoti arba prisijungti tik prie naujosios atitinkamai pakeistos ir papildytos Protokolo redakcijos.

Pagal Jungtinių Tautų Chartijos 102 straipsnį Jungtinių Tautų Švietimo, mokslo ir kultūros organizacijos Generalinio direktoriaus prašymu šis Protokolas registruojamas Jungtinių Tautų Sekretariate.

Tai patvirtindami, šį Protokolą pasirašo reikiamus įgaliojimus turintys asmenys.

Priimtas 1954 m. gegužės keturioliktą dieną Hagoje. Vieninteliame Protokolo egzemplioriuje anglų, prancūzų, rusų ir vokiečių kalbomis pateikiamas Protokolo tekstas turi vienodą teisinę galią. Vienintelis Protokolo egzempliorius atiduodamas saugoti Jungtinių Tautų

Švietimo, mokslo ir kultūros organizacijos archyvui. Patvirtinti tikri jo nuorašai perduodami 30 ir 32 straipsniuose nurodytoms valstybėms ir Jungtinėms Tautoms.

1954 METŲ HAGOS KONVENCIJOS DĖL KULTŪROS VERTYBIŲ APSAUGOS GINKLUOTO KONFLIKTO METU ANTRASIS PROTOKOLAS

Haga, 1999 m. kovo 26 d.

Šalys,

suvokdamos būtinybę pagerinti kultūros vertybių apsaugą ginkluoto konflikto atveju ir sukurti sustiprintą apsaugos sistemą specialiai pažymėtoms kultūros vertybėms apsaugoti;

dar kartą patvirtindamos Konvencijos dėl kultūros vertybių apsaugos ginkluoto konflikto metu, sudarytos Hagoje 1954 m. gegužės 14 d., nuostatų svarbą ir pabrėždamos būtinybę papildyti tas nuostatas priemonėmis, sustiprinančiomis jų įgyvendinimą;

norėdamos suteikti Konvencijos Aukštosioms Susitariančiosioms Šalims būdus daugiau dalyvauti saugant kultūros vertybes ginkluoto konflikto atveju, tam sukuriant atitinkamas procedūras;

manydamos, kad taisyklės, reglamentuojančios kultūros vertybių apsaugą ginkluoto konflikto atveju, turi atspindėti pokyčius tarptautinėje teisėje;

patvirtindamos, kad klausimai, kurių nereglamentuoja šio Protokolo nuostatos, ir toliau bus sprendžiami pagal tarptautinės paprotinės teisės normas,

susitarė:

1 skyrius. Įžanga

1 straipsnis. Apibrėžimai

Šiame Protokole:

- a) „Šalis“ – tai Valstybė, šio Protokolo Šalis;
- b) „kultūros vertybė“ – tai kultūros vertybė, kaip nurodyta Konvencijos 1 straipsnyje;
- c) „Konvencija“ – tai Konvencija dėl kultūros vertybių apsaugos ginkluoto konflikto metu, sudaryta Hagoje 1954 m. gegužės 14 d.;
- d) „Aukštoji Susitariančioji Šalis“ – tai Valstybė, šios Konvencijos Šalis;
- e) „sustiprinta apsauga“ – tai sustiprintos apsaugos sistema, nustatyta 10 ir 11 straipsniais;
- f) „karinis objektas“ – tai objektas, kuris dėl savo pobūdžio, vietos, paskirties ar panaudojimo veiksmingai prisideda prie karinių veiksmų ir kurio dalinis ar visiškas sunaikinimas, užėmimas ar neutralizavimas tuo metu vyraujančiomis aplinkybėmis suteikia aiškų karinį pranašumą;
- g) „neteisėtas“ – tai prievartinis arba kitaip pažeidžiantis okupuotos teritorijos vidaus teisės galiojančias nuostatas arba tarptautinę teisę;
- h) „Sąrašas“ – tai Kultūros vertybių, kurioms taikoma sustiprinta apsauga, tarptautinis sąrašas, sudarytas pagal 27 straipsnio 1 dalies b punktą;
- i) „generalinis direktorius“ – tai UNESCO generalinis direktorius;
- j) „UNESCO“ – tai Jungtinių Tautų švietimo, mokslo ir kultūros organizacija;
- k) „Pirmasis protokolas“ – tai Protokolas dėl kultūros vertybių apsaugos ginkluoto konflikto metu, sudarytas Hagoje 1954 m. gegužės 14 d.

2 straipsnis. Ryšys su Konvencija

Šalių tarpusavio santykiuose šis Protokolas papildo Konvenciją.

3 straipsnis. Taikymo sritis

1. Be nuostatų, kurios taikomos taikos metu, šis Protokolas taikomas ir atvejams, nurodytiems Konvencijos 18 straipsnio 1 ir 2 dalyse bei šio Protokolo 22 straipsnio 1 dalyje.

2. Jei viena iš ginkluoto konflikto šalių nėra saistoma šio Protokolo, šio Protokolo Šalys tarpusavio santykiuose lieka jo saistomos. Be to, šis Protokolas jas saisto Valstybės, konflikto šalies, kuri nėra Protokolo saistoma, atžvilgiu, jei pastaroji priima šio Protokolo nuostatas ir tol, kol ji jas taiko.

4 straipsnis. Ryšys tarp 3 skyriaus ir kitų Konvencijos bei šio Protokolo nuostatų

Šio Protokolo 3 skyriaus nuostatų taikymas nepažeidžia:

- a) Konvencijos I skyriaus ir šio Protokolo 2 skyriaus nuostatų taikymo;
- b) Konvencijos II skyriaus nuostatų taikymo, išskyrus tai, kad santykiuose tarp šio Protokolo Šalių, taip pat tarp vienos iš Šalių ir Valstybės, kuri priima ir taiko šį Protokolą pagal 3 straipsnio 2 dalį, tais atvejais, kai kultūros vertybėms suteikiama ir specialioji apsauga, ir sustiprinta apsauga, taikomos tikta sustiprintos apsaugos nuostatos.

2 skyrius. Bendrosios apsaugos nuostatos

5 straipsnis. Kultūros vertybių saugumo užtikrinimas

Parengiamosios priemonės, kurių imamasi pagal Konvencijos 3 straipsnį kultūros vertybėms taikos metu apsaugoti nuo numatomų ginkluoto konflikto padarinių, atitinkamai apima aprašų rengimą, priemonių pavojaus atveju, skirtų apsaugai nuo gaisro ar pastatų sugriuvimo, planavimą, kilnojamųjų kultūros vertybių parengimą išvežimui arba deramą tokių vertybių apsaugą vietoje, taip pat kompetentingų valdžios organų, atsakingų už kultūros vertybių saugojimą, paskyrimą.

6 straipsnis. Pagarba kultūros vertybėms

Siekiant užtikrinti pagarbą kultūros vertybėms pagal Konvencijos 4 straipsnį:

- a. atsisakyti laikytis įsipareigojimo nenukreipti karo veiksmų prieš kultūros vertybę, pasinaudojant Konvencijos 4 straipsnio 2 dalyje numatyta neišvengiamos karinės būtinybės sąlyga, galima tik tada, kai (ir tik tol, kol):
 - i. ta kultūros vertybė dėl savo panaudojimo yra paversta kariniu objektu, ir
 - ii. nėra įmanomo alternatyvaus būdo pasiekti tokį karinį pranašumą, kokį galima pasiekti karo veiksmus nukreipus prieš tą objektą;
- b. atsisakyti įsipareigojimo nenaudoti kultūros vertybės tokiems tikslams, kurie gali kelti jai pavojų, kad ji bus sunaikinta ar apgadinta, pasinaudojant Konvencijos 4 straipsnio 2 dalyje numatyta neišvengiamos karinės būtinybės sąlyga, galima tik tada, kai (ir tik tol, kol) nėra pasirinkimo galimybės tarp tokio kultūros vertybės panaudojimo ir įmanomo alternatyvaus būdo panašiam kariniam pranašumui pasiekti;
- c. sprendimą pasinaudoti neišvengiamos karinės būtinybės sąlyga priima tik karininkas, vadovaujantis bataliono dydžio ar didesniai kariniam vienetui, arba, jei to neleidžia aplinkybės, mažesniai kariniam vienetui;
- d. jei leidžia aplinkybės, puolimo, grindžiamo pagal a punktą priimtu sprendimu, atveju perduodamas veiksmingas išankstinis įspėjimas.

7 straipsnis. Atsargos priemonės puolimo atveju

Nepažeidžiant kitų atsargos priemonių, kurių reikalauja tarptautinė humanitarinė teisė vykdant karines operacijas, kiekviena Konflikto šalis:

- a. daro viską, kas įmanoma, kad įsitikintų, jog objektai, kuriuos ketinama pulti, nėra kultūros vertybės, saugomos pagal Konvencijos 4 straipsnį;

b. imasi visų įmanomų atsargos priemonių pasirinkdama puolimo priemones ir metodus, kad išvengtų ir, bet kokių atveju, sumažintų atsitiktinę žalą kultūros vertybėms, saugomoms pagal Konvencijos 4 straipsnį;

c. susilaiko nuo sprendimo pradėti bet kokį puolimą, kuris gali padaryti atsitiktinės žalos kultūros vertybėms, saugomoms pagal Konvencijos 4 straipsnį, ir ta žala būtų pernelyg didelė, lyginant su konkrečiu ir tiesioginiu kariniu pranašumu, kurio tikimasi; bei

d. atšaukia arba sustabdo puolimą, jei paaiškėja, kad:

i. puolamas objektas yra kultūros vertybė, saugoma pagal Konvencijos 4 straipsnį;

ii. puolimas gali padaryti atsitiktinės žalos kultūros vertybėms, saugomoms pagal Konvencijos 4 straipsnį, ir ta žala būtų pernelyg didelė, lyginant su konkrečiu ir tiesioginiu kariniu pranašumu, kurio tikimasi.

8 straipsnis. Atsargos priemonės nuo karo veiksmų pasekmių

Konflikto Šalys, kiek tik įmanoma:

a. išgabena kilnojamasias kultūros vertybes iš karinių objektų kaimynystės arba pasirūpina tinkama jų apsauga jų buvimo vietoje;

b. stengiasi nesirinkti karinių objektų, kurie yra arti kultūros vertybių.

9 straipsnis. Kultūros vertybių apsauga okupuotoje teritorijoje

Nepažeidžiant Konvencijos 4 ir 5 straipsnių nuostatų, Šalis, okupavusi visą kitos Šalies teritoriją arba jos dalį, okupuotoje teritorijoje draudžia ir užkerta kelią:

a. bet kokiam neteisėtam kultūros vertybių eksportui, perkėlimui ar jų nuosavybės perdavimui;

b. bet kokiems archeologiniams kasinėjimams, išskyrus ten, kur to būtinai reikia siekiant apsaugoti, užregistruoti arba išsaugoti kultūros vertybę;

c. bet kokiam kultūros vertybės pakeitimui ar jos naudojimo pakeitimui, kuriuo siekiama paslėpti arba sunaikinti kultūrinius, istorinius ar mokslinius įrodymus.

Išskyrus atvejus, kai to neleidžia aplinkybės, bet kokie kultūros vertybės archeologiniai kasinėjimai, jos pakeitimai ar jos naudojimo pakeitimai okupuotoje teritorijoje atliekami glaudžiai bendradarbiaujant su okupuotos teritorijos kompetentingais nacionaliniais valdžios organais.

3 skyrius. Sustiprinta apsauga

10 straipsnis. Sustiprinta apsauga

Kultūros vertybei gali būti suteikta sustiprinta apsauga, jei ji atitinka šias tris sąlygas:

a. jei tai – kultūros vertybė, turinti didžiausios svarbos žmonijai;

b. jei ji yra saugoma atitinkamų valstybės vidaus teisinių ir administracinių priemonių, pripažįstant jos išskirtinę kultūrinę ir istorinę vertę bei užtikrinant aukščiausią apsaugos lygį;

c. jei ji nėra naudojama kariniais tikslais arba karinėms zonoms pridengti ir jei Šalis, kuri kontroliuoja šią kultūros vertybę, yra padariusi pareiškimą, patvirtinantį, jog ji nebus taip naudojama.

11 straipsnis. Sustiprintos apsaugos suteikimas

1. Kiekviena Šalis turėtų Komitetui įteikti kultūros vertybių, kurioms ji ketina prašyti suteikti sustiprintą apsaugą, sąrašą.

2. Šalis, kurios jurisdikcijoje ar kontrolėje yra kultūros vertybė, gali prašyti, kad ji būtų įtraukta į Sąrašą, kuris sudaromas pagal 27 straipsnio 1 dalies b punktą. Šiame prašyme turi būti nurodyta visa reikiama informacija, susijusi su 10 straipsnyje minimais kriterijais. Komitetas gali pakviesti Šalį pateikti prašymą, kad kultūros vertybė būtų įtraukta į Sąrašą.

3. Kitos Šalys, Tarptautinis mėlynojo skydo komitetas ir kitos nevyriausybinės organizacijos, turinčios reikiamos kompetencijos, gali Komitetui rekomenduoti konkrečias kultūros vertybes. Tokiais atvejais Komitetas gali nuspręsti pakviesti Šalį pateikti prašymą, kad kultūros vertybė būtų įtraukta į Sąrašą.

4. Nei prašymas įtraukti į Sąrašą kultūros vertybę, esančią teritorijoje, į kurios suverenitetą ar jurisdikciją pretenduoja daugiau nei viena Valstybė, nei tos kultūros vertybės įtraukimas į Sąrašą jokiais būdais nepažeidžia ginčo šalių teisių.

5. Gavęs prašymą kultūros vertybę įtraukti į Sąrašą, Komitetas apie prašymą informuoja visas Šalis. Per šešiasdešimt dienų Šalys gali pateikti Komitetui prieštaravimus dėl tokio prašymo. Šie prieštaravimai pateikiami tik 10 straipsnyje nurodytų kriterijų pagrindu. Jie turi būti konkretūs ir susieti su faktais. Komitetas apsversto prieštaravimus ir, prieš priimdamas sprendimą, suteikia įtraukimo į Sąrašą prašančiai Šaliai tinkamą galimybę pateikti atsakymą. Tais atvejais, kai Komitetui pateikiami tokie prieštaravimai, sprendimai dėl įtraukimo į Sąrašą, nepaisant 26 straipsnio nuostatų, priimami keturių penktadalių dalyvaujančių ir balsuojančių Komiteto narių balsų dauguma.

6. Priimdamas sprendimą dėl prašymo, Komitetas turėtų atsiklausti vyriausybinių ir nevyriausybinių organizacijų, taip pat atskirų ekspertų patarimo.

7. Sprendimas suteikti ar nesuteikti sustiprintą apsaugą gali būti priimtas tik 10 straipsnyje nurodytų kriterijų pagrindu.

8. Išskirtiniais atvejais, kai Komitetas nusprendžia, jog Šalis, prašanti įtraukti kultūros vertybę į Sąrašą, negali įvykdyti 10 straipsnio b punkto kriterijų, Komitetas gali nuspręsti suteikti sustiprintą apsaugą, jei prašančioji Šalis pateikia tarptautinės pagalbos prašymą pagal 32 straipsnį.

9. Prasidėjus karo veiksams, konflikto Šalis gali skubos tvarka prašyti jos jurisdikcijoje arba kontrolėje esančiai kultūros vertybei suteikti sustiprintą apsaugą, perduodama šį prašymą Komitetui. Komitetas nedelsdamas išsiunčia šį prašymą visoms konflikto Šalims. Tokiais atvejais Komitetas Šalių prieštaravimus svarsto paspartinta tvarka. Sprendimas suteikti laikinąją sustiprintą apsaugą priimamas kaip galima greičiau ir, nepaisant 16 straipsnio nuostatų, keturių penktadalių dalyvaujančių ir balsuojančių Komiteto narių balsų dauguma. Komitetas gali suteikti laikinąją sustiprintą apsaugą, kol bus baigta sustiprintos apsaugos suteikimo įprastinė procedūra, jei laikomasi 10 straipsnio a ir b punktų kriterijų.

10. Kultūros vertybei sustiprintą apsaugą Komitetas suteikia nuo jos įtraukimo į Sąrašą momento.

11. Generalinis direktorius nedelsdamas pasiunčia Jungtinių Tautų Generaliniam Sekretoriui ir visoms Šalims pranešimus apie bet koki Komiteto sprendimą dėl kultūros vertybės įtraukimo į Sąrašą.

12 straipsnis. Sustiprintą apsaugą turinčios kultūros vertybės neliečiamumas

Konflikto Šalys užtikrina sustiprintą apsaugą turinčios kultūros vertybės neliečiamumą, nesirinkdamos tos kultūros vertybės puolimo objektu ir nenaudodamos jos bei ją supančios aplinkos kaip paramos kariniams veiksams.

13 straipsnis. Sustiprintos apsaugos praradimas

1. Sustiprintą apsaugą turinti kultūros vertybė tokią apsaugą praranda, tik jei:

a) tokia apsauga laikinai nutraukiama arba panaikinama pagal 14 straipsnį; arba

b) vertybė dėl to, kaip ji naudojama, tampa kariniu objektu – tokiu atveju sustiprinta apsauga prarandama visam tokio naudojimo laikotarpiui.

2. 1 dalies b punkte nurodytomis aplinkybėmis tokia vertybė gali būti puolimo objektu, tik jei:

a) puolimas yra vienintelė įmanoma priemonė nutraukti 1 dalies b punkte nurodytą vertybės naudojimą;

b) imamasi visų įmanomų atsargos priemonių pasirenkant puolimo būdus ir priemones, siekiant nutraukti tokį naudojimą ir išvengti žalos kultūros vertybei arba bet kokių atvejų kiek galima ją sumažinti;

c) išskyrus atvejus, kai dėl neatidėliotinos savigynos sumetimų to neleidžia aplinkybės;

i. įsakymą puolimui duoda aukščiausias operacinės vadovybės lygmuo;

ii. priešininko pajėgoms perduodamas išankstinis veiksmingas įspėjimas, reikalaujantis nutraukti 1 dalies b punkte nurodytą naudojimą;

iii. priešininko pajėgoms duodamas atitinkamas terminas ištaisyti situaciją.

14 straipsnis. Sustiprintos apsaugos laikinas nutraukimas arba panaikinimas

1. Jei kultūros vertybė nebeatitinka kurio nors iš šio Protokolo 10 straipsnyje nurodytų kriterijų, Komitetas gali laikinai nebetaikyti jai sustiprintos apsaugos statuso arba panaikinti šį statusą, išbraukdamas tą kultūros vertybę iš Sąrašo.

2. Tais atvejais, kai rimtai pažeidžiamos 12 straipsnio nuostatos dėl sustiprintą apsaugą turinčių kultūros vertybių, kadangi tos vertybės naudojamos kaip parama karo veiksmams, Komitetas gali laikinai nebetaikyti sustiprintos apsaugos statuso. Jei tokie pažeidimai yra nuolatiniai, Komitetas gali išskirtiniu sprendimu panaikinti sustiprintos apsaugos statusą, išbraukdamas tą kultūros vertybę iš Sąrašo.

3. Generalinis direktorius nedelsdamas pasiunčia Jungtinių Tautų Generaliniam Sekretoriui ir visoms šio Protokolo Šalims pranešimus apie bet kokį Komiteto sprendimą laikinai nutraukti arba panaikinti kultūros vertybės sustiprintą apsaugą.

4. Prieš priimdamas tokį sprendimą, Komitetas suteikia Šalims galimybę pareikšti savo nuomonę.

4 skyrius. Baudžiamoji atsakomybė ir jurisdikcija

15 straipsnis. Šiurkštūs šio Protokolo pažeidimai

1. Laikoma, kad asmuo padarė pažeidimą pagal šį Protokolą, jei tas asmuo tyčia ir pažeisdamas Konvenciją ar šį Protokolą padaro kurį nors iš toliau nurodytų veiksmų:

a) pasirenka kultūros vertybę, kuriai taikoma sustiprinta apsauga, atakos objektu;

b) naudoja kultūros vertybę, kuriai taikoma sustiprinta apsauga, arba ją supančią aplinką kaip paramą karo veiksmams;

c) sunaikina arba pasisavina pagal Konvenciją arba šį Protokolą saugomą kultūros vertybę;

d) pasirenka pagal Konvenciją arba šį Protokolą saugomą kultūros vertybę atakos objektu;

e) pavagia, pagrobia ar pasisavina pagal Konvenciją saugomą kultūros vertybę arba padaro vandalizmo aktą, nuo kurio ta vertybė nukenčia.

2. Kiekviena Šalis imasi reikiamų priemonių, kad šiame straipsnyje nurodyti pažeidimai pagal Šalių vidaus įstatymus būtų laikomi baudžiamaisiais nusikaltimais ir kad už tokius nusikaltimus būtų baudžiama tinkamomis bausmėmis. Imdamosi tokių priemonių, Šalys laikosi bendrųjų teisės ir tarptautinės teisės principų, įskaitant nuostatas, pagal kurias asmeninė baudžiamoji atsakomybė gali būti taikoma ir kitiems asmenims nei tie, kurie tiesiogiai padarė veiką.

16 straipsnis. Jurisdikcija

1. Nepažeidžiant šio straipsnio 2 dalies, kiekviena Šalis imasi būtinų įstatyminių priemonių, kad toliau išvardytais atvejais nustatytų savo jurisdikciją 15 straipsnyje nurodytiems pažeidimams:

- a) kai toks pažeidimas padaromas tos Valstybės teritorijoje;
- b) kai įtariamas pažeidėjas yra tos Valstybės nacionalinis subjektas;
- c) pažeidimų, nurodytų 15 straipsnio a ir c punktuose, atvejais – kai įtariamas pažeidėjas yra jos teritorijoje.

2. Jurisdikcijos taikymo atžvilgiu, nepažeidžiant 28 Konvencijos straipsnio:

a) šis Protokolas netrukdo užtraukti asmeninę baudžiamąją atsakomybę ar taikyti jurisdikciją pagal atitinkamas nacionalinės ar tarptautinės teisės nuostatas arba įtakoti jurisdikcijos taikymą pagal įprastines tarptautinės teisės nuostatas;

b) išskyrus atvejus, kai Valstybė, kuri nėra šio Protokolo Šalis, priima ir taiko jo nuostatas pagal 3 straipsnio 2 dalį, ginkluotųjų pajėgų nariams ir Valstybės, kuri nėra šio Protokolo Šalis, nacionaliniams subjektams (išskyrus tuos nacionalinius subjektus, kurie tarnauja Valstybės, šio Protokolo Šalies, ginkluotosiose pajėgose) pagal šį Protokolą netaikoma asmeninė baudžiamoji atsakomybė, taip pat šis Protokolas neįpareigoja tokiems asmenims nustatyti jurisdikciją arba pritaikyti ekstradiciją.

17 straipsnis. Baudžiamasis persekiojimas

1. Jei Šalis, kurios teritorijoje nustatomas 15 straipsnio 1 dalies a ir c punktuose nurodytu pažeidimu įtariamas pažeidėjas, nevykdo to asmens ekstradicijos, ji nedarydama išimčių ir be reikalo nedelsdama perduoda to asmens bylą kompetentingoms institucijoms, kad būtų pradėtas baudžiamasis persekiojimas ir procesiniai veiksmai pagal tos Šalies vidaus įstatymus arba, jei taikytina, pagal atitinkamas tarptautinės teisės normas.

2. Nepažeidžiant atitinkamų tarptautinės teisės normų, jei jos taikytinos, kiekvienam asmeniui, kurio atžvilgiu vykdomi su Konvencija ar šiuo Protokolu susiję procesiniai veiksmai, garantuojamas nešališkas elgesys su juo ir nešališkas teismas pagal vidaus ir tarptautinę teisę visose procesinių veiksmų stadijose; jokiais atvejais tokiam asmeniui suteikiamos garantijos negali būti mažiau palankios nei tos garantijos, kurias suteikia tarptautinė teisė.

18 straipsnis. Ekstradicija

1. 15 straipsnio 1 dalies a ir c punktuose nurodyti pažeidimai laikomi pažeidimais, už kuriuos taikoma ekstradicija, įtrauktais į bet kokią Šalių ekstradicijos sutartį, sudarytą iki šio Protokolo įsigaliojimo. Šalys įsipareigoja įtraukti tokius pažeidimus į kiekvieną ekstradicijos sutartį, kurią jos gali sudaryti vėliau.

2. Jei Šalis, kuri taiko ekstradiciją tik tuo atveju, jei yra sudaryta atitinkama sutartis, gauna prašymą dėl ekstradicijos iš kitos Šalies, su kuria ji nėra sudariusi ekstradicijos sutarties, prašymą gaunanti Šalis savo nuožiūra gali laikyti šį Protokolą teisiniu pagrindu ekstradicijai dėl 15 straipsnio 1 dalies a ir c punktuose nurodytų pažeidimų.

3. Šalys, kurios nekelia sąlygos, kad tam, jog būtų taikoma ekstradicija, turi būti sudaryta atitinkama sutartis, 15 straipsnio 1 a ir c punktuose nurodytus pažeidimus tarpusavy pripažįsta pažeidimais, už kuriuos taikoma ekstradicija, laikantis prašymą gaunančios Šalies įstatymais nustatytų sąlygų.

4. Prireikus 15 straipsnio 1 dalies a ir c punktuose nurodyti pažeidimai ekstradicijos tikslais tarp Šalių traktuojami taip, lyg jie būtų buvę padaryti ne tik toje vietoje, kur jie buvo padaryti, bet taip pat ir Šalių, nustačiusių jurisdikciją pagal 16 straipsnio 1 dalį, teritorijoje.

19 straipsnis. Tarpusavio teisinė pagalba

1. Šalys viena kitai suteikia visokeriopą pagalbą atliekant tyrimą ar vykdant baudžiamąjį nagrinėjimą ar ekstradiciją dėl 15 straipsnyje nurodytų pažeidimų, įskaitant pagalbą gaunant Šalių turimus procesiniams veiksams būtinus įrodymus.

2. Šalys vykdo šio straipsnio 1 dalyje numatytus įsipareigojimus pagal visas tarpusavio teisinės pagalbos sutartis ar susitarimus, kuriuos jos yra sudariusios. Jei tokių sutarčių ar susitarimų jos nėra sudariusios, Šalys vienos kitoms pagalbą teikia laikydamosi savo vidaus įstatymų.

20 straipsnis. Atsisakymo pagrindas

1. Ekstradicijos tikslais pažeidimai, nurodyti 15 straipsnio 1 dalies a ir c punktuose, ir tarpusavio teisinės pagalbos tikslais pažeidimai, nurodyti 15 straipsnyje, nelaikomi politiniais nusikaltimais arba nusikaltimais, susijusiais su politiniais nusikaltimais, jie taip pat nelaikomi politinių motyvų inspiruotais nusikaltimais. Atitinkamai, tokiais nusikaltimais grindžiamas prašymas dėl ekstradicijos ar tarpusavio teisinės pagalbos negali būti atmestas vien dėl tos priežasties, kad jis susijęs su politiniu nusikaltimu ar nusikaltimu, susijusiu su politiniu nusikaltimu, ar politinių motyvų inspiruotu nusikaltimu.

2. Jokia šio Protokolo nuostata negali būti aiškinama kaip įpareigojanti taikyti ekstradiciją ar suteikti tarpusavio teisinę pagalbą, jei prašymą gaunanti Šalis turi pakankamą pagrindą manyti, kad prašymas dėl ekstradicijos už 15 straipsnio 1 dalies a ir c punktuose nurodytus nusikaltimus arba prašymas dėl tarpusavio teisinės pagalbos tiriant 15 straipsnyje nurodytus nusikaltimus yra pateiktas siekiant persekioti ar bausti asmenį dėl to asmens rasės, religijos, tautybės, etninės kilmės ar politinių įsitikinimų, arba jei ta Šalis mano, kad prašymo išpildymas dėl kurios nors iš šių priežasčių pakenktų to asmens padėčiai.

21 straipsnis. Priemonės dėl kitų pažeidimų

Nepažeidžiant Konvencijos 28 straipsnio, kiekviena Šalis priima tokias teises, administracines ar drausminančias priemones, kokių gali prireikti pažaboti šiuos sąmoningai daromus veiksmus:

- a. bet kokią Konvenciją ar šį Protokolą pažeidžiantį kultūros vertybių panaudojimą;
- b. bet kokią nelegalų kultūros vertybių eksportą, kitokį išgabenimą ar nuosavybės perkėlimą iš okupuotos teritorijos, pažeidžiant Konvenciją ar šį Protokolą.

5 skyrius. Kultūros vertybių apsauga netarptautinio pobūdžio ginkluotų konfliktų metu

22 straipsnis. Netarptautinio pobūdžio ginkluoti konfliktai

1. Šis Protokolas taikomas netarptautinio pobūdžio ginkluoto konflikto, kilusio vienos iš Šalių teritorijoje, atveju.

2. Šis Protokolas netaikomas vidaus neramumų ir įtampos situacijoms, tokioms kaip riaušės, pavieniai ir sporadiški smurto aktai ir kiti panašaus pobūdžio veiksmai.

3. Jokia šio Protokolo nuostata neturi būti naudojama pakenkti Valstybės suverenitetui arba vyriausybės įsipareigojimui pasitelkus visas teisėtas priemones palaikyti ar atkurti viešąją tvarką Valstybėje ar apginti nacionalinę vienybę ir teritorinę Valstybės neliečiamumą.

4. Jokia šio Protokolo nuostata nepažeidžia Šalies, kurios teritorijoje kyla netarptautinis ginkluotas konfliktas, pirmumo teisės į jurisdikciją dėl 15 straipsnyje nurodytų pažeidimų.

5. Jokia šio Protokolo nuostata negali būti naudojama pateisinti tiesioginį ar netiesioginį kišimąsi, nesvarbu, dėl kokios priežasties, į ginkluotą konfliktą arba į Šalies, kurios teritorijoje vyksta konfliktas, vidaus ar išorės reikalus.

6. Šio Protokolo taikymas šio straipsnio 1 dalyje nurodytam atvejui nekeičia konflikto šalių teisinio statuso.

7. UNESCO gali pasiūlyti savo paslaugas konflikto šalims.

6 skyrius. Instituciniai klausimai

23 straipsnis. Šalių susitikimas

1. Šalių susitikimas šaukiamas tuo pačiu metu kaip ir UNESCO Generalinė Konferencija ir derinamas su Aukštųjų Susitariančių Šalių susitikimu, jei tokį susitikimą šaukia generalinis direktorius.

2. Šalių susitikimas patvirtina savo Reglamentą.

3. Šalių susitikimas vykdo šias funkcijas:

a) renka Komiteto narius pagal 24 straipsnio 1 dalį;

b) tvirtina pagal 27 straipsnio 1 dalies a punktą Komiteto parengtas Rekomendacijas;

c) rengia taisykles ir prižiūri kaip Komitetas naudoja Fondo lėšas;

d) svarsto pagal 27 straipsnio 1 dalies d punktą Komiteto parengtą ataskaitą;

e) aptaria kiekvieną su šio Protokolo taikymu susijusią problemą ir prireikus teikia rekomendacijas.

2. Mažiausiai vieno penktadalio Šalių prašymu generalinis direktorius sušaukia Neeilinį Šalių susitikimą.

24 straipsnis. Kultūros vertybių apsaugos ginkluoto konflikto metu komitetas

1. Įkuriamas Kultūros vertybių apsaugos ginkluoto konflikto metu komitetas. Jį sudaro dvylika Šalių, kurios išrenkamos Šalių susitikimo metu.

2. Komitetas kartą per metus renkasi į eilinę sesiją, ir tais atvejais, kai mano esant reikalinga – į neeilines sesijas.

3. Rinkdamos Komiteto narius, Šalys siekia užtikrinti tolygų įvairių pasaulio regionų ir kultūrų atstovavimą.

4. Šalys, Komiteto narės, savo atstovais skiria asmenis, kurie turi reikiamą kvalifikaciją kultūros paveldo, gynybos ar tarptautinės teisės srityse; jos taip pat stengiasi tardamosi tarpusavy užtikrinti, kad Komitetas kaip visuma turėtų reikiamą visų šių sričių patirtį.

25 straipsnis. Kadencijos trukmė

1. Šalis išrenkama į Komitetą ketveriems metams ir turi teisę būti perrinkta kitai kadencijai tik vieną kartą.

2. Nepaisant šio straipsnio 1 dalies nuostatų, pusės per pirmuosius rinkimus išrinktų narių kadencijos laikas baigiasi po pirmosios eilinės Šalių susitikimo sesijos, kuri šaukiama po tos sesijos, kurios metu jie buvo išrinkti. Šiuos narius po pirmųjų rinkimų burtų keliu išrenka to susitikimo Pirmininkas.

26 straipsnis. Reglamentas

1. Komitetas priima savo Reglamentą.

2. Narių dauguma sudaro kvorumą. Komiteto sprendimai priimami dviejų trečdalių balsavime dalyvaujančių Komiteto narių balsų dauguma.

3. Nariai nedalyvauja balsavime dėl sprendimų, susijusių su kultūros vertybėmis, kurioms padaryta žala dėl ginkluoto konflikto, kurio šalimis yra tie nariai.

27 straipsnis. Funkcijos

1. Komitetas vykdo šias funkcijas:
 - a. rengia šio Protokolo įgyvendinimo Rekomendacijas;
 - b. suteikia, laikinai nutraukia arba panaikina sustiprintą kultūros vertybių apsaugą ir sudaro, prižiūri ir skelbia Sustiprintos apsaugos kultūros vertybių sąrašą;
 - c. kontroliuoja ir prižiūri šio Protokolo įgyvendinimą bei skatina kultūros vertybių, kurioms taikytina sustiprinta apsauga, identifikavimą;
 - d. svarsto ir komentuoja Šalių ataskaitas, prareikus prašo paaiškinimų ir rengia savo ataskaitą Šalių susitikimui apie šio Protokolo įgyvendinimą;
 - e. gauna ir svarsto prašymus dėl tarptautinės pagalbos pagal 32 straipsnį;
 - f. nustato, kaip bus naudojamas Fondas;
 - g. atlieka bet kokias kitas funkcijas, kurias jam paskiria Šalių susitikimas.
2. Komitetas vykdo savo funkcijas bendradarbiaudamas su generaliniu direktorium.
3. Komitetas bendradarbiauja su tarptautinėmis ir nacionalinėmis vyriausybėmis bei nevyriausybėmis organizacijomis, siekiančiomis panašių kaip Konvencijos, jos Pirmojo Protokolo ir šio Protokolo tikslų. Komitetas į savo susirinkimus kaip patarėjus gali kviesti žymias profesines organizacijas, tokias kaip tos, kurios palaiko oficialius santykius su UNESCO, įskaitant Tarptautinį mėlynojo skydo komitetą (ICBS) ir jį sudarančias organizacijas, kad jos padėtų atlikti Komiteto funkcijas. Tarptautinio kultūros vertybių išsaugojimo ir atstatymo studijų centro (Romos centro) (ICCROM) ir Tarptautinio raudonojo kryžiaus komiteto atstovai taip pat gali būti kviečiami dalyvauti kaip patarėjai.

28 straipsnis. Sekretoriatas

Komitetui padeda UNESCO Sekretoriatas, kuris rengia Komiteto dokumentus ir jo susirinkimų darbotvarkę bei yra atsakingas už Komiteto sprendimų įgyvendinimą.

29 straipsnis. Kultūros vertybių apsaugos ginkluoto konflikto metu fondas

1. Šiuo straipsniu įsteigiamas Fondas tokiems tikslams:
 - a) teikti finansinę ar kitą pagalbą, kad būtų remiamos parengiamosios ar kitos priemonės, kurių reikia imtis taikos metu pagal, be kita ko, 5 straipsnį, 10 straipsnio b punktą ir 30 straipsnį; ir
 - b) teikti finansinę ar kitą pagalbą, susijusią su priemonėmis pavojaus atveju, laikinomis ar kitomis priemonėmis, kurių reikia imtis, kad būtų apsaugotos kultūros vertybės ginkluoto konflikto metu arba tuo metu, kai jos gražinamos iš karto po karo veiksmų pabaigos pagal, be kita ko, 8 straipsnio a punktą.
2. Į Fondą įeina patikos fondas pagal UNESCO finansinių reglamentų nuostatas.
3. Fondo išmokos naudojamos tik tokiems tikslams, kuriuos savo sprendimu Komitetas nustato pagal 23 straipsnio 3 dalies c punkte nurodytas taisykles. Komitetas gali priimti įmokas, skirtas tik tam tikrai programai ar projektui, jei Komitetas yra nusprendęs dėl tokios programos ar projekto vykdymo.
4. Fondo lėšas sudaro:
 - a) savanoriškos Šalių įmokos;
 - b) įmokos, dovanojimai ar palikimai, kuriuos skiria:
 - i) kitos valstybės;
 - ii) UNESCO ar kitos Jungtinių Tautų sistemos organizacijos;
 - iii) kitos tarpvyriausybines ar nevyriausybines organizacijos;
 - iv) valstybinės ar privačios įstaigos arba asmenys;

- c) Fondo sukauptos palūkanos;
- d) lėšos, surinktos ir gautos renginiuose, skirtuose Fondui paremti; ir
- e) visi kiti ištekliai, kuriuos leidžia Fondui taikomos taisyklės.

7 skyrius. Informacijos skleidimas ir tarptautinė pagalba

30 straipsnis. Informacijos skleidimas

1. Šalys stengiasi tinkamomis priemonėmis, visų pirma švietimo ir informacinėmis programomis, didinti visų žmonių supratimą apie kultūros vertybes ir pagarbą joms.
2. Šalys kaip galima plačiau paskelbia šio Protokolo nuostatas ir taikos, ir ginkluoto konflikto metu.
3. Bet kokios karinės ar civilinės institucijos, kurios ginkluoto konflikto metu prisiima atsakomybę už šio Protokolo taikymą, turi būti visapusiškai susipažinusios su jo tekstu. Tuo tikslu Šalys prireikus:
 - a) į savo karinius reglamentus įtraukia rekomendacijas ir instrukcijas dėl kultūros vertybių apsaugos;
 - b) bendradarbiaudamos su UNESCO ir atitinkamomis vyriausybėmis ir nevyriausybėmis organizacijomis parengia ir įgyvendina taikos meto mokymo ir švietimo programas;
 - c) per generalinį direktorių vienos kitoms perduoda informaciją apie įstatymus, administracines nuostatas ir priemones, kurių imtasi pagal a ir b punktus;
 - d) per generalinį direktorių kaip galima greičiau vienos kitoms praneša apie įstatymus ir administracines nuostatas, kuriuos jos ketina priimti, kad užtikrintų šio Protokolo taikymą.

31 straipsnis. Tarptautinis bendradarbiavimas

Tais atvejais, kai šiukščiai pažeidžiamas šis Protokolas, Šalys įsipareigoja veikti kartu per Komitetą arba kiekviena atskirai, bendradarbiaudamos su UNESCO ir Jungtinėmis Tautomis ir laikydamosi Jungtinių Tautų Chartijos nuostatų.

32 straipsnis. Tarptautinė pagalba

1. Šalis gali prašyti Komiteto suteikti tarptautinę pagalbą kultūros vertybei, kuriai taikoma sustiprinta apsauga, taip pat pagalbą, skirtą rengti, tobulinti ir įgyvendinti 10 straipsnyje nurodytus įstatymus, administracines nuostatas ir priemones.
2. Konflikto šalis, kuri nėra šio Protokolo Šalis, tačiau pagal 3 straipsnio 2 dalį priima ir taiko jo nuostatas, gali prašyti Komiteto suteikti atitinkamą tarptautinę pagalbą.
3. Komitetas priima prašymų dėl tarptautinės pagalbos teikimo taisyklės ir nustato tokios tarptautinės pagalbos galimas formas.
4. Šalys yra skatinamos per Komitetą teikti visų rūšių techninę pagalbą jos paprašiusioms Šalims, kurios yra konflikto šalys.

33 straipsnis. UNESCO pagalba

1. Šalis gali kreiptis į UNESCO, prašydama suteikti techninę pagalbą organizuojant tos Šalies kultūros vertybių apsaugą, tokią kaip parengiamieji veiksmai, skirti apsaugoti kultūros vertybes, prevencinės ir organizacinės priemonės pavojaus atveju ir kultūros vertybių nacionalinio sąvado sudarymas, arba pagalbą, skirtą spręsti bet kokią su šio Protokolo taikymu susijusią problemą. UNESCO suteikia tokią pagalbą, laikydamosi savo programos ir resursų nustatytų ribų.

2. Šalys yra skatinamos teikti dvišalę arba daugiašalę techninę pagalbą. UNESCO yra įgaliota savo iniciatyva Šalims teikti pasiūlymus šiais klausimais.

8 skyrius. Šio Protokolo vykdymas

34 straipsnis. Saugančiosios Valstybės

Šis Protokolas taikomas bendradarbiaujant su Saugančiosiomis Valstybėmis, atsakingomis už konflikto Šalių interesų apsaugą.

35 straipsnis. Sutaikinimo procedūra

1. Saugančiosios Valstybės tarpininkauja ir padeda visais atvejais, kai jos mano, kad tai naudinga saugant kultūros vertybes, ypač jei kyla nesutarimų tarp konflikto Šalių dėl šio Protokolo nuostatų taikymo ar aiškinimo.

2. Tuo tikslu kiekviena Saugančioji Valstybė, gavusi vienos iš Šalių ar generalinio direktoriaus kvietimą arba savo iniciatyva, prireikus gali pasiūlyti konflikto Šalims valstybės, kuri nėra konflikto Šalis, teritorijoje surengti jų atstovų susitikimą, o ypač valdžios institucijų, atsakingų už kultūros vertybių apsaugą, atstovų susitikimą. Konflikto Šalys įsipareigoja įgyvendinti joms pateiktus pasiūlymus dėl susitikimo. Saugančiosios Valstybės konflikto Šalims teikia tvirtinti asmenį, kuris yra konflikto Šalimi nesančios valstybės pilietis arba kurį pasiūlė generalinis direktorius, kad toks asmuo galėtų būti pakviestas dalyvauti minėtame susitikime ir eiti pirmininko pareigas.

36 straipsnis. Sutaikinimas nesant Saugančiųjų Valstybių

1. Jei konfliktui nepaskiriamos Saugančiosios Valstybės, generalinis direktorius gali teikti savo pagalbą ar kita forma siekti sutaikinimo ir tarpininkauti, kad nesutarimas būtų išspręstas.

2. Vienos iš Šalių ar generalinio direktoriaus pakvietimu Komiteto pirmininkas prireikus gali pasiūlyti konflikto Šalims valstybės, kuri nėra konflikto Šalis, teritorijoje surengti jų atstovų susitikimą, o ypač valdžios institucijų, atsakingų už kultūros vertybių apsaugą, atstovų susitikimą.

37 straipsnis. Vertimai ir ataskaitos

1. Šį Protokolą Šalys išverčia į savo oficialiąsias kalbas ir perduoda tuos oficialius vertimus generaliniam direktoriui.

2. Kas ketveri metai Šalys pateikia Komitetui ataskaitą apie tai, kaip vykdomas šis Protokolas.

38 straipsnis. Valstybės atsakomybė

Jokia šio Protokolo nuostata, susijusi su asmenine baudžiamąja atsakomybe, nekeičia valstybių atsakomybės pagal tarptautinę teisę, įskaitant pareigą atlyginti nuostolius.

9 skyrius. Baigiamosios nuostatos

39 straipsnis. Kalbos

Šis Protokolas sudaromas anglų, arabų, ispanų, kinų, prancūzų ir rusų kalbomis. Visi šeši tekstai yra vienodai autentiški.

40 straipsnis. Pasirašymas

Šis Protokolas datuojamas 1999 m. kovo 26 d. Jis pateikiamas pasirašyti visoms Aukštosioms Susitariančiosioms Šalims Hagoje nuo 1999 m. gegužės 17 d. iki 1999 m. gruodžio 31 d.

41 straipsnis. Ratifikavimas, priėmimas arba patvirtinimas

1. Šis Protokolas turi būti ratifikuotas, priimtas arba patvirtintas Aukštųjų Susitariančiųjų Šalių, kurios jį pasirašė, pagal atitinkamas jų vidaus teisės procedūras.

2. Ratifikavimo, priėmimo arba patvirtinimo dokumentai deponuojami generaliniam direktoriui.

42 straipsnis. Prisijungimas

1. Nuo 2000 m. sausio 1 d. prie šio Protokolo gali prisijungti kitos Aukštosios Susitariančiosios Šalys.

2. Prie Protokolo prisijungiama generaliniam direktoriui deponuojant prisijungimo dokumentą.

43 straipsnis. Įsigaliojimas

1. Šis Protokolas įsigalioja praėjus trimis mėnesiams nuo tos dienos, kai deponuojama dvidešimt ratifikavimo, priėmimo, patvirtinimo arba prisijungimo dokumentų.

2. Vėliau Protokolas kiekvienai Šaliai įsigalioja praėjus trimis mėnesiams nuo tos dienos, kai deponuojamas jos ratifikavimo, priėmimo, patvirtinimo arba prisijungimo dokumentas.

44 straipsnis. Įsigaliojimas ginkluoto konflikto atveju

Konvencijos 18 ir 19 straipsniuose nurodytais atvejais ratifikavimas, priėmimas, patvirtinimas arba prisijungimas, kurių dokumentus konflikto Šalys deponuoja iki karo veiksmų ar okupacijos pradžios arba jiems jau prasidėjus, įsigalioja iš karto. Tokiais atvejais generalinis direktorius 46 straipsnyje nurodytus pranešimus perduoda kaip galima greičiau.

45 straipsnis. Denonsavimas

1. Kiekviena Šalis gali denonsuoti šį Protokolą.

2. Apie denonsavimą pranešama raštišku dokumentu, deponuojamu generaliniam direktoriui.

3. Denonsavimas įsigalioja praėjus vieneriems metams nuo tos dienos, kai gaunamas denonsavimo dokumentas. Tačiau jei tam laikotarpiui baigiantis Protokolą denonsuojanti Šalis dalyvauja ginkluotame konflikte, denonsavimas neįsigalioja tol, kol nepasibaigia karo veiksmai arba kol neužbaigiamos atlyginimo už kultūros vertybes procedūros, priklausomai nuo to, kuris veiksmas yra vėlesnis.

46 straipsnis. Pranešimas

Generalinis direktorius informuoja visas Aukštąsias Susitariančiąsias Šalis, taip pat Jungtinių Tautų Organizaciją, apie visų 41 ir 42 straipsniuose nurodytų ratifikavimo, priėmimo, patvirtinimo arba prisijungimo dokumentų deponavimą ir 45 straipsnyje nurodytus denonsavimus.

47 straipsnis. Užregistravimas Jungtinių Tautų Organizacijoje

Pagal Jungtinių Tautų Įstatų 102 straipsnį, šis Protokolas generalinio direktoriaus prašymu turi būti užregistruotas Jungtinių Tautų sekretoriatare.

Tai patvirtindami, toliau nurodyti įgalioti asmenys pasirašė šį Protokolą.

Sudaryta 1999 m. kovo 26 d. Hagoje vienu originaliu egzemplioriumi, kuris deponuojamas UNESCO archyvuose ir kurio patvirtintos kopijos perduodamos visoms Aukštosioms Susitariančiosioms Šalims.

Article 106. Destruction of protected objects, plunder, destruction of or causing damage to national valuable properties

A person who issues an order not justifiable by military necessity to destroy or destroys the historic monuments, objects of culture, art, education, upbringing, science or religion protected by treaties or national legal acts, uses such objects or their environment for military actions, plunders or appropriates national valuable properties in an occupied or annexed territory or destroys or causes damage to them by acts of vandalism and causes extensive damage

shall be punished by a custodial sentence for a term of three up to twelve years.

Article 111. Prohibited military attack

1. A person who orders to carry out or carries out a military attack prohibited under international humanitarian law against civilians, medical or civil defence personnel, a military or civilian hospital, a first-aid post, a vehicle carrying wounded or sick persons, the personnel of the International Red Cross Committee or a National Red Cross or Red Crescent Society, a military attack against an undefended settlement or a demilitarised zone, a military attack against a protected cultural valuable property, a military attack without selecting a specific target and being aware that it could result in civilian casualties or destruction of a civilian object, or a military attack against the combatants who had clearly withdrawn from the battle and had given up resistance or other persons

shall be punished by a custodial sentence for a term of five up to fifteen years.

Article 199. Smuggling

1. A person who, when transporting across the state border of the Republic of Lithuania the items which must be declared at the customs and whose value exceeds the amount of 150 MSLs but does not exceed the amount of 250 MSLs, fails to go through the customs control or otherwise avoids this control

shall be punished by a fine or by a custodial sentence for a term of up to four years.

2. A person who, without going through the customs control or otherwise avoiding it or without an authorisation, transports across the state border of the Republic of Lithuania the substances indicated in the Law of the Republic of Lithuania on Control of Certain Doping Substances

shall be punished by a fine or by arrest or by a custodial sentence for a term of up to six years.

3. A person who, when transporting across the state border of the Republic of Lithuania the items which must be declared at the customs and whose value exceeds the amount of 250 MSLs, fails to go through the customs control or otherwise avoids this control or transports across the state border of the Republic of Lithuania, without an authorisation, movable cultural properties or antiques

shall be punished by a fine or by a custodial sentence for a term of up to eight years.

4. A person who, without going through the customs control or otherwise avoiding it or without an authorisation, transports across the state border of the Republic of Lithuania firearms, ammunition, explosives, explosive, radioactive materials or other strategic goods, toxic, highly active, narcotic or psychotropic substances or precursors of narcotic or psychotropic substances

shall be punished by a custodial sentence for a term of three up to ten years.

5. A legal entity shall also be held liable for the acts provided for in this Article.

REPUBLIC OF LITHUANIA
LAW ON
THE PROTECTION OF MOVABLE CULTURAL PROPERTY

23 January 1996 No I-1179
(As last amended on 30 May 2019 – No XIII-2142)
Vilnius

CHAPTER ONE
GENERAL PROVISIONS

Article 1. Purpose of the Law

1. This Law shall establish administration of protection of movable cultural property, accounting and safe-keeping of movable cultural property, changes in ownership and possession of cultural objects, export of movable cultural property and antiques from the Republic of Lithuania and import thereof into the Republic of Lithuania, return of the cultural objects unlawfully removed from foreign countries.

2. The provisions of this Law have been harmonised with the legal acts of the European Union listed in the Annex to this Law.

Article 2. Definitions

1. **Antiques** shall mean all movable material creations and other movable objects or parts thereof resulting from a person's activity and created 50 years ago and earlier, regardless of their cultural value.

2. **European Union Member State** shall mean any Member State of the European Union or a country of the European Economic Area.

3. **Movable cultural property** shall mean the material creations of human activity which are movable based on their designation and nature and other movable items possessing cultural value and listed in state inventories of movable cultural property.

4. **Regulations on the protection of movable cultural property** shall mean a document setting forth safe-keeping, maintenance and use requirements for a specific item of movable cultural property.

5. **Certificate of movable cultural property** shall mean a document which contains the basic data concerning an item of movable cultural property, an extract from a decree by the Minister of Culture to enter the item in the Register of Cultural Property, photographs or/and other visual material, information concerning the restoration and conservation work performed, location sites and changes in ownership.

6. **Protection of movable cultural property** shall mean the totality of the technical and organisational measures having the purpose of preserving movable cultural property for current and future generations.

7. **Conservation** shall mean research-based activities aimed at stopping a destructive or harmful impact on an item of movable cultural property and reinforcing authentic features as well as protecting the item of movable cultural property against natural deterioration.

8. **Cultural value** shall mean a characteristic feature of a movable item or part thereof which is of value from the ethnical, archaeological, historical, artistic, scientific, technical, religious, aesthetical, memorial or another perspective.

9. **Cultural object** shall mean a movable cultural property, another movable item having a cultural value or a movable item classified by a European Union Member State as being among national treasures possessing artistic, historic or archaeological value under national legislation or administrative procedures.

10. **Return of a cultural object** shall mean the physical return of a cultural object to the territory of the requesting Member State.

11. **Cultural monument** shall mean an item of movable cultural property entered in the Register of Cultural Property, holding a particular cultural value and declared a cultural monument in accordance with the procedure established by this Law.

12. **Cultural objects unlawfully removed from the territory of the Republic of Lithuania, a European Union Member State or a third country** shall mean the cultural objects which have been removed in breach of the legal acts regulating the protection of national treasures of the Republic of Lithuania, a European Union Member State or a third country, in breach of Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods (codified version) (OJ 2009 L 39, p. 1) or at the end of a period of lawful temporary removal of cultural objects, not returned to the Republic of Lithuania, the European Union Member State or the third country or not returned in any breach of another condition governing such temporary removal.

13. **Requesting Member State** shall mean the European Union Member State from the territory whereof a cultural object has been unlawfully removed.

14. **Restoration** shall mean research-based activities having the purpose of disclosing cultural value through elimination of damage and failures, conservation and recreation of the missing parts.

15. **Third country** shall mean any foreign state other than a European Union Member State.

16. **State inventories of movable cultural property** shall mean the inclusion of a movable item holding cultural value in the Register of Cultural Property, in the accounting documents of the museums and libraries whose owner is the State or a municipality and the museums and libraries whose stakeholders are the State or a municipality and other public legal entities (hereinafter: 'museums and libraries') and the National Documentary Fund, processing and storage of data on cultural property.

17. **Public collections** shall mean the collections which are the property of the State or municipalities of the Republic of Lithuania or are defined as public in accordance with the legislation of a European Union Member State, are the property of a European Union Member State or of a local or regional authority of the European Union Member States or of a legal person established in a European Union Member State and defined as public in accordance with the legislation of that European Union Member State, such legal person having as the owner or participant that Member State (authorities thereof) or a local or regional authority or being significantly financed by national or regional or local authorities.

18. Other concepts contained in this Law shall be interpreted as they are defined in the Law on the Protection of Immovable Cultural Heritage and other legal acts.

Article 3. Cultural objects

Cultural objects shall be as follows:

- 1) archaeological discoveries;
- 2) material samples of ethnic culture;
- 3) the movable items related to key historical events, history of society, culture, war, sports and religions and the lives of distinguished persons;
- 4) firearms and non-firing weapons;
- 5) fine and applied art works;
- 6) musical instruments;
- 7) manuscripts and incunabula, maps and scores, books and other publications;
- 8) the movable items holding numismatic, sphragistic, heraldic or philatelic value, phaleristics, orders and medals;
- 9) the movable items depicting the history of science, engineering and technology;

- 10) collections, selections, sets or other objects, as a whole, regardless of the value or types of individual parts; collections of palaeontological, ethnographic or numismatic interest;
- 11) parts of artistic, historical or religious objects;
- 12) photographs, films and negatives thereof;
- 13) the documents created on any base;
- 14) antiques.

CHAPTER TWO

ADMINISTRATION OF

THE PROTECTION OF MOVABLE CULTURAL PROPERTY

Article 4. Entities carrying out the protection of movable cultural property and functions thereof

1. The remit of the National Cultural Heritage Commission in the area of protection of movable cultural property shall be established by the Law on the National Cultural Heritage Commission.

2. The Ministry of Culture of the Republic of Lithuania (hereinafter: the 'Ministry of Culture') shall:

1) participate in the formation and implementation of the policy for protection of movable cultural property having regard to the proposals submitted by the National Cultural Heritage Commission;

2) prepare drafts of laws and other legal acts regulating the protection of movable cultural property;

3) lay down criteria for appraisal of the movable items proposed to be entered in the Register of Cultural Property, approve a sample form of the regulations on the protection of movable cultural property and a certificate of movable cultural property, also the rules for filling out and issuing these documents;

4) confer qualification categories to restorers on a recommendation of the Commission for Certification of Restorers of Movable Cultural Properties;

5) approve regulations of the Restoration Council and composition thereof, regulations of the Commission for Certification of Restorers of Movable Cultural Properties and composition thereof, regulations of the Council for the Export of Movable Cultural Property and composition thereof, regulations of the Commission for the Appraisal of Movable Cultural Property and composition thereof;

6) establish the procedure for research, conservation and restoration of movable cultural property (with the exception of documents of the National Documentary Fund);

7) participate in the formation of the policy for searching for the items of movable cultural property unlawfully removed from the Republic of Lithuania or from foreign states and establish guidelines and priorities for search activities;

8) coordinate a search for the cultural objects of importance for Lithuania, their return and presentation to the public;

9) allocate funds for the repurchase of the movable cultural property and antiques not allowed to be exported from the Republic of Lithuania;

10) perform other functions as prescribed in this Law and other legal acts.

3. The Department of Cultural Heritage Protection under the Ministry of Culture (hereinafter: the 'Department of Cultural Heritage Protection') shall:

1) implement state policy for the protection of movable cultural property entered in the Register of Cultural Property;

2) prepare drafts of the legal acts regulating protection of the movable cultural property entered in the Register of Cultural Property;

3) perform functions of the management body of the Register of Cultural Property;

4) prepare, approve, fill out and issue certificates of the movable cultural property entered in the Register of Cultural Property, prepare regulations on the protection of movable cultural property;

5) verify compliance with the regulations on the protection of the movable cultural property entered in the Register of Cultural Property;

6) refer to courts for defence of the public interest regarding seizure of the movable cultural property entered in the Register of Cultural Property for public needs, recovery of the state funds allocated for the research, restoration and conservation of the movable cultural property entered in the Register of Cultural Property, also for compensation for the damage incurred through improper restoration and conservation as well as improper safe-keeping and use of the movable cultural property entered in the Register of Cultural Property;

7) finance the entry of the movable items holding cultural value in the Register of Cultural Property, research, conservation, restoration of the movable cultural property entered in the Register of Cultural Property, also of items of cultural property constituting the valuable properties of a structure of immovable cultural heritage, installation of protection means and dissemination of knowledge from the appropriations of the state budget allocated to the Department of Cultural Heritage Protection. The Department may delegate the

performance of these works or parts thereof to budgetary institutions, where it exercises the rights and duties of the owner thereof;

8) issue licences for the export of movable cultural property and antiques from the Republic of Lithuania;

9) (repealed);

10) control compliance with the regulations governing trade in antiques;

11) control the safe-keeping of the movable cultural property entered in the Register of Cultural Property;

12) control compliance with the procedure for research, conservation and restoration of the movable cultural property entered in the Register of Cultural Property;

13) submit to auctioneers of movable cultural property and antiques conclusions on conditions of the export of the cultural objects sold at auctions from the Republic of Lithuania;

14) organise the pricing of the movable cultural property and antiques missing or stolen in the Republic of Lithuania, determination of the cultural value of antiques, the pricing of the movable cultural property stolen or unlawfully removed from the Republic of Lithuania and from foreign states;

15) organise the pricing of inherited antique works of art, works of art and movable cultural property, organise, together with the Lithuanian Assay Office, the pricing of the inherited antique articles made of precious metals and antique articles made of jewels, issue to persons a certificate of the form specified by the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania about the value of the inherited property;

16) organise and finance the search for and return of the cultural objects of importance for Lithuania and located abroad, preparation of a historical review, accumulate and systematise information thereon, organise and finance the issuance of publications about the cultural objects abroad of importance for Lithuania;

17) in the cases specified by the Code of Administrative Offences, draw up reports of administrative offences, examine cases of administrative offences assigned to its remit;

18) perform other functions laid down by this Law and other legal acts.

4. The remit of the Chief Archivist of Lithuania in the area of protection of movable cultural property, namely, documents, shall be determined by the Law on Documents and Archives.

5. (Repealed).

6. In the area of protection of movable cultural property, municipalities shall:

1) be responsible for the protection of the movable cultural property belonging to a municipality by the right of ownership;

2) draw up, finance and implement programmes for the research, conservation, restoration of and installation of protection means for the movable cultural property belonging to a municipality by the right of ownership;

3) perform, within their remit, the functions specified by other laws and legal acts.

7. The Restoration Council, the Commission for Certification of Restorers of Movable Cultural Properties, the Council for the Export of Movable Cultural Property and the Commission for the Appraisal of Movable Cultural Property, as set out in point 5 of paragraph 2 of this Article, shall perform the functions assigned to them in their regulations in the area of protection of cultural property, and the work of their members shall be remunerated in accordance with the procedure laid down in the Law of the Republic of Lithuania on Remuneration of Employees of State and Municipal Bodies and Members of Commissions.

CHAPTER THREE

INVENTORIES OF MOVABLE CULTURAL PROPERTY

Article 5. State inventories of movable cultural property

1. The movable items listed in Article 3 of this Law may, in accordance with the procedure laid down by legal acts, be listed in state inventories of movable cultural property, which shall consist of:

- 1) inventories of movable cultural property at museums and libraries;
- 2) inventories of the National Documentary Fund;
- 3) the Register of Cultural Property.

2. The Minister of Culture shall establish a procedure for taking inventory of movable cultural property kept at museums and libraries.

3. The inventory-taking and safe-keeping of the documents which are defined as movable cultural property and belong to the National Documentary Fund shall be regulated by the Law on Documents and Archives and other legal acts.

4. The Register of Cultural Property shall be managed in accordance with the procedure laid down by the Law on State Registers, the Law on the Protection of Immovable Cultural Heritage, this Law, the Regulations of the Register of Cultural Property, as approved by the Government, and other legal acts. The leading management body of the Register of

Cultural Property shall be the Ministry of Culture, and the management body – the Department of Cultural Heritage Protection.

5. Where movable cultural property is permanently exported from the Republic of Lithuania under international treaties in the cases specified in Article 14 of this Law, it shall not be stricken from state inventories, however it shall not be subject to the protection requirements of this Law, and data thereon shall be stored in a database's archive for an indefinite period.

Article 6. Entry of the movable items holding cultural value in the Register of Cultural Property and striking of movable cultural property therefrom

1. The Minister of Culture shall, on the basis of a conclusion of the Commission for the Appraisal of Movable Cultural Property and subject to approval of the National Cultural Heritage Commission, take a decision on the entry in the Register of Cultural Property, or striking from the Register of Cultural Property, of the movable items listed in Article 3 of this Law and meeting the criteria for appraisal of the movable items entered in the Register of Cultural Property as specified by the Ministry of Culture.

2. In exceptional cases, when there is risk of destruction of a movable item indicated in Article 3 of this Law or any other loss thereof, the Minister of Culture shall have the right to enter the item in the Register of Cultural Property based on a conclusion of the Commission for the Appraisal of Movable Cultural Property concerning this item's compliance with criteria for appraisal of the movable items entered in the Register of Cultural Property in derogation from the procedure established in paragraph 1 of this Article and based on a conclusion of the Department of Cultural Heritage Protection on the risk of destruction or other loss of the item.

3. The entry of a movable item in the Register of Cultural Property may be proposed by the owner, the National Cultural Heritage Commission, the Ministry of Culture, the Department of Cultural Heritage Protection, the Chief Archivist of Lithuania or a municipality. Where the movable item is not entered in the Register of Cultural Property, the Minister of Culture must provide a reasoned response to the person or institution that has submitted the proposal.

4. The owner of the movable cultural property entered in the Register of Cultural Property shall be issued the regulations on the protection of movable cultural property and a certificate of movable cultural property.

5. A movable item not belonging to the State may only be entered in the Register of Cultural Property subject to consent of the owner, with the exception of the cases provided for in paragraph 2 of this Article.

6. The movable cultural property entered in the Register of Cultural Property may be stricken from the Register of Cultural Property where it is acquired by museums, libraries, and state archives. The movable cultural property shall not be stricken from state inventories of movable cultural property, however it shall not be subject to the protection requirements set forth by this Law where the Commission for the Appraisal of Movable Cultural Property establishes that the movable cultural property:

- 1) has deteriorated or has been destroyed;
- 2) does not hold or has lost its cultural value.

7. The data of the Register of Cultural Property shall be public, with the exception of personal data. The owner of movable cultural property may prohibit the publication of the address of the movable cultural property entered in the Register of Cultural Property.

Article 7. Lists of legal persons' movable items holding cultural value

1. The movable items holding cultural value (works of fine and applied arts, musical instruments, etc.) and belonging to legal persons, with the exception of museums, libraries and state archives, shall be included in separate inventories in those legal persons. The Ministry of Culture shall, in coordination with the Ministry of Finance, establish a procedure for including these assets in the inventories.

2. The entities performing the functions of protection of movable cultural property shall have the right to check the lists of movable items holding cultural value, the movable items entered therein and the mentioned movable items holding cultural value and to propose, in accordance with the procedure laid down by this Law, to enter them in the Register of Cultural Property.

CHAPTER FOUR

SAFE-KEEPING OF THE MOVABLE CULTURAL PROPERTY ENTERED IN THE REGISTER OF CULTURAL PROPERTY

Article 8. Safe-keeping of movable cultural property

1. Movable cultural property shall be kept in safety by the owners and possessors thereof. They must observe the requirements of regulations on the protection of movable cultural property.

2. Where the owner or the possessor of movable cultural property fails to comply with the requirements set forth in the regulations on the protection of movable cultural property, the Department of Cultural Heritage Protection shall issue a written warning thereto and shall lay down a time limit for fulfilment of the requirements of these regulations. Where the owner or the possessor of the movable cultural property fails to fulfil the requirements of these regulations by the set deadline, the Department of Cultural Heritage Protection shall have the right to impose administrative liability and, following a repeated request and failure to comply therewith, in the presence of the threat of a loss or destruction of the property, to initiate, without issuing an advance warning and in accordance with the procedure laid down by legal acts, the seizure of the movable cultural property for public needs from the owner, subject to the payment of fair compensation.

3. The movable cultural property which is located in a structure of cultural heritage declared protected and is entered in a certificate of immovable cultural property and in the Register of Cultural Property as a valuable property of the structure shall be covered by provisions of this Law and the Law on the Protection of Immovable Cultural Heritage.

Article 9. Cultural monuments

1. The movable cultural property entered in the Register of Cultural Property and holding a particular cultural value shall, on a proposal of the Minister of Culture based on the conclusions of the Commission for the Appraisal of Movable Cultural Property and subject to approval by the National Cultural Heritage Commission, be declared cultural monuments by a resolution of the Government.

2. A decision on declaration of movable cultural property a cultural monument may be annulled by a resolution of the Government in accordance with the procedure established in paragraph 1 of this Article.

Article 10. Compensation to owners of movable cultural property

Owners of the items of movable cultural property entered in the Register of Cultural Property shall be compensated for a share of the expenses for research, conservation, restoration and installation of protection means required to preserve these items, where the owners or possessors of these items of movable cultural property exhibit them or provide

other public access thereto. The procedure for paying the compensation shall be established by the Ministry of Culture.

Article 11. Research, conservation and restoration of movable cultural property

1. Only the restorers certified by the Commission for Certification of Restorers of Movable Cultural Property and holding appropriate qualification categories shall be allowed to conduct research, conservation and restoration of movable cultural property, also an item which is one of valuable properties of a structure of immovable cultural heritage and objects of artistic immovable cultural heritage. The professional qualifications of entities of a European Union Member State authorised to provide the respective services in their Member State shall be recognised in accordance with the procedure laid down by the Law on the Recognition of Regulated Professional Qualifications.

2. The Restoration Council shall approve programmes for research, conservation and restoration of movable cultural property, an item which is one of valuable properties of a structure of immovable cultural heritage and objects of artistic immovable cultural heritage, control the progress and quality of work and accept work.

3. (Repealed).

CHAPTER FIVE

CHANGES IN OWNERSHIP AND POSSESSION OF CULTURAL OBJECTS

Article 12. Acquisition of rights of ownership and possession of movable cultural property and the movable items holding cultural value

1. The owner of movable cultural property entered in the Register of Cultural Property, wishing to sell it or to otherwise transfer it, must advise the future owner or possessor concerning this property's status and requirements of the regulations on the protection of movable cultural property. Upon entering into a transaction, the former owner of the movable cultural property must, within 15 days, give a written notice to the Department of Cultural Heritage Protection of the change in ownership or possession. The former owner shall transfer to the new owner a certificate of movable cultural property and the regulations on the protection of movable cultural property and to the possessor – copies of the mentioned documents. At the time of the transfer, the former owner and the new owner or possessor shall execute a statement of assessment of the condition of the movable cultural property.

2. Upon entering into a transaction or acquiring the right of ownership on other statutory grounds, the new owner of movable cultural property must, within 15 days, submit to the Department of Cultural Heritage Protection the documents attesting to the ownership of the movable cultural property, a statement of assessment of the condition thereof and a certificate of movable cultural property.

3. The Department of Cultural Heritage Protection shall enter the new owner in a certificate of movable cultural property and shall issue thereto the regulations on the protection of this property.

4. All movable items holding cultural value which have been found on land, its surface, under water, in buildings and structures or in parts thereof and indicated in Article 3 of this Law, where their owner or possessor cannot be identified or has lost the title to such under the law, shall be transferred into the ownership of the State. Any search for such items through excavation or using metal detectors or any other search equipment may be conducted only by certified researchers referred to in Article 18(2) of the Law on the Protection of Immovable Cultural Heritage. The persons who have accidentally found the movable items indicated in Article 3 of this Law must, within one week, submit them for appraisal to the Department of Cultural Heritage Protection. The finds possessing historic, cultural or archaeological value shall be compensated for in the cases and in accordance with the procedure laid down by legal acts of the Republic of Lithuania.

Article 13. Trade in antiques

1. A citizen of the Republic of Lithuania or a European Union Member State, any other natural person enjoying the rights of movement in the European Union Member States conferred on him by legal acts of the European Union, or a legal person established in the Republic of Lithuania or a European Union Member State, any other organisation or branches thereof and/or branches, as set up in the Republic of Lithuania, of the legal persons or other organisations established in third states (hereinafter: an 'economic entity') may engage in trade in antiques entered in the Register of Cultural Property or created/manufactured until 1800 under a licence issued by the Department of Cultural Heritage Protection (hereinafter: a 'licence'). These requirements shall apply also to the sale of antiques by electronic means. The procedure for issuing licences and trading in antiques shall be laid down by the Government. Supervision of compliance with the terms of licensed activities shall be exercised, licences shall be issued, the possible suspension and revocation of a licence shall be notified, the validity of the licence shall be suspended, the suspension of the validity of the licence shall be lifted and the licence shall be withdrawn by the Department of Cultural

Heritage Protection in accordance with the procedure for issuing licences as established by the Government. It shall be prohibited to purchase, sell, exchange, give as a gift, mortgage, lease, give as loan for use archaeological findings or to otherwise transfer the rights of ownership or possession thereof, with the exception of the archaeological findings which have been lawfully acquired in other states and imported into the Republic of Lithuania, also the archaeological findings which are transferred to a national, republican or municipal museum, or are transferred among these museums and received for a temporary or long-term safe-keeping or, in accordance with the provisions of Article 12(4) of this Law, compensation is paid to persons for accidentally discovered archaeological finds possessing historic, cultural or archaeological value or, in accordance with Article 18(5) of the Law on the Protection of Immovable Cultural Heritage, compensation is paid for the treasures containing archaeological findings, where they are seized for public needs. When importing into the Republic of Lithuania the archaeological findings lawfully acquired in other foreign states, it shall be necessary to hold and to keep until export from the Republic of Lithuania the documents attesting to their acquisition and indicating the name of the archaeological finding acquired, its individual characteristics, the place and date of the acquisition.

2. The Department of Cultural Heritage Protection shall have the right to suspend the sale of an antique for a period of 20 working days where, in compliance with the Rules for Conducting Routine and Non-routine Inspections of the Activities of Economic Entities approved by the Director of the Department of Cultural Heritage Protection (hereinafter: the 'Inspection Rules'), there are doubts regarding the lawfulness of the acquisition or its significance for Lithuania's cultural heritage. The suspension of the sale of the antique shall be executed in the form of a statement of inspection drawn up in accordance with the procedure laid down in the Inspection Rules. Where the Commission for the Appraisal of Movable Cultural Property establishes, within 20 working days, that the antique meets the criteria for appraisal of the movable items proposed to be entered in the Register of Cultural Property as approved by the Ministry of Culture, it may be purchased by the State in accordance with the procedure laid down by the Government or entered in the Register of Cultural Property subject to consent of the owner thereof in accordance with the procedure laid down by this Law. If, during the period of suspension of the sale of the antique, it is established that the antique may have been acquired unlawfully, the Department of Cultural Heritage Protection shall communicate the collected information and material to law enforcement institutions in accordance with the procedure laid down by laws.

3. The museums and libraries whose owners/stakeholder is the State or a municipality and the bodies of the state system of archives, that is, state archives, shall, in accordance with

the procedure laid down by the Regulations for Trade in Antiques, be vested with the right of priority in acquiring the movable cultural property entered in the Register of Cultural Property from the persons trading in antiques.

4. Trade in movable cultural property and antiques may be carried out at auctions. The auctions shall be held in accordance with the procedure laid down by the Government or an institution authorised by it.

Article 13¹. Issue and validity of a licence for trading in antiques

1. A licence for trading in antiques shall be issued to an economic entity in accordance with the procedure for issuing licences laid down by the Government within three working days from the receipt of a duly executed application for the issue of a licence for trading in antiques by the Department of Cultural Heritage Protection.

2. An economic entity wishing to obtain a licence for trading in antiques shall lodge with the Department of Cultural Heritage Protection an application indicating the name and surname of a natural person or the name, registration number and legal form of a legal person, the place of residence of the natural person or the address of the registered office and contact details of the legal person, the name and surname of the person entitled to act on behalf of the legal person. The application for the issue of a licence for trading in antiques shall be accompanied by a copy of the founding documents of the legal person.

3. If no reply is given to a duly executed application for the issue of a licence for trading in antiques within three working days from the receipt of the application by the Department of Cultural Heritage Protection and no reasoned written refusal to issue the licence for trading in antiques is presented, the licence for trading in antiques shall be deemed to have been issued.

4. The Department of Cultural Heritage Protection shall issue only a paper licence or only an electronic licence to all economic entities in the cases specified in the Rules of the Procedure for Issuing Licences approved by the Government.

5. In the event of any changes in the data indicated in a licence for trading in antiques regarding the holder of this licence, the holder of this licence must submit to the Department of Cultural Heritage Protection an application for the adjustment of the licence not later than within ten working days from the change of the data. The Department of Cultural Heritage Protection shall adopt a decision on the adjustment of the licence within three working days from the receipt of the application.

6. A licence for trading in antiques shall be refused if:

1) in an application for the issue of a licence for trading in antiques, an economic entity supplies incomplete information specified in the Rules of the Procedure for Issuing Licences, provides incorrect data and, within ten working days from the receipt of a notification from the Department of Cultural Heritage Protection regarding the provision of the missing information or incorrect data, fails to provide the missing information or correct data;

2) in respect of an economic entity being a legal person – a judgment of conviction regarding a crime or misdemeanour against the economy and business practice has become effective over the past one year, and in respect of an economic entity being a natural person – conviction for a criminal act against the economy and business practice has not expired or has not been expunged.

7. A licence for trading in antiques shall be suspended for 30 days when the Department of Cultural Heritage Protection establishes that:

1) incorrect data have been provided for the issue of the licence. Where, upon receipt of a warning of the Department of Cultural Heritage Protection regarding a sanction to be imposed, namely, suspension of the licence, an economic entity fails to adjust the data provided for the issue of the licence within ten working days from the receipt of the warning of the Department of Cultural Heritage Protection;

2) the licence holder, when trading in antiques entered in the Register of Cultural Property or created/manufactured until 1800, violates the requirements of the procedure for trading in antiques.

8. After causes for the suspension of a licence for trading in antiques have been eliminated, the suspension of this licence shall be lifted. The Department of Cultural Heritage Protection shall take a decision lifting the suspension of the licence for trading in antiques within ten working days from the receipt of information on the elimination of the causes for suspension of the licence.

9. A licence for trading in antiques shall be revoked if:

1) the licence holder submits to the Department of Cultural Heritage Protection an application for revocation of the licence for trading in antiques;

2) the licence holder whose licence for trading in antiques has been suspended has failed to eliminate violations of the established procedure for trading in antiques during the period of suspension of the licence;

3) the licence holder who is a natural person dies;

4) there is an effective judgment of conviction in respect of the licence holder regarding a crime or misdemeanour against the economy and business practice;

5) the licence holder whose licence for trading in antiques has been suspended carries on the licensed activity;

6) the licence holder whose licence for trading in antiques has been suspended has failed to eliminate violations of the established procedure for trading in antiques during the period of suspension of the licence.

10. Following the revocation of a licence for trading in antiques:

1) pursuant to point 4 of paragraph 9 of this Article, a new licence may be issued to the same economic entity not earlier than after the lapse of one year from the date of revocation of the previous licence and after the conviction has expired or has been expunged;

2) pursuant to point 5 of paragraph 9 of this Article, a new licence may be issued to the same economic entity not earlier than after the lapse of one year from the date of revocation of the previous licence;

3) if a paper licence has been issued, the paper version of the licence must be returned to the Department of Cultural Heritage Protection.

11. An economic entity holding a licence for trading in antiques shall have the right:

1) to engage in trading in antiques entered in the Register of Cultural Property or created/manufactured until 1800;

2) to receive clarifications in the cases of suspension or revocation of the licence;

3) in accordance with the procedure laid down by laws, appeal to court against a decision of the Department of Cultural Heritage Protection refusing a licence, decisions suspending the licence or revoking the licence.

CHAPTER SIX

EXPORT OF MOVABLE CULTURAL PROPERTY AND ANTIQUES FROM AND IMPORT INTO THE REPUBLIC OF LITHUANIA

Article 14. Export of movable cultural property and antiques from the Republic of Lithuania

1. The Government, having regard to the categories of cultural objects specified in Annex I to Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods (Codified version) (OJ 2009 L 39, p. 1), shall approve the Regulations for the Export of Movable Cultural Property and Antiques from the Republic of Lithuania and Lists of Movable Cultural Property and Antiques the Export Whereof from the Republic of

Lithuania Requires a Permit Issued by the Department of Cultural Heritage Protection under the Ministry of Culture.

2. The movable cultural property and antiques entered in the lists approved by the Government may be exported solely under a permit. The permit shall be issued by the Department of Cultural Heritage Protection. The Council for the Export of Movable Cultural Property shall be formed to price this movable cultural property, with the exception of the property entered in inventories of movable cultural property of museums and libraries, and antiques, to determine the cultural value of the antiques and to submit conclusions on the issue of permits for export thereof. A decision regarding the permit for export must be adopted within 15 working days from the submission of a written application. The time limit for the adoption of the decision regarding the permit for export may be extended for up to 30 working days in accordance with the procedure established by the Government.

3. A permit for permanent export of an antique from the Republic of Lithuania shall not be issued where the Council for the Export of Movable Cultural Property establishes that the antique intended for export conforms to the following criteria for determination of significance for the cultural heritage of Lithuania:

- 1) is rare or is likely to become rare;
- 2) is particularly representational of national cultural heritage;
- 3) is closely related to a valuable cultural environment;
- 4) is related to famous persons or events from the country's history.

4. Where a permit for permanent export of an antique from the Republic of Lithuania is not issued, an antique holding cultural value may, subject to consent of the owner thereof, be proposed to be entered in the Register of Cultural Property or purchased by the State within two years in accordance with the procedure established by the Government. Where the Council for the Export of Movable Cultural Property determines that the antique to be exported is insignificant for the cultural heritage of Lithuania, a permit for permanent export of this antique shall be issued upon the owner's request.

5. Where a permit for permanent export of an antique from the Republic of Lithuania is not issued, the requirements of paragraph 4 of this Article shall not apply to temporary export of these items from the Republic of Lithuania, that is, to cultural and art events or for restoration or repairs subject to an event organiser's invitation or under an exhibition or event contract or a restoration or repairs contract.

6. The procedure for exporting documents from the Republic of Lithuania shall be established by the Law on Documents and Archives.

7. The movable cultural property entered in the Register of Cultural Property or kept at a museum or a library may not be permanently exported from the Republic of Lithuania. It may be exported only temporarily (outside the customs territory of the European Union – for a period of up to three years, to other European Union Member States – for a period indicated by the applicant, but not exceeding ten years) under a permit issued by the Department of Cultural Heritage Protection. Upon receipt of a written reasoned request regarding the extension of this time limit, the Department of Cultural Heritage Protection shall have the right to extend it for a period of up to 12 months. Where the Department of Cultural Heritage Protection establishes a time limit for returning the movable cultural property exported temporarily, the owner thereof must, within one month from the return thereof to the Republic of Lithuania, give a notice thereof in writing to the Department of Cultural Heritage Protection. A permit for permanent export or a permit for temporary export of cultural property and antiques from the Republic of Lithuania shall be valid for no longer than 12 months from the issuance of the permit. Where the validity of the issued permit expires without it having been used, the applicant must return it to the Department of Cultural Heritage Protection.

8. An item of movable cultural property may be exported permanently from the Republic of Lithuania solely under international treaties in cases of exchange of movable cultural property, when the Commission for the Appraisal of Movable Cultural Property establishes that the item of movable cultural property received on an exchange basis is not less significant to Lithuania's cultural heritage than the item of movable cultural property given in exchange.

9. Special manuscript religious texts (Torahs), rewritten exclusively for ritual use and associated with rituals, where they are entered in the Register of Cultural Property or are kept at a museum or a library, may be permanently exported from the Republic of Lithuania for ritual purposes upon a respective resolution adopted by the Government.

Article 15. Written commitment of the Government of the Republic of Lithuania or an institution authorised by it to compensate for losses

In the case of a temporary import of the movable cultural property of foreign states, the Government of the Republic of Lithuania or an institution authorised by it may, in accordance with the procedure laid down by the Government, assume a written commitment to allocate funds to a budgetary institution established by the State or a municipality and acting in compliance with the Law on Museums, the Law on Libraries or the Law on

Documents and Archives for the purpose of compensating to the owner of an item of movable cultural property for the justified losses incurred as a result of damage or loss of movable cultural property during exhibitions (when organising exhibitions).

CHAPTER SEVEN

RETURN OF CULTURAL OBJECTS UNLAWFULLY REMOVED FROM ABROAD

Article 16. Return of cultural objects to the European Union Member States

1. The cultural objects unlawfully removed from the European Union Member States and brought to the Republic of Lithuania shall be returned to the state requesting their return upon a respective decision of a court of the Republic of Lithuania. The requesting Member State may not bring proceedings regarding a cultural object unlawfully removed from the territory of the European Union Member State since 1 January 1993 more than 30 years after the cultural object was unlawfully removed from the territory of the requesting Member State.

2. Return proceedings may not be brought before a court of the Republic of Lithuania more than three years after the requesting European Union Member State became aware of the location of a cultural object, of the identity of its owner or possessor. The requesting Member State which requests the return of a cultural object must, alongside the document initiating proceedings, submit:

- 1) a document describing the item and stating that it is a cultural object;
- 2) a declaration by the competent authorities of the requesting Member State that the cultural object has been unlawfully removed from its territory.

3. In the case of cultural objects forming part of public collections or belonging to inventories of ecclesiastical or other religious institutions in the European Union Member States where they are subject to special protection arrangements under national law, return proceedings brought by a European Union Member State shall be subject to a time-limit of 75 years after a cultural object was unlawfully removed from the territory of the requesting European Union Member State. Bilateral agreements concluded between the Republic of Lithuania and other European Union Member States may provide for a period exceeding 75 years to initiate return proceedings.

4. Return proceedings may not be brought if the removal of the cultural object from the territory of the requesting Member State is no longer unlawful at the time when they are to be initiated.

5. A court of the Republic of Lithuania shall take a decision to return an unlawfully removed cultural object to the requesting Member State and award to its owner and/or possessor such compensation from the requesting Member State which, according to the circumstances of the case, is considered fair if the owner and/or the possessor demonstrates that he exercised due care and attention in acquiring the cultural object. In determining whether the owner and/or the possessor exercised due care and attention, consideration shall be given to all the circumstances of the acquisition of the cultural object, in particular the documentation on the cultural object's provenance, the authorisations for removal required under the law of the requesting Member State, the character of the owner and/or the possessor, the price paid, whether the owner and/or the possessor consulted any accessible register of stolen cultural objects and any relevant information which he could reasonably have obtained, or took any other step which a reasonable person would have taken in the circumstances. In the case of a donation or succession, the owner and/or the possessor shall not be in a more favourable position than the person from whom he acquired the cultural object by those means.

6. Payment of the fair compensation and of the expenses incurred in implementing a decision ordering the return of a cultural object and physically preserving it respectively shall be without prejudice to the requesting Member State's right to take action with a view to recovering those amounts from the persons responsible for the unlawful removal of the cultural object from its territory.

7. Ownership of the cultural object after return shall be governed by the law of the requesting Member State.

8. This Law shall be without prejudice to any civil or criminal proceedings that may be brought, under the national law of the Republic of Lithuania, by the requesting Member State and/or the owner of a cultural object that has been stolen.

Article 17. Return of cultural objects to third countries and from third countries

Cultural objects unlawfully removed from third countries and located in the Republic of Lithuania shall be returned to third countries under bilateral agreements and international treaties to which the Republic of Lithuania and the third country requesting the return of cultural objects are parties. The cultural objects unlawfully removed from the Republic of Lithuania to third countries shall be returned under bilateral agreements and international treaties to which the Republic of Lithuania and the third country concerned are parties.

Article 18. Actions of the Ministry of Culture in implementing the return of cultural objects

1. The Ministry of Culture shall be the authorised institution of the Republic of Lithuania receiving requests of the European Union Member States and third countries referred to in Articles 16 and 17 of this Law concerning the return of unlawfully removed cultural objects.

2. With the exception of the cases when laws of the Republic of Lithuania or the international treaties whereto the Republic of Lithuania and the European Union Member State requesting the return of cultural objects are parties establish otherwise, the Ministry of Culture shall:

1) search, at the request of the requesting Member State, for the cultural object unlawfully removed from its territory, identifying its owner or possessor;

2) notify the interested states of the cultural object found in the territory of the Republic of Lithuania, where there is a ground for believing that it has been unlawfully removed from the territory of a European Union Member State or a third country;

3) take, in cooperation with the requesting Member State, necessary measures to physically preserve an unlawfully removed cultural object;

4) enable the competent authorities of the requesting Member State to verify whether the movable item concerned is a cultural object, provided that the verification is carried out within six months from the receipt of the notification referred to in point 2 of paragraph 2 of this Article. If this verification is not carried out within the specified time limit, points 3 and 6 of paragraph 2 of this Article shall not apply.

5) cooperate with the requesting Member State on the issues of the return of cultural objects;

6) take necessary measures to prevent any action aimed at avoiding the return procedure of a cultural object;

7) mediate to the requesting Member State and to the owner/possessor on the issues of return of cultural objects;

8) inform the competent authorities of other European Union Member States of the proceedings brought by the requesting Member State concerning the return of the cultural object concerned.

3. The Ministry of Culture shall have the right to claim from the requesting Member State or from a third country a compensation for the cultural objects to be returned to the requesting Member State or to the third country and listed in the inventories of museums, libraries and the National Documentary Fund.

4. The Ministry of Culture shall apply to an institution authorised by a European Union Member State or a third country for the return of cultural objects unlawfully removed from the territory of the Republic of Lithuania, inform that proceedings have been brought in order to ensure the return of the cultural object concerned, indicate the ground for the bringing of the proceedings and make arrangements regarding the return of the cultural objects. Following a decision of a court of the European Union Member State to return the unlawfully removed cultural object to the Republic of Lithuania and to award fair compensation to the current owner and/or possessor of the cultural object concerned, the Republic of Lithuania shall pay the compensation upon receipt of the unlawfully removed cultural object. The Republic of Lithuania shall also bear the costs of execution of a decision to return the unlawfully removed cultural object and the physical preservation of the unlawfully removed cultural object. The procedure for paying compensation for the return of unlawfully removed cultural objects shall be established by the Government of the Republic of Lithuania.

5. The Ministry of Culture shall, in order to cooperate and consult the competent authorities of the European Union Member States, use a module of the Internal Market Information System (IMI) as set out in Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ 2012 L 316, p. 1) and tailored to cultural property.

6. The exchange of information shall be conducted using the IMI in accordance with the legal provisions on the protection of personal data and privacy laid down in the Law on Legal Protection of Personal Data.

7. The Ministry of Culture shall, in accordance with the procedure laid down by the Directive referred to in point 1 of the Annex to this Law, submit every five years to the European Commission a report on the implementation of this Law.

CHAPTER EIGHT

FINAL PROVISIONS

Article 19. Liability for violation of the Law

Persons who have violated this Law shall be held liable under laws of the Republic of Lithuania.

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

PRESIDENT OF THE REPUBLIC

ALGIRDAS BRAZAUSKAS

Annex to
the Law of the Republic of
Lithuania on the
Protection of Movable
Cultural Property

LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW

1. Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (OJ 2014 L 159, p. 1).

REPUBLIC OF LITHUANIA
LAW ON
THE PROTECTION OF IMMOVABLE CULTURAL HERITAGE

22 December 1994 No I-733
(As last amended on 11 July 2019 – No XIII-2318)
Vilnius

CHAPTER ONE
GENERAL PROVISIONS

Article 1. Purpose of the Law

1. The purpose of this Law shall be to preserve Lithuania's immovable cultural heritage and to transmit it to future generations, to provide conditions for the public to become knowledgeable about and use it.

2. This Law shall:

1) implement the provisions of the Constitution of the Republic of Lithuania, the Law on Treaties and the Law on the Basics of National Security in the area of the protection of immovable cultural heritage;

2) lay down legal grounds for the accounting, safeguarding and maintenance of immovable cultural heritage located on the territory of the Republic of Lithuania, for the supervision of compliance with the heritage protection requirements set by this Law and other legal acts and for the monitoring of the condition of objects of cultural heritage;

3) protect intangible cultural heritage by establishing the protection of the places and other immovable items associated therewith.

3. The immovable cultural heritage which is important for Lithuania and is located in other states shall be protected under international treaties and laws of the foreign states.

4. The immovable cultural heritage which is important for foreign states and is located in the Republic of Lithuania shall be recognised, upkeep and maintained under international treaties of the Republic of Lithuania, laws and other legal acts of the Republic of Lithuania. Legal and natural persons of foreign states shall maintain this heritage in accordance with the procedure laid down by laws and other legal acts of the Republic of Lithuania and by the Minister of Culture subject to obtaining consent of the Ministry of Foreign Affairs.

Article 2. Definitions

1. 'Protection regulation' means a document which sets heritage protection requirements for a specific object of immovable cultural heritage, territory or protection zone thereof or a type of such objects.

2. *Repealed as of 1 January 2020.*

3. 'Archaeological findings' means the items or remnants thereof which have been created by man or bear signs of human existence, found during research or otherwise and possessing, either on their own or in relation to other signs, a scientific value of the knowledge of history. The former owner of these items cannot be identified normally due to a considerable lapse of time since the burying or disposal of the said items. Bodies of the ancients or remains thereof shall also be considered as archaeological findings.

3¹. 'Archaeological research' means fundamental and applied research aimed at exploring the objects located above the ground, on the ground, underwater or partly underwater in order to acquire new knowledge of past phenomena and processes and to collect information on the remaining, altered or lost archaeological valuable properties, to determine the facts confirming the historical development of the object under research, to consolidate and to document them.

4. 'Destructive research' means physical research irrevocably affecting an object, part or element thereof which is or can be an authentic material source of scientific knowledge.

5. 'Recreation' means the recreation of an unpreserved immovable cultural property in exceptional cases according to determined unpreserved valuable properties by carrying out research-based management operations of heritage protection, construction and landscaping. In the course of recreation, the remaining parts and elements of the property under recreation shall be preserved and returned to the original location, unpreserved parts and elements shall be precisely replicated or created anew.

6. 'Elimination of the threat of an accident' means the removal of the reasons which may lead to a sudden collapse of an object of cultural heritage or other loss thereof by minimally altering its valuable properties and carrying out management operations of heritage protection, construction and landscaping.

7. 'Authenticity' means the preserved properties of an object or site of cultural heritage including the original or historically formed purpose of the object, appearance and a peculiar physical shape and form, the materials used, constructions, layout, technique of execution, the surrounding environment.

8. 'Basic research' means experimental and/or theoretical operations which are carried out primarily to acquire new knowledge about the essence of phenomena and/or observed

reality without the aim, at the time of research, of using the obtained results for a specific purpose.

9. 'Conservational (safeguarding) purpose' means the purpose of the use of a protected object, territory of the object or land plots of a site set in accordance with the procedure laid down by legal acts, where the purpose of the use is to preserve the valuable properties of the said land plot or item by using or adapting for the use in the original or historically formed, closely related or purposefully selected manner (for such purpose) which would ensure adequate upkeep and reveal valuable properties.

10. 'Conservation' means putting an end to the influence of the factors destroying or damaging the valuable properties of an object of cultural heritage and reinforcement of authentic characteristics by carrying out research-based management operations of heritage protection, construction and landscaping.

11. 'Cultural landscape' means a landscape created as a result of human activities and reflecting his coexistence with the environment.

12. 'Cultural monuments' means objects of cultural heritage which are of national significance.

13. 'Cultural heritage' means the cultural property inherited, taken over, created and transmitted from generation to generation and significant from the ethnic, historical, aesthetical or scientific point of view.

14. 'Objects of cultural heritage' means the single objects, complex objects or the objects being part of a complex which are registered as immovable cultural property, i.e. structures or other immovable items which are located in land plots, parts of the plots, water and forest areas or parts thereof and which have valuable properties and, together with the territory assigned thereto, are or may be separate objects of rights in rem.

15. 'Territory of an object of cultural heritage' means a land plot or other area occupied by and required for the use of an object of cultural heritage and subject to heritage protection requirements.

16. 'Repairs of a structure of cultural heritage' means the operations with a structure of cultural heritage which preserve (maintain unchanged) its valuable properties, authenticity, the materials or construction products used for existing structural elements, components.

17. 'Structure of cultural heritage' means a building or part thereof having valuable properties, engineering structures or remaining part thereof, monumental immovable works of art.

18. 'Site of cultural heritage' means a territory which is characterised by historically formed specificities, homogeneity and/or place in the natural environment and wherein objects of cultural heritage are located.

19. 'Interim protection regulations (special heritage protection requirements)' means a document which, pursuant to the Law on Construction, sets out special heritage protection requirements for a specific item of immovable cultural property, the territory thereof, a specific structure of cultural heritage or a structure located within the territory or protection zone of the immovable cultural property.

20. 'Immovable cultural heritage' means a part of cultural heritage made up of the surviving or non-surviving material cultural property built, equipped, created by past generations or made important by historical events and directly related to the territory occupied by and required for the use of the property.

21. 'Immovable cultural property' means the whole of the valuable properties determining the significance of an object or site of cultural heritage and important for society as its cultural wealth, irrespective of the identity of the owner of the object or the site.

22. 'Research of immovable cultural property' means the determination, generalisation and documentation of the surviving, changed or lost valuable properties and of the facts evidencing the historical development of immovable cultural property.

23. 'Heritage maintenance regulations' means a part of the system of binding regulatory documents on maintenance setting rules for the planning, designing, carrying out of operations and for the implementation of the procedures related to the maintenance and the requirements ensuring the preservation of authenticity.

24. 'Heritage protection requirements' means the conditions for the management, use and disposal of an object or site of cultural heritage, the territories and protection zones thereof as established in this Law, the documents specified therein and other legal acts to protect the valuable properties of the object or site of cultural heritage, the territories and protection zones thereof.

25. 'Heritage management' means the creation of the system of the standard legal acts regulating heritage protection, the formation of institutions and organisation of activities thereof, the drafting and implementation of heritage protection programmes, maintenance administration and monitoring.

26. 'Initial protection' means the requirements set out by this Law for the protection of the objects of cultural heritage included in the Register of Cultural Property, but not declared protected as well as of the immovable cultural properties discovered during the carrying out of construction or other operations.

27. 'Upkeep' means operations which are regularly carried by managers and do not change the valuable properties of an object of cultural heritage and are not subject to a consent of an institution in charge of the protection of this object.

28. 'Adaptation' means the restructuring of an object of cultural heritage or constituent parts thereof for use by agreeing the needs of the manager and the public, minimally altering the valuable properties and providing for a possibility to restore to a condition prior to the changes and carrying out research-based management operations of heritage protection, construction and landscaping.

29. 'Restoration' means the conservation of all surviving authentic parts or elements of an object of cultural heritage, the recreation of separate non-surviving elements or parts, the preservation, making known and highlighting of characteristics of an immovable cultural property by carrying out research-based management operations of heritage protection, construction and landscaping.

30. 'Protected site' means a site of cultural heritage which, in accordance with the procedure laid down by legal acts, has been declared protected and which is subject to heritage protection requirements or for the protection whereof a historical national park, a historical regional park, a cultural strict reserve or a cultural reserve has been established in accordance with the procedure laid down by the Law on Protected Areas.

31. 'Protected object' means an object of cultural heritage declared a protected object or a cultural monument in accordance with the procedure laid down by this Law.

32. 'Monitoring' means the periodic observation and recording of the condition of objects and sites of cultural heritage and changing thereof, the assessment, generalisation and forecasting of the influence destroying or damaging valuable properties.

33. 'Applied scientific research' means the experimental and/or theoretical operations carried out for acquiring knowledge and primarily aimed at attaining specific practical objectives or at solving tasks.

34. 'Maintenance' means the following operations carried out to preserve cultural heritage: (applied) research, repairs, elimination of the threat of an accident, conservation, restoration and the planning and designing of these operations.

35. 'Supervision of the implementation of a design documentation of maintenance operations' means supervision organised by the builder (sponsor) and having the aim of controlling that the maintenance operations of an object of cultural heritage are carried out in compliance with a design documentation, heritage protection requirements and in a quality manner. The results of such supervision shall be presented in a report.

36. 'Management operations of heritage protection' means the maintenance operations carried out by employing the special technologies ensuring the preservation of authenticity.

37. 'Management operations of construction' means the construction or demolition operations, as defined by the Law on Construction, carried out at an object of cultural heritage, within the territory or protection zone thereof or at a site of cultural heritage.

38. 'Mothballing' means the elimination of the threat of an accident and other actions required to preserve the valuable properties of a structure of cultural heritage where maintenance operations thereof are suspended or it is no longer used.

39. 'Manager' means the owner or any other holder of rights of the management of an object of cultural heritage and other immovable items located within the territory or at the site of a single object or a complex object.

40. 'Valuable property' means a feature of an object or site of cultural heritage, part or element thereof which is of value from the ethnic, historical, aesthetical or scientific point of view.

41. 'Change of valuable properties' means the maintenance operations affecting valuable properties (the elimination of the threat of an accident, conservation, adaptation, restoration, recreation) and selected and carried out pursuant to the requirements set by this Law to maximally preserve authenticity and to ensure that an object or a site of cultural heritage are suitable for use.

42. Other concepts used in this Law shall be interpreted as they are defined in the Law of the Republic of Lithuania on Protected Areas, the Law of the Republic of Lithuania on Special Land Use Conditions, the Law of the Republic of Lithuania on Construction, the Law of the Republic of Lithuania on Territorial Planning, the Law of the Republic of Lithuania on Green Areas, the Law of the Republic of Lithuania on Land.

Article 3. Classification of immovable cultural heritage

1. Immovable cultural heritage shall be classified according to the structure and according to the nature of valuable properties determining significance thereof.

2. According to the structure, immovable cultural heritage shall be:

1) an individual object – a location, a structure or another immovable item possessing valuable properties;

2) a complex object – a group of objects of cultural heritage which is significant in its totality;

3) a site.

3. According to the nature of valuable properties determining significance or combination thereof, immovable cultural heritage may be:

1) archaeological – locations of past economic or defensive activities, residential, burial or cult sites, complexes thereof or the sites the only or one of the main sources of scientific data whereon is archaeological research and findings;

2) underwater – the archaeological objects, sites and the items of immovable or movable property recognised as significant which are totally or partially under water, where the only or one of the main sources of scientific data thereon is underwater research and findings;

3) mythological – the objects of ancient cult or other human activities recognised as significant and referred to in folklore;

4) ethnocultural – the structures recognised as significant, complexes thereof, locations or sites revealing the singularity of the ethnic culture;

5) architectural – the architectural structures recognised as significant, parts thereof, fixtures and the integral architectural compositions of such structures and/or complexes of locations, clusters, locations and sites;

6) urban – historical parts of cities, towns and similar locations and sites recognised as significant;

7) green areas – objects of cultural heritage – the historical green areas recognised as significant (parks, gardens and other historical green areas);

8) engineering – engineering technical structures and complexes thereof recognised as significant as well as industrial or technological equipment;

9) historical – the objects or sites recognised as significant, related to important events or persons of the public, cultural and state history or made well-known by literature or other works of art;

10) memorial – the objects whose purpose is to commemorate significant events or persons of the cultural and state history;

11) artistic – works of monumental art, miniature chapels, pillar-type crosses, roofed pillar-type crosses, monument crosses, memorial structures and other works of art recognised as significant and directly related to the territory occupied by and required for use thereof;

12) sacral – the objects, locations, complexes thereof and sites significant for religious communities, societies and centres;

13) cultural expression – the results of non-traditional creative activities of an individual or group of individuals recognised as significant.

4. Immovable cultural heritage shall be an integral part of cultural landscape the nature of valuable properties whereof may also be recognised as significant.

Article 4. Protection of immovable cultural heritage

1. The protection of immovable cultural heritage shall consist of:

- 1) accounting;
- 2) declaring protected;
- 3) safeguarding – maintenance and use;
- 4) knowledge, dissemination thereof;
- 5) rehabilitation.

2. The protection of immovable cultural heritage shall be regulated for the following protection purposes:

1) scientific knowledge – to preserve archaeological and other unique sources of the historical data which could be taken over by conducting scientific research of a protected object or a site.

2) public knowledge and use – to provide conditions for the present and future generations to become knowledgeable about, be admitted to and use immovable cultural heritage;

3) public respect – to protect memorial and sacral objects, the locations of the burial and commemoration of the dead or the killed (soldiers, insurgents, participants in the resistance against occupations and other unused cemeteries or individual graves).

3. One or several protection purposes of an object or site of immovable cultural heritage may be set.

4. The legal protection of immovable cultural heritage shall consist of:

1) the heritage protection requirements set out by this Law and other laws for the objects of cultural heritage, territories, sites and protection zones thereof;

2) the requirements set out by the Law on Protected Areas and this Law for the objects of cultural heritage located in reserves, strict reserves and state parks;

3) the requirements set out by the Law on Territorial Planning, the Law on Protected Areas and the territorial planning documents prepared in compliance with this Law;

4) obligations of managers specified in protection agreements;

5) special land use conditions as laid down by the Law on Special Land Use Conditions within the territories of objects of cultural heritage, at sites of cultural heritage and in protection zones thereof.

5. The heritage protection requirements set out by laws and other legal acts shall be listed in the protection regulations handed to managers of specific objects of cultural heritage.

CHAPTER TWO

ADMINISTRATION OF THE PROTECTION OF IMMOVABLE CULTURAL HERITAGE

Article 5. State administration of the protection of immovable cultural heritage

1. The national policy of the protection of immovable cultural heritage shall be formulated by the Seimas, the Government and the Ministry of Culture, having regard to the assessments, analyses and proposals of heritage protection experience and tendencies as submitted by the National Commission for Cultural Heritage.

2. The Minister of Culture shall organise the state administration of the protection of immovable cultural heritage and be in charge thereof. The Minister of Culture shall authorise divisions of the Ministry and the bodies established under the Ministry, other budgetary institutions the rights and duties of the owner whereof are exercised by the Ministry of Culture to perform immovable cultural heritage protection functions.

3. Municipalities shall perform the functions assigned thereto by the Law on Local Self-Government, this Law and other laws.

4. Regulatory enactments on the protection of immovable cultural heritage shall be adopted by the Government, the Minister of Culture, the Director of the Department of Cultural Heritage Protection under the Ministry of Culture (hereinafter: 'the Department') and a municipal council within their respective remit.

5. The Government shall declare as cultural monuments the objects and sites of cultural heritage of national significance, be in charge of the implementation of the heritage protection obligations assumed under international treaties and perform other functions specified by laws.

6. The Minister of Culture shall approve programmes for the heritage protection of immovable cultural heritage (accounting, heritage management, control, protection and management of protected areas, etc.) financed from the state budget, organise the implementation of heritage management programmes, declare immovable cultural property state-protected, approve the regulations of the Commission for Certification of Professionals of Immovable Cultural Heritage Protection (Researchers, Designers, Heritage Protection Experts) and the composition thereof, the regulations of the Commission of Experts on the Protection of Immovable Cultural Heritage and the composition thereof, submit objects and

sites of cultural heritage for inclusion in lists of objects or sites of cultural heritage of international significance, unless specified otherwise by international treaties, perform other functions established by laws and other legal acts.

7. The Ministry of Culture shall, in cooperation with the Ministry of Education and Science, organise the preparation, training and improvement of qualifications of professionals of immovable cultural heritage protection.

8. The regulatory enactments adopted by the Government, ministries and other Government bodies regarding the protection of immovable cultural heritage must, prior to adoption thereof, be submitted to the Ministry of Culture for coordination in accordance with the procedure laid down by legal acts. The legal acts adopted by municipal institutions and contradicting the requirements set out by this Law must be suspended or repealed in accordance with the procedure laid down by the Law on Administrative Supervision of Municipalities.

9. *Repealed as of 1 April 2020.*

10. The Department shall:

1) provide methodological guidance for the protection of immovable cultural heritage;
2) draft the legal acts regulating the protection of immovable cultural heritage;
3) use state budget funds intended for the activities related to the protection of immovable cultural heritage (excluding heritage management programmes);

4) draft programmes for the heritage protection of immovable cultural heritage and organise their implementation (excluding heritage management programmes). The Department may delegate the implementation of these programmes or parts thereof to other budgetary bodies, where it exercises the rights and duties of the owner thereof;

5) organise and coordinate the drawing up of inventories, making known and monitoring of immovable cultural heritage;

6) initiate and organise the declaration of objects of cultural heritage state-protected and submit proposals on the initiation of the declaration of objects of cultural heritage municipality-protected to heritage protection divisions of a municipality;

7) conclude with managers agreements on the protection of objects of cultural heritage;

8) *repealed as of 1 April 2020;*

9) prepare and issue protection regulations for objects of cultural heritage of national and regional significance;

10) provide the protection requirements based on this Law to natural and legal persons;

- 11) examine complaints and applications of managers;
- 12) process data of the Register of Cultural Property wherein immovable cultural property and data thereon shall be registered; collect, handle and store the documents related to this Register pursuant to statutory requirements;
- 13) submit to the data processor of the Real Property Register for registration the immovable items which are objects of cultural heritage, constituent parts or territories thereof, the legal facts related to the protection of immovable cultural heritage;
- 14) submit to the data processor of the Real Property Cadastre for entering or amending data on registration of objects of cultural heritage as objects of rights in rem and on restrictions on the use of real property;
- 15) *repealed as of 1 April 2020;*
- 16) present, within one month from the submission, conclusions whether the design proposals prepared by the managers seeking to manage objects of cultural heritage meet heritage protection requirements;
- 17) organise the preparation of territorial planning documents implementing the provisions of this Law;
- 18) verify the implementation of this Law and other legal acts regulating the protection of immovable cultural heritage, control compliance with these legal acts;
- 19) control the maintenance and upkeep of cultural heritage, stop actions of natural and legal persons at immovable cultural property, within the territories and protection zones thereof, if any violations of heritage protection requirements are detected;
- 20) determine the manner of the recreation of damaged immovable cultural property and the amount of losses sustained;
- 21) *repealed as of 1 January 2017;*
- 22) perform, within its remit, the functions of an entity of the environmental impact assessment of economic activities under the Law on Environmental Impact Assessment of the Proposed Economic Activity;
- 23) have the right to obtain from state and municipal institutions, managers and other natural and legal persons information on objects of cultural heritage, survey, record and research immovable cultural property and immovable items which may possess valuable properties;
- 24) draw up records of administrative offences in the cases and in accordance with the procedure laid down by law and examine the cases of administrative offences falling within its remit;

25) refer to the court seeking to defend the public interest in the area of the protection of immovable cultural heritage, bring actions, applications, appeals before the court in accordance with the procedure laid down by law, submit to the institution exercising state supervision of territorial planning data on the natural persons holding a certificate of competency of a manager of special territorial planning of immovable cultural heritage protection and suspected of infringing this Law and the legal acts implementing it when preparing territorial planning documents or managing the preparation thereof;

26) cooperate with relevant institutions of foreign states and international institutions;

27) perform other functions specified by this Law and other legal acts and carry out orders of the Minister of Culture.

11. The Commission for Certification of Professionals of Immovable Cultural Heritage Protection (researchers, designers, heritage protection experts) and the Commission of Experts on the Protection of Immovable Cultural Heritage referred to in paragraph 6 of this Article shall perform the functions assigned to them in their regulations and the work of their members shall be remunerated in accordance with the procedure laid down in the Law of the Republic of Lithuania on Remuneration of Employees of State and Municipal Bodies and Members of Commissions.

12. To ensure the rationality of state management and the development of programmes for the heritage maintenance of immovable cultural heritage and other protection programmes, monitoring shall be carried out in accordance with the procedure approved by the Minister of Culture.

Article 6. Administration of the protection of immovable cultural heritage in municipalities

1. In municipalities, the functions of protection of immovable cultural heritage stipulated (assigned) by the Constitution and laws of the Republic of Lithuania shall be performed by municipal institutions in accordance with the procedure laid down by legal acts.

2. Municipal institutions shall issue sets of design conditions for protected structures and structures in the territories of protected objects and at protected sites, organise coordination of the design documentation of such structures and grant permits to build, reconstruct, repair or demolish such structures in accordance with the procedure laid down by this Law, the Law on Local Self-Government and the Law on Construction.

3. The heritage protection divisions of municipalities, in performing the functions of the protection of state-protected objects assigned to a municipality, shall:

1) act as intermediaries between managers and the Department: receive applications of the managers, forward the applications accompanied by a division's proposals to the Department and present replies to the managers;

2) forward notifications in the cases referred to in Article 10(1) and (3) of this Law;

3) verify the condition of objects of cultural heritage, accumulate information and provide it to the Department in accordance with the monitoring procedure approved by the Minister of Culture;

4) notify the Department of the decisions adopted by the municipality regarding state-protected objects and sites;

5) provide to managers the binding requirements based on the provisions of this Law;

6) draw up records of administrative offences in the cases provided for by laws;

7) adopt other decisions and carry out actions within the limits of powers established under laws and other legal acts and conferred by the Department.

4. Heritage protection divisions of municipalities shall, with regard to the objects declared protected by a municipal council, perform the functions referred to in points 2, 7 to 11 and 13 to 19 of Article 5(10) of this Law as well as:

1) develop programmes for the municipality's immovable cultural heritage accounting, heritage management, education, schooling and other heritage protection programmes and organise implementation thereof;

2) initiate and organise the declaration of objects of cultural heritage municipality-protected and submit data thereon to the Register of Cultural Property;

3) cooperate with heritage protection divisions of other municipalities in the area of the protection of immovable cultural heritage;

4) organise international cooperation related to the protection of immovable cultural heritage;

5) submit to other divisions of the municipality, enterprises, agencies, organisations and other legal and natural persons proposals and provide methodical and professional assistance on issues of explanation, protection, dissemination of knowledge and rehabilitation of immovable cultural heritage;

6) have the right to obtain from state and municipal institutions, managers and other natural and legal persons information on objects of cultural heritage, survey, record and research immovable cultural property and immovable items which may possess valuable properties;

7) perform, within their remit, other functions specified by laws and other legal acts.

Article 7. National Commission for Cultural Heritage

The National Commission for Cultural Heritage shall be an expert of the Seimas of the Republic of Lithuania, the President of the Republic of Lithuania and the Government of the Republic of Lithuania and shall advise on issues relating to state cultural heritage protection policy, its implementation, assessment and improvement. The Commission shall be accountable to the Seimas. The management, financing, tasks and rights of the Commission shall be specified by the Law on the National Commission for Cultural Heritage.

CHAPTER THREE

ACCOUNTING OF IMMOVABLE CULTURAL HERITAGE AND DECLARATION OF AN OBJECT OF CULTURAL HERITAGE PROTECTED

Article 8. Accounting of immovable cultural heritage

1. The accounting of immovable cultural heritage shall consist of drawing up of inventories, making specific items of immovable cultural property known and registration thereof.

2. Inventories of immovable cultural heritage shall be drawn up by compiling a list of all works and other items which could be assigned thereto. Inventory data shall be regularly adjusted, accumulated and systematised. The procedure for drawing up the inventories shall be approved by the Minister of Culture.

3. In order to make immovable cultural property known, research shall be conducted. On the basis of data of this research, the significance of objects or sites of cultural heritage and valuable properties thereof shall be determined, and the boundaries of territories thereof shall be defined or adjusted.

4. The making known of specific items of immovable cultural property shall be organised by the Department and municipal institutions. Traditional religious communities, societies and centres, higher education and research institutions and state research institutions may organise the drawing up of inventories and making known of the immovable cultural heritage corresponding to their area of activities or belonging to them by the right of ownership by coordinating their actions with the Department.

5. The significance of immovable cultural property and the valuable properties of objects or sites of cultural heritage shall be determined and boundaries of territories thereof and of protection zones of the objects of cultural heritage shall be defined by immovable cultural heritage assessment councils formed by the Department and municipalities (hereinafter: 'assessment councils'). The assessment councils formed by a municipality or

several municipalities shall decide on determination of valuable properties of immovable cultural heritage of local significance located within the territory of the municipality and the level of local significance thereof, definition of boundaries of the territory of immovable cultural heritage of local significance and the necessity of the protection thereof, non-application of the local significance level of protection to immovable cultural property or adjustment of accounting data of such property. The assessment councils of the Department shall decide on determination of valuable properties of immovable cultural heritage located within the territory of the Republic of Lithuania, definition of the boundaries thereof and determination of the national, regional or local level of significance of immovable cultural property, the necessity of the protection thereof, non-application of protection to the immovable cultural property or adjustment of accounting data of such property.

6. Criteria for the assessment, selection and determination of the level of significance of immovable cultural property, the volume of data of the research required for the making known of this property and model regulations of assessment councils shall be approved by the Minister of Culture. The work of members of the Commission shall be remunerated in accordance with the procedure laid down by the Law of the Republic of Lithuania on Remuneration of Employees of State and Municipal Bodies and Members of Commissions.

7. The Register of Cultural Property shall be set up, managed, used and reorganised in accordance with the procedure laid down by this Law, the Law on State Information Resources Management, the Law on the Protection of Movable Cultural Property and other legal acts.

8. Immovable cultural properties shall be registered after an assessment council decides that a property is in need of protection. Such property shall be registered as single or complex objects or sites of cultural heritage or objects or sites of cultural heritage being a part of a complex which are of considerable scientific, historical or cultural significance. Decisions of assessment councils shall be published on websites of the Department and of the municipalities which have formed the assessment council in question, and information on registration – in the Register of Cultural Property in accordance with the procedure laid down by legal acts.

9. The following data on each property to be registered shall be entered in the Register of Cultural Property and in an immovable cultural property certificate (extract from the data of the Register) compiled on the basis of data thereof:

- 1) the name of the immovable cultural property, unique code and address thereof;
- 2) the valuable properties and the boundaries of the territory to be protected together with the property, as determined (defined) by an act(s) of an assessment council.

10. The Department shall set a code for each registered immovable cultural property, enter it in the Register of Cultural Property and adjust the already entered code(s) assigned by a public register (the Real Property Register) to the land plots of an object or site of cultural heritage and other immovable items located within the territory of the object or the site as well as other data of the Register of Cultural Property established by legal acts.

11. The Register of Cultural Property shall, in accordance with the procedure laid down by laws and other legal acts or under agreements on exchange of data, exchange required data with the Real Property Register and other state registers, cadastres, classifiers, specialised data banks as well as with the developers of state programmes and organisers of territorial planning, where they are state or municipal institutions. The Register of Cultural Property shall have the right to obtain the required data of other state registers and cadastres free of charge.

12. The data of the Register of Cultural Property shall be public. Under data provision agreements, these data shall be transmitted free of charge to related registers and state information systems. On the basis of these agreements, the data processor of the Real Property Register shall, free of charge, note the following legal facts in an entry on the relevant immovable item contained in the Real Property Register: the entry of the immovable item in the Register of Cultural Property, the presence thereof within the territory of an object of cultural heritage, at a site or protection zones thereof, restrictions of rights in rem to the immovable item as set out in special conditions of the use of the immovable cultural property.

Article 9. Initial protection of immovable cultural heritage

1. The manager of an object of cultural heritage registered in the Register of Cultural Property whereon no decision has been adopted as to whether or not to declare it protected, planning to carry out the maintenance operations which may damage the valuable properties of the object of cultural heritage, must submit design proposals to the heritage protection division of a municipality or to list the operations to be carried out in writing. The heritage protection division of the municipality shall forthwith notify thereof the Department.

2. Where it is established that the operations to be carried out would damage valuable properties, the declaration of an object of cultural heritage protected must be initiated within 15 days. A decision on the initiation of the declaration of the object of cultural heritage state-protected shall be adopted by the Department, and municipality-protected – by the heritage protection division of a municipality.

3. Where, in the course of construction or other operations, archaeological findings or valuable properties of an immovable item are discovered, the managers or the persons

carrying out the operations must notify thereof the heritage protection division of a municipality, and the latter shall inform thereof the Department. The Department may suspend operations for 15 days. Within this time limit, it must, in cooperation with the heritage protection division of the municipality, verify the notification and adopt a decision whether or not to initiate registration of a discovered immovable cultural property, declaration of an object of cultural heritage protected or making of the discovered valuable property known and adjustment of the protection requirements.

4. The Department may also suspend operations for 15 days, where it transpires that the requirements referred to in paragraph 1 or 2 of this Article have been violated.

5. An institution which has adopted a decision to initiate the declaration of an object of cultural heritage protected or the identification of a newly discovered valuable property of an already protected object and the amendment of protection requirements may restrict for a period of up to six months or prohibit the operations which could damage valuable properties at the object itself, within the territory or protection zone thereof. Where the territory and the protection zone have not been established, the operations may be restricted or prohibited within the distance of 250 metres from the object. Where required research is not conducted due to unfavourable climatic conditions, the time limit may be extended. The duration of the prohibition of the carrying out of the operations may not exceed a total of eight months. Within this time limit and in accordance with the procedure laid down by this Law, the required research must be conducted, a design documentation of boundaries of the territory and of the protection zone must be prepared and coordinated, where necessary, the structure must be mothballed and other actions of the procedure for declaring an object of cultural heritage protected must be carried out.

6. Initial protection shall become invalid upon the adoption of a decision to declare an object of cultural heritage protected or to refuse to declare it protected or upon the expiry of the time limit laid down according to paragraph 5 of this Article.

Article 10. Declaration of an object and site of cultural heritage protected

1. The Department or a municipal institution must register in the Register of Cultural Property a decision to initiate the declaration of an object or site of cultural heritage protected and publish it on the website of the Department or the municipality and give a written notice thereof, within 15 days from the registration, to all persons whose rights in rem to immovable items within the territory of such an object of cultural heritage are registered in the Real Property Register.

2. The Government shall, on a recommendation of the Minister of Culture and subject

to approval by the National Commission for Cultural Heritage, declare as cultural monuments the objects and sites of cultural heritage of national significance. The Government shall, on a recommendation of the Minister of Culture, enter the cultural monuments which, by virtue of their outstanding scientific, historical or cultural value, must be made accessible to the public on the List of Historical, Archaeological and Cultural Objects of National Significance. The procedure for financing the maintenance of the cultural monuments which are held by the right of private ownership and are accessible to the public and have been entered on the List of Historical, Archaeological and Cultural Objects of National Significance and reimbursing the expenses of management operations of heritage protection shall be established by the Government.

3. The objects and sites of cultural heritage of national significance which are not declared cultural monuments and objects and sites of cultural heritage of regional significance shall be declared state-protected by the Minister of Culture. Approval of the National Commission for Cultural Heritage shall be required for declaring as state-protected the objects and sites of cultural heritage of national significance which are not declared cultural monuments. The objects and sites shall be selected having regard to the valuable properties of the objects and sites of immovable cultural heritage and significance criteria, the cultural value and public significance thereof.

4. Objects and sites of cultural heritage of local significance shall be declared municipality-protected by a municipal council.

5. A legal act whereby an object or site of cultural heritage is declared state-protected or a cultural monument shall specify the purpose or purposes of protection, the nature of the valuable properties or combination thereof determining the level of significance and approve the boundaries of the territory and protection zone thereof.

6. Where an object of cultural heritage has deteriorated, has been destroyed or its valuable properties have been otherwise lost and the reasons for such losses and/or the persons liable have been identified or the object or site of cultural heritage does not meet the specified significance criteria and valuable properties of objects or sites of immovable cultural heritage, subject to giving at least three months' advance notice thereof in the press, a decision shall be adopted to repeal or amend an act on the declaration of the object or site of cultural heritage protected. Upon the adoption of a decision cancelling the protection of the object of cultural heritage, the said object or site shall not be removed from the Register of Cultural Property.

7. The Register of Cultural Property must contain the following data on protected objects and sites of cultural heritage:

- 1) the legal acts and amendments thereto laying down protection and approving the territory and protection zones, the codes of entries in the registers registering these acts;
- 2) the institution in charge of the protection of the object or site of cultural heritage;
- 3) the terms and conditions of a protection agreement concluded with the manager, where such an agreement has been concluded;
- 4) the name of the protected area where the object or site of cultural heritage is located.

8. Where the purpose of a movable item located at an object of cultural heritage and protected under the Law on the Protection of Movable Cultural Property is integral of the purpose of the object and where the item is historically related to the object and contributes an additional value thereto, the item shall be entered in the Register of Cultural Property as an item being one of valuable properties thereof. Where the object of cultural heritage is declared state-protected, the movable cultural property specified as a valuable property shall also become protected under this Law.

Article 11. Territories, protection zones and sub-zones of objects and sites of cultural heritage

1. An object of cultural heritage shall be protected together with the territory which it occupies and which is assigned thereto. This territory shall be integral of the object of cultural heritage.

2. The boundaries of the territory of an object of cultural heritage and a site of cultural heritage shall be defined on the basis of data of historical and other research so that they correspond to the boundaries of existing land plots or parts thereof which are objects of rights in rem or to other boundaries of immovable items or natural or anthropogenic elements.

3. Territories of sites of cultural heritage shall be established according to documents drawn up in accordance with the procedure laid down by the Law on Territorial Planning, the Law on Protected Areas and this Law.

4. The territories of objects and sites of underwater heritage and the territories of the objects of cultural heritage located in forests shall be described, established and formalised as objects of civil right and registered in the Register of Cultural Property in accordance with the procedure laid down by this Law and other legal acts.

5. The conservational (safeguarding) purpose shall be set for the land plots or parts thereof located within the territory of a protected object and being objects of rights in rem.

6. An intermediate protection zone mitigating the adverse impact of human activity shall be established for a protected object or site. This zone may have one or both of the following subzones of a different protection and use regime:

1) the subzone of protection against physical impact – the land plots or parts thereof outside the territory of an object of cultural heritage together with other immovable items located therein as well as the forest and water areas subject to the requirements of this Law and other legal acts prohibiting in this subzone the activities likely to physically impair the valuable properties of the object of cultural heritage;

2) the subzone of visual protection – the land plots or parts thereof outside the territory of an object of cultural heritage or the subzone of protection against physical influence together with other immovable items located therein and being subject to the requirements of this Law and other legal acts prohibiting in this subzone the activities likely to hinder the viewing of the object of cultural heritage.

7. The boundaries of a protection zone shall be defined in compliance with the Law on Territorial Planning and this Law. The boundaries of the protection zone of an object of cultural heritage located in a reserve or a strict reserve or at a site of cultural heritage shall not be defined. In this case, the territorial planning documents of the reserve or strict reserve and/or the regulations of these protected areas shall be supplemented with requirements for protection against the likely adverse impact of activity in adjacent territories.

Article 12. Marking of objects of cultural heritage

1. Protected objects shall be marked by typical boards and signs in accordance with the procedure approved by the Government or an institution authorised by it.

2. Historical objects of cultural heritage may be marked by individually designed boards and signs, memorial structures or perpetuated by the recreated structures exhibiting the valuable properties of former structures.

CHAPTER FOUR

SAFEGUARDING OF IMMOVABLE CULTURAL HERITAGE

Article 13. Safeguarding regimes

1. Protected objects and territories thereof may be subject to the following safeguarding regimes: the reserve regime, the authentic purpose regime and the sparing use regime.

2. The reserve regime shall be applied to the objects of cultural heritage which it is expedient to preserve so that they could be researched in the future by making use of broader scientific possibilities. The activities which may destroy scientific data, such as destructive research, maintenance operations, economic activities, shall be prohibited thereat. The list of the objects subject to the reserve regime shall be approved by the Minister of Culture.

3. The authentic purpose regime shall be introduced for the objects of cultural heritage whose use in the original or historically formed manner would ensure the upkeep thereof and would make the valuable properties of the protected object known better than the other manner of use.

4. The sparing use regime shall be introduced for the objects of cultural heritage for protection whereof it is expedient to select such a manner of use and adaptation that the valuable properties of the object be least damaged and the manager be interested in keeping it up.

5. The authentic purpose regime or the sparing use regime shall be introduced for objects and territories of cultural heritage by an institution which has declared an object protected. The conservational (safeguarding) purpose may be set for such objects as the supplementary rather than the main purpose.

Article 14. Rights and duties of the manager

1. The manager shall have the right:

1) to use the property managed by him according to its purpose without prejudice to the requirements set out by this Law and other laws;

2) to receive methodical, technical, financial and/or other support for the upkeep and maintenance of an object of cultural heritage, to be granted access to the research data and other information held by state and municipal institutions on the object of cultural heritage;

3) to obtain information on the immovable cultural property declared protected or planned to be declared protected, a reserve or a strict reserve set up to protect a site and the heritage protection requirements set out on this ground for the property (items) managed by him;

4) to file proposals, comments and claims concerning registration of his property in the Register of Cultural Property and declaration as a protected object or site of cultural heritage or cultural monument;

5) to refer to the court, where an object or site of cultural heritage has been declared protected and the conditions or restrictions of activities have been laid down or amended

disregarding his claims or where he is dissatisfied with the amount of compensation for the restrictions of activities.

2. The manager of a protected object shall have the right to conclude a protection agreement under the terms and conditions referred to in Article 16 of this Law to enter in additional commitments and/or specify the ways of compensation for the safeguarding of the object of cultural heritage.

3. The manager's duty shall be to preserve an immovable cultural property. The manager must:

1) keep up an object of cultural heritage, the territory thereof, a site, timely remove emerging defects and protect structures against adverse environmental impact; maintain adequate microclimate conditions in premises with valuable interior; timely renew vegetation, remove volunteer plants, mow grass and trim trees, clean debris and eliminate sources of pollution within the territory; keep up and maintain historical green areas which are objects of cultural heritage in compliance with the heritage maintenance regulations approved by the Minister of Culture and coordinated with the Ministry of Environment and intended for historical green area maintenance;

2) notify an institution in charge of protection of a threat posed to an immovable property which he cannot eliminate himself or does not possess the competency or authorisation required therefor;

3) permit, in accordance with the procedure established by the Minister of Culture, the members and officials of the Department, the heritage protection subdivision of a municipality and the National Commission for Cultural Heritage or the professionals authorised thereby to view an object or site of cultural heritage, to record the condition of the object or site of cultural heritage and to conduct research under the agreed conditions, also allow the persons who have received the authorisation referred to in Article 18¹(2) of this Law to conduct archaeological research under the conditions agreed with the manager. In these cases, the parties must agree on the duration, volume of the research and compensation for possible losses;

4) submit to the heritage protection division of a municipality a design documentation of the maintenance of a protected object or an object in respect whereof the procedure of declaration of the object protected has been initiated and the entire design documentation implementation whereof would affect the surrounding environment of the said object;

5) provide the conditions meeting the requirements set out by this Law and other laws for the public to be admitted to and become knowledgeable about immovable cultural property;

6) permit an institution in charge of protection to mark an object of cultural heritage by typical and/or individually created boards and signs;

7) carry out operations of the introduction of technical protection measures and other urgent safeguarding operations specified by the Minister of Culture.

4. The manager may use own funds to finance the preparation of special plans of cultural heritage protection.

Article 15. Transactions on objects of cultural heritage

1. The seller or the manager of an object of cultural heritage otherwise transferring rights of management (hereinafter: ‘the seller’) shall give at least a one-month advance notice of his intention to conclude a transaction to the heritage protection division of a municipality. Within this time period, the division must verify whether the condition of the said object and valuable properties thereof correspond to the condition specified in the object’s passport of immovable cultural property.

2. The condition of an object of cultural heritage shall be verified in accordance with the procedure established by the Minister of Culture. Where maintenance operations have not been carried out thereat, where no damage thereto has been established and where requirements set out for the use thereof have not been violated, the verification act shall remain in force for six months from signing of the act. Upon the request of the seller or the acquirer, the said verification of the condition may be carried out for a state fee in the amount established by the Government not later than within 15 working days from notification of the intention to conclude a transaction.

3. The rights, duties and liability of the transferor of an object of cultural heritage shall, upon the verification of the condition of the object, be transferred to the new manager (acquirer) from signing of an act of transfer and acceptance. Where the condition established at the time of the verification does not correspond to the condition specified in the object’s passport of immovable cultural property, the transferor shall be held liable therefor.

Article 16. Protection agreements

1. Protection agreements shall establish the servitudes of structures and formalise other heritage protection requirements for objects and sites of cultural heritage.

2. Agreements may be concluded with owners and users of land, forest and water bodies, where the land, forest or water body is located in a protected area, by an institution authorised by the Government and being in charge of the protection of the protected area.

3. Protection agreements may be concluded with the managers of the objects of cultural heritage registered in the Register of Cultural Property and with the managers of the land plots or immovable items located within the territories and protection zones of the objects by the Department, the heritage protection division of a municipality, funds or other public institutions performing the function of the protection of cultural heritage.

4. The procedure for concluding protection agreements shall be established by the Government or an institution authorised by it.

5. Protection agreements shall be registered in the Real Property Register. In the event of change of the manager, the heritage protection requirements listed in an agreement shall be transferred together with an object to the new manager.

6. Protection agreements may establish:

1) the commitment of the manager not to build the structures likely to obstruct or change the existing view;

2) the commitment of the manager not to carry out specific actions which would change the valuable properties or hinder public knowledge thereof;

3) the conditions of accessing an object of cultural heritage and/or access fee;

4) methodical, technical, financial and/or other support for the maintenance of an object of cultural heritage;

5) lump-sum compensation to the manager, where the commitments agreed upon considerably reduce the profit obtained from the object under management.

7. In a protection agreement, an institution in charge of the protection of a specific object or site may specify the application of heritage protection requirements and set out additional protection measures.

Article 17. Protection of immovable cultural heritage safeguarded for the purposes of scientific knowledge

1. At an object safeguarded for scientific knowledge, within the territory thereof, at a site, it shall be prohibited, without the consent of an institution in charge of the protection of cultural heritage, to use metal, electronic or other detectors for the purpose of searching for archaeological and other findings or objects, to move, research, lift underwater objects, separate parts thereof or archaeological findings in inland waters, inland waters of the maritime area, the territorial sea, the contiguous zone and the exclusive economic zone within the meaning of the international treaties of the Republic of Lithuania.

2. A protection agreement may lay down conditions for the restrictive use of the territory of a safeguarded object or site for agricultural, forestry or other purpose.

3. At an unresearched object safeguarded for the purposes of scientific knowledge, the manager may carry out only upkeep and conservation operations.

4. Where it is unprofitable for the manager to keep up and use an object, site or part thereof safeguarded for the purposes of scientific knowledge, he may apply to an institution in charge of the protection of the object or site for an authorisation to organise scientific research of the said object, site or part thereof or to take over the safeguarded object, site or part thereof from him. The protection requirements of a researched object, site or part thereof may be changed by a legal act declaring the object protected upon striking off scientific knowledge from the objectives of protection.

Article 18. Research of immovable cultural heritage

1. Research shall be the basis for the accounting, maintenance, knowledge of immovable cultural heritage and dissemination thereof.

2. Basic research of immovable cultural heritage conducted with funds of the state budget shall be conducted by higher education and research institutions and other state and non-state research institutions, scientific researchers. Applied research and destructive research may be conducted by persons who have obtained, in accordance with the procedure laid down in Article 23¹ of this Law, a certificate of competency or an entitlement document granting the right to conduct the research of immovable cultural heritage.

3. When assessing the environmental impact of the proposed economic activity in accordance with the procedure laid down by law, the organiser (developer) thereof shall request that the Department conducts the applied research of immovable cultural heritage required for the impact assessment. It shall be financed by the organiser of the proposed economic activity.

4. The applied research required to be conducted prior to preparation of a design documentation of the maintenance of an object of cultural heritage or during maintenance shall be organised by the Department where the object is state-protected or by the heritage protection division of a municipality where the object is municipality-protected. A state fee in the amount established by the Government shall be collected for the research conclusions issued to the manager or another organiser of maintenance. Where new valuable properties are discovered during the carrying out of maintenance operations, additional research required for making them known shall be organised by an institution in charge of protection. It may be funded by the manager or another organiser of maintenance wishing to speed up the research.

5. The archaeological findings discovered during research shall, if possible, be safeguarded and exhibited at the place of discovery thereof. In other cases, they shall, in

accordance with the procedure approved by the Minister of Culture, be handed over to museums having conditions to preserve and exhibit them. The treasures taken for public needs shall be reimbursed in accordance with the procedure approved by the Minister of Culture.

6. Destructive and applied research shall be conducted and reports thereon shall be drawn up in accordance with the procedure established in the heritage maintenance regulations governing such research. The Department shall issue authorisations and give a notice thereof to the heritage protection divisions of a municipality. The researchers who have conducted research shall submit research reports and authors of publications prepared on the basis of research data shall submit copies of the publications to the Department, which shall record them in the Register of Cultural Property.

7. The sponsor of research shall compensate for losses incurred by the manager.

Article 18¹. Issue and validity of an authorisation to conduct archaeological research

1. Archaeological research may be conducted by professionals with a degree in the field of archaeology or history of the study area of humanitarian sciences or an equivalent degree and certified in accordance with the procedure laid down in Article 23¹ of this Law or by nationals of a Member State of the European Union, the Swiss Confederation or a state which is a signatory to the Agreement on the European Economic Area and other natural persons enjoying the freedom of movement in the Member States granted to them under EU legislation and entitled to conduct archaeological research subject to recognition of their entitlement, as held in the country of origin, to carry out the relevant activities (hereinafter: ‘persons of other states’) (hereinafter jointly: ‘researchers’). Recognition of the entitlement to conduct archaeological research by persons of other states shall be carried out in accordance with the procedure laid down in Article 23¹ of this Law.

2. The researchers referred to in paragraph 1 of this Article shall become entitled to conduct archaeological research upon obtaining an authorisation issued by the Department to conduct archaeological research (hereinafter: an ‘authorisation’). Authorisations shall be issued, the validity thereof shall be extended, suspended, suspension of the validity shall be lifted or the authorisations shall be withdrawn in accordance with the procedure laid down by this Law. Forms of applications for the issue of an authorisation or for the extension of the validity of an authorisation, the procedure for lodging them with the Department and examining them by the Department, forms of the authorisations and the procedure for publishing them (hereinafter: ‘the description of the procedure for issuing authorisations’) shall be established by the Minister of Culture on the grounds laid down by this Law. The

Department shall issue an authorisation or adopt a decision not to issue an authorisation not later than within 20 working days from the receipt of the researcher's application and a design documentation of archaeological research. The application for the issue of an authorisation shall contain all the information referred to in the description of the procedure for issuing authorisations and substantiating the requirements referred to in points 1, 2 and 3 of paragraph 4 of this Article.

3. Where a researcher's application for the issue of an authorisation does not contain all the information referred to in the description of the procedure for issuing authorisations, false data have been submitted or not all documents substantiating the requirements referred to in points 1, 2 and 3 of paragraph 4 of this Article have been submitted, the Department shall notify the researcher not later than within three working days from the receipt of his application of the need to provide missing information, to adjust the data or to submit missing documents and inform that the time limit for issuing the authorisation runs from the submission of the missing information and/or documents. Upon adopting a decision to issue or not to issue the authorisation, the Department shall, not later than within three working days from the adoption of the decision, give a notice thereof to the applicant researcher and to the administration of the municipality within the territory whereof the archaeological research is to be conducted.

4. An authorisation shall be issued to the researchers referred to in paragraph 1 of this Article, provided that the following requirements are fulfilled:

1) the researcher meets the qualification requirements set out in Article 23¹ of this Law and entitling him to conduct archaeological research at the research site specified in the application;

2) the researcher has, in the cases and in accordance with the procedure established in the heritage maintenance regulations governing the maintenance of archaeological heritage and approved by the Minister of Culture (hereinafter: 'the archaeological heritage maintenance regulations'), reported on the archaeological research conducted in the past year and has tidied up the site of the previous archaeological research and, pursuant to the provisions of Article 18(5) of this Law and in accordance with the procedure established by the Minister of Culture, has handed over to museums the archaeological findings discovered during the archaeological research and to archives a report on this research approved by the Scientific Commission of Archaeology;

3) a state fee in the specified amount has been paid;

4) a design documentation of archaeological research prepared and submitted by the researcher has been approved by the Scientific Commission of Archaeology.

5. The Scientific Commission of Archaeology, the composition and regulations whereof shall be approved by the Minister of Culture, shall approve the draft design documentation of archaeological research submitted by the researcher or a draft amendment or supplement thereof, provided that it meets the requirements for the preparation of a draft documentation of archaeological research set out in the archaeological heritage maintenance regulations and meets the general requirements for the methodology of archaeological research established in the archaeological heritage maintenance regulations. If the Scientific Commission of Archaeology adopts a decision to approve the draft design documentation of archaeological research with observations, the draft design documentation of archaeological research must be verified by the Department before adopting a decision to issue an authorisation or the design documentation must be amended according to the observations provided by the Scientific Commission of Archaeology.

6. The issue of an authorisation shall be refused if at least one of the requirements set out in paragraph 4 of this Article is not fulfilled. The issue shall also be refused if the researcher has already been issued ten authorisations to conduct archaeological research in the current year and the researcher has not reported thereon in the cases and in accordance with the procedure established in the archaeological heritage maintenance regulations.

7. When conducting archaeological research, the following conditions necessary for the conduct of archaeological research must be ensured:

1) at the research site, the ambient temperature of the archaeological research is positive and the soil is not frozen;

2) it is possible to conserve archaeological findings under field conditions, if required by the specific features of the object under research;

3) the research site, uncovered archaeological structures, findings, human remains are safeguarded from fall of land or construction parts, flooding with water or natural disasters, entry of vehicles, as well as any type of damage, vandalism, theft and risk to human safety and health;

4) the research site is fenced and protected from unauthorised entry (where appropriate).

8. Authorisations shall be issued for the period from 1 March of the current year to 30 November of the current year. The authorisations may be issued for the period from 30 November of the current year to 1 March of the following year only in the following cases:

1) where there is a need to eliminate the threat of an accident. In this case, the requirement to ensure the conditions laid down in points 1 and 2 of paragraph 7 of this Article and necessary for the conduct of research and the requirement set out in point 4 of paragraph

4 of this Article to prepare and submit a design documentation of archaeological research approved by the Scientific Commission of Archaeology shall not apply;

2) when conducting the research, the conditions necessary for the conduct of the research, such as the positive ambient temperature of the research and the non-frozen soil at the research site, will be ensured. In this case, the researcher shall provide in an application for the issue of an authorisation the detailed information on how the conditions necessary for the conduct of the research, such as the positive ambient temperature of the research and the non-frozen soil at the research site, will be ensured. The application for the issue of an authorisation shall be accompanied by a written acknowledgement of the sponsor of the archaeological research that he undertakes to take measures (specific measures to be indicated) to ensure the conditions necessary for the conduct of the archaeological research referred to in this paragraph.

9. A researcher who has failed to timely complete the research provided for in a design documentation of archaeological research may submit to the Department an application for extension of the validity of an authorisation not later than ten working days before the expiry of the validity of the authorisation. The validity of the authorisation shall be extended for the researcher meeting the requirements referred to in paragraph 4 of this Article after 30 November of the current year for a period indicated by the researcher, but not later than until 30 November of the following year. The validity of the issued authorisation shall be extended or a reasoned refusal to extend it shall be provided not later than within ten working days from the receipt of the application by the Department. Where the researcher's application for extension of the validity of the authorisation does not contain all the information indicated in the description of the procedure for issuing authorisations or false data have been provided, the Department shall notify the applicant researcher thereof not later than within three working days from the receipt of the application and shall set for adjustment of the application a time limit of five working days, running from the receipt of the Department's notification to the researcher regarding adjustment of the application. In this case, the time limit for extending the validity of the issued authorisation within which a decision must be adopted regarding extension of the validity of the authorisation shall run from the receipt of the adjusted application by the Department.

10. Extension of the validity of an authorisation shall be refused if the Department, in accordance with the provisions of paragraph 7 of this Article, does not approve extension of the authorisation on the ground that the conditions necessary for the conduct of the research are not ensured.

11. In the event of refusal to extend the validity of an issued authorisation, the Department shall, not later than within three working days from the adoption of the decision, give a notice thereof to the applicant researcher and the administration of the municipality within the territory whereof the archaeological research was to be conducted, stating the reasons for which the authorisation has not been issued or extension of the validity of the issued authorisation has been refused.

12. The validity of an authorisation shall be suspended where the Department establishes that:

1) archaeological research is conducted at the sites not provided for in the design documentation of archaeological research approved by the Scientific Commission of Archaeology and/or not according to the nature of the research provided for in the approved design documentation of archaeological research;

2) a threat of damage to or loss of the object of cultural heritage under research or adjacent objects of cultural heritage arose in the course of the archaeological research;

3) the conditions necessary for the conduct of archaeological research as laid down in paragraph 7 of this Article are not ensured, to the exclusion of the exception provided for in paragraph 8 of this Article.

13. In the event of suspension of the validity of an authorisation, the Department shall, not later than within three working days from the adoption of the decision, give a notice thereof to the applicant researcher and the administration of the municipality within the territory whereof the archaeological research was to be conducted, stating the reasons for which the validity of the authorisation has been suspended or a time limit for elimination of the reasons for suspension of the validity of the authorisation. The researcher shall be prohibited from conducting archaeological research from the receipt of the Department's notification of suspension of the validity of the authorisation.

14. Suspension of the validity of an authorisation shall be lifted upon eliminating within the set time limit the reasons for suspension of the validity of an authorisation provided for in paragraph 12 of this Article. The Department shall adopt a decision to lift suspension of the validity of an authorisation within ten working days from the receipt of a notification of elimination of the reasons for suspension of the validity of the authorisation subject to verification of the information received and shall, not later than within three working days from the adoption of the decision, give a notice thereof to the researcher who has been issued the authorisation and the administration of the municipality within the territory whereof the archaeological research was to be conducted.

15. An authorisation shall be withdrawn where the Department establishes that:

1) the researcher whose authorisation has been suspended has not eliminated the reasons for suspension of the validity of the authorisation within the time limit set by the Department;

2) the researcher whose authorisation has been suspended continues the archaeological research following the receipt of the Department's notification of suspension of the validity of the authorisation;

3) the researcher lodges with the Department an application for withdrawal of the authorisation issued to him;

4) a certificate of competency issued to the researcher as a certified professional or an entitlement document recognising the entitlement of the researcher as a person of another state to conduct archaeological research is withdrawn;

5) it transpires that the valuable properties of an object or site of cultural heritage have been destroyed prior to the commencement of the archaeological research.

16. In the event of withdrawal of an authorisation, the Department shall, not later than within three working days from the adoption of the decision, give a notice thereof to the applicant researcher and the administration of the municipality within the territory whereof the archaeological research was to be conducted, stating the reasons for which the authorisation has been withdrawn.

17. A researcher must:

1) upon the receipt of an authorisation and before the commencement of archaeological research, notify the manager thereof and agree with him, in accordance with the procedure laid down in Article 14(3)(3) of this Law, on conditions for the conduct of the archaeological research;

2) in accordance with the procedure laid down in the archaeological heritage maintenance regulations and according to a design documentation of archaeological research approved by the Scientific Commission of Archaeology, conduct the archaeological research and report on the archaeological research, tidy up the archaeological research site.

18. An authorised researcher shall be responsible for compliance with the requirements set out in paragraphs 4 and 7 of this Article.

19. Supervision of the activities of authorised researchers shall be exercised by the Department.

20. Where upon the issue of an authorisation there is a need to amend or supplement the volume of archaeological research, sites or methods of research provided for in a design documentation of archaeological research approved by the Scientific Commission of Archaeology without altering the nature of the archaeological research, the archaeological

research may be further conducted under a valid authorisation, subject to preparing a draft design documentation amending and/or supplementing the design documentation of archaeological research and obtaining the Department's approval for the conduct of the archaeological research according to the amended or supplemented design documentation of archaeological research.

21. The Department shall adopt a decision to approve or not to approve the conduct of archaeological research according to an amended or supplemented design documentation of archaeological research within 20 working days from the receipt of the researcher's application and the amended and/or supplemented design documentation of archaeological research by the Department, provided that it is approved by the Scientific Commission of Archaeology and the researcher amends it in accordance with observations of the Scientific Commission of Archaeology, if any.

22. Upon the adoption of a decision to approve or not to approve the conduct of archaeological research according to an amended or supplemented design documentation of archaeological research, the Department shall notify the applicant researcher thereof not later than within three working days from the adoption of the decision.

Article 19. Protection of immovable cultural heritage safeguarded for public knowledge and use

1. The manager of an object safeguarded for public knowledge and use, another object located at a complex object or a site safeguarded for public knowledge and use may use it in the ways specified in the object's passport of immovable cultural property.

2. At an object safeguarded for public knowledge and use, the following shall be prohibited:

- 1) to destroy or otherwise damage the valuable properties of the safeguarded object;
- 2) to destroy or damage the boards, information stands intended for the marking of the safeguarded object.

3. The unresearched parts of an object or site safeguarded for public knowledge and use as specified in its passport of immovable cultural property shall be subject to requirements of Article 17 of this Law.

4. At the immovable cultural property safeguarded for public knowledge and use, the following construction operations destroying valuable properties shall be prohibited: adaptation of the object of cultural heritage for uses other than specified in its passport of immovable cultural property; increase of the intensity of the use of protected structures,

building of extensions to buildings, additional floors, equipment of new mansards, formation of a new planned structure and other destruction of signs of authenticity.

5. Where the manager proves that the use of a safeguarded object in the ways and within the scope specified in the passport of the said property is unprofitable, does not justify the costs of maintenance thereof and that there are no persons wishing to take over the use of the object of cultural heritage without damaging valuable properties thereof, the institution in charge of the protection of this object shall propose to carry out, at the expense of the manager, all required operations of scientific research and document management in order to enable to establish the likely changes least impairing valuable properties or shall require to mothball the object. In the latter case, mothballing costs shall be reimbursed, in accordance with the procedure approved by the Minister of Culture, by the institutions in charge of the protection of the object.

6. In order to avoid a negative impact on the valuable properties of a protected object, a consent of an institution in charge of the protection of cultural heritage must be obtained, where the intention is:

- 1) to change the purpose of safeguarded structures;
- 2) to place commercial advertising, field antennas and other technical installations outside the safeguarded structures.

7. Repealed as of 1 January 2020.

8. At objects of cultural heritage, in territories and protection zones thereof, advertising shall be placed pursuant to the rules approved by the Minister of Culture.

9. The manager of an object of cultural heritage managed by the right of private ownership may impose a charge for admission to the interior premises and territory of a structure of cultural heritage or collect from visitors donations (charge) for the upkeep and maintenance of the object of cultural heritage, request compensation for the use of the image of the object in commercial advertising.

Article 20. Protection of immovable cultural heritage of public respect

1. All cemeteries shall be kept up pursuant to rules for the upkeep of cemeteries approved by the Government or an institution authorised by it. The main conservational (safeguarding) purpose of land use shall be set for the territories of unused cemeteries and may be changed only upon recognising the priority of another public need and after transferring the remains of the dead.

2. A place of immovable cultural heritage of public respect may be protected, although there are no authentic parts or elements significative of a person, an event or other valuable

properties thereof. This place shall be marked with boards intended for marking a protected object, sculpture works, memorial structures and the items demonstrating the former surroundings of an event or living environment.

Article 21. Protection of immovable cultural heritage located in a reserve, strict reserve or state park

1. The immovable cultural heritage located in a reserve, strict reserve or state park shall be protected pursuant to the requirements of this Law and the Law on Protected Areas.

2. With a view to protecting sites of cultural heritage, historical national parks, cultural strict reserves and cultural reserves shall be set up in accordance with the procedure laid down by the Law on Protected Areas.

3. The Minister of Culture shall approve a description of the procedure for the use of and admission to cultural strict reserves (reserves-museums) and criteria for the establishment of cultural strict reserves (reserves-museums), historical national parks, submit these protected areas for entry on international lists of protected areas, unless international treaties stipulate otherwise, set up directorates of cultural strict state reserves and historical national parks and approve the territorial planning documents referred to in the Law on Protected Areas.

4. The Ministry of Culture shall perform the following functions of the management of cultural strict state reserves (reserves-museums), historical national parks, cultural state reserves:

- 1) organise the drafting of a protection strategy and management programmes;
- 2) draft legal acts;
- 3) organise the preparation of territorial planning documents (except for the preparation of territorial planning documents of the cultural reserves and cultural strict reserves located in state parks);
- 4) organise international cooperation;
- 5) perform other functions prescribed by laws and other legal acts.

5. In carrying out the protection of immovable cultural heritage in reserves, strict reserves and state parks, the Department shall control:

- 1) compliance with the established protection and use regime, assurance of the protection and maintenance of objects of cultural heritage and the implementation of targeted programmes;
- 2) activities in state reserves related to the heritage protection requirements set out in regulations of the reserves and territorial planning documents.

6. Municipal institutions shall supervise the use of the objects and sites of cultural heritage declared protected by municipalities and located in protected areas and the construction or maintenance operations carried out thereat, control the ensuring of the protection of municipality-protected objects, sites and compliance with the established protection and use regime in planning or carrying out activities, prepare protection regulations of the municipality-protected objects of cultural heritage, organise the preparation of plans of the management of sites of cultural heritage and protection zones thereof (except for the preparation of plans of the management of sites of cultural heritage and protection zones thereof located in state parks, strict state reserves, state reserves).

Article 22. Protection of immovable cultural heritage and territorial planning

1. Immovable cultural property, territories and protection zones thereof shall be managed and activities therein shall be developed pursuant to the complex and special territorial planning and strategic planning documents, protection regulations and the heritage protection requirements set out therein prepared on the basis of the provisions of this Law, the Law on Protected Areas and the Law on Territorial Planning.

2. Objects of cultural heritage, territories and protection zones thereof, sites of cultural heritage and protection zones thereof, cultural strict reserves and cultural reserves shall be managed and activities therein shall be developed:

1) objects of cultural heritage, territories and protection zones thereof – according to the heritage protection requirements set out in typical protection regulations of objects of cultural heritage approved by the Government and individual protection regulations prepared and approved in accordance with the procedure established by the Minister of Culture;

2) sites of cultural heritage and protection zones thereof – under special territorial planning documents of immovable cultural heritage protection, that is, management plans (except for the cases specified in points 3 and 4 of this paragraph). The management plans may, in accordance with the procedure established by the Minister of Culture and the Minister of Environment, be prepared also in respect of complex objects of cultural heritage. The plans of the management of complex objects of cultural heritage and protection zones thereof shall be held equivalent to plans of the management of sites of cultural heritage and protection zones thereof and shall be prepared and approved in accordance with the same procedure as the plans of the management of the sites of cultural heritage and protection zones thereof;

3) sites of cultural heritage located in state parks, cultural reserves and cultural strict reserves – according to state park planning schemes (boundaries and management plans);

4) sites of cultural heritage located in strict state reserves and state reserves – according to the planning schemes (boundaries and management plans) and management plans of these protected areas.

3. A plan of the management of sites of cultural heritage and protection zones thereof shall be a special territorial planning document which sets out heritage protection requirements for immovable cultural heritage protection and the development of activities at a site of cultural heritage and within the protection zone thereof as well as boundaries of the site of cultural heritage and the protection zone thereof. The heritage protection requirements for the protection of the sites of cultural heritage located in state parks, strict state reserves and state reserves and the development of activities therein shall be set out and boundaries thereof shall be defined in compliance with this Law and the documents of special territorial planning of protected areas prepared in accordance with the procedure laid down in the Law on Protected Areas.

4. The special territorial planning of immovable cultural heritage protection shall be organised by:

1) the Department – the preparation of plans of the management of sites of cultural heritage and complex objects of cultural heritage, where the State declares them protected or they are state-protected, and protection zones thereof; funds shall be allocated from the state budget or other sources of financing; directorates of protected sites may also act as organisers of this planning;

2) the director of a municipal administration – the preparation of plans of the management of the sites of cultural heritage and complex objects of cultural heritage, where a municipality declares them protected or they are municipality-protected, and protection zones thereof; funds shall be allocated from the municipal budget or other sources of financing.

5. The heritage protection requirements set out by special territorial planning documents of immovable cultural heritage protection and protection regulations shall be binding when preparing complex and special territorial planning documents. These heritage protection requirements shall, in addition to other requirements set by laws, also apply to land works, construction of structures or installations, height and capacity of the structures, density and intensity of development, exterior finishing materials, planting of greenery, height, density and type of plantations, transport flows and intensity thereof.

6. The special territorial planning documents of immovable cultural heritage protection shall be prepared pursuant to the rules for the preparation of these documents prepared by the Ministry of Culture and approved by the Minister of Culture and the Minister of Environment. The rules shall specify the territorial protection measures stipulated by

special planning documents of immovable cultural heritage protection and the procedure for organising, preparing, revising, amending, coordinating, verifying and approving these documents.

7. The documents of complex and special territorial planning of the territories wherein registered immovable cultural property is located must be coordinated in accordance with the procedure laid down by the Law on Territorial Planning and the relevant rules for the preparation of territorial planning documents:

1) at the state level and/or those approved by the Government – with the Ministry of Culture, which has issued planning conditions, and the institutions specified in the relevant rules for the preparation of territorial planning documents;

2) at the municipal and/or local level – in the Territorial Planning Commission, the composition whereof must include a representative of the Department and a representative of the municipal administration responsible for heritage protection.

8. The entitlement to prepare special territorial planning documents of immovable cultural heritage protection shall be granted to the natural persons entitled, in accordance with the procedure laid down by this Law and other laws, to manage the preparation of special territorial planning documents of immovable cultural heritage protection, legal persons and divisions thereof, foreign organisations and divisions thereof engaged in the activities of territorial planning, where these operations are managed by natural persons entitled to do so.

9. The entitlement to manage the preparation of special territorial planning documents of immovable cultural heritage protection shall be granted to a natural person who has acquired a degree in the field of architecture of the study area of art studies or an equivalent degree and has obtained a certificate of competency of a manager of special territorial planning of immovable cultural heritage protection issued by the organisation carrying out certification, namely, the Architects' Chamber of the Republic of Lithuania, granting the entitlement to manage the preparation of special territorial planning documents of immovable cultural heritage protection. These requirements shall not apply to nationals of another EU Member State, the Swiss Confederation or a state which is a signatory to the Agreement on the European Economic Area and other natural persons enjoying the freedom of movement granted to them under EU legislation, provided that they hold a certificate of competency issued by the competent authority of another EU Member State, the Swiss Confederation or the state which is a signatory to the Agreement on the European Economic Area or another document confirming their entitlement to carry out activities equivalent to the preparation of documents of special territorial planning of immovable cultural heritage protection in their country of origin.

10. Natural persons seeking to acquire the entitlement to manage the preparation of a special territorial planning document of immovable cultural heritage protection must meet the following qualification requirements (except for nationals of an EU Member State, the Swiss Confederation or a state which is a signatory to the Agreement on the European Economic Area and other natural persons enjoying the freedom of movement granted to them under EU legislation):

1) hold a degree referred to in paragraph 9 of this Article;

2) have professional experience, the duration of which shall be calculated from the acquisition of the degree referred to in paragraph 9 of this Article: have at least three-year professional experience of participation in the preparation of special territorial planning documents of immovable cultural heritage protection or professional experience in the preparation of other territorial planning documents which address the relevant tasks of the protection of immovable cultural heritage. The basic principles of assessment of professional experience of participation in the preparation of special territorial planning documents of immovable cultural heritage protection shall be established by this Law and the Law on Territorial Planning;

3) to pass an examination of professional and legal knowledge according to a programme approved by the Minister of Culture and the Minister of Environment with the Architects' Chamber of the Republic of Lithuania in accordance with the procedure established by it. The results of examinations of professional knowledge for managers of special territorial planning of immovable cultural heritage protection who have improved their qualifications in accordance with the established procedure and who do not have administrative penalties in professional field and in respect of whom no breaches of professional ethics have been established shall be valid for an indefinite period.

11. Certificates of competency of a manager of special territorial planning of immovable cultural heritage protection shall be issued, renewed, their validity shall be suspended, the suspension of their validity shall be lifted, and they shall be withdrawn in accordance with the procedure established by the Minister of Culture and the Minister of Environment. The certification commission shall be set up in accordance with the procedure established by the Minister of Environment. The regulations of the certification commission for managers of special territorial planning of immovable cultural heritage protection and the composition thereof shall be approved by the Minister of Culture upon coordination with the Minister of Environment.

12. Natural persons seeking to acquire the entitlement to manage the preparation of a special territorial planning document of immovable cultural heritage protection shall, in

accordance with the procedure established by an organisation carrying out certification, have the right to perform all the certification-related procedures at a distance, by electronic means through a point of single contact or by applying directly to organisations carrying out certification. Certificates of competency of a manager of special territorial planning of immovable cultural heritage protection shall be issued after the certification commission submits a conclusion to issue a certificate not later than within 30 working days from the receipt of all the documents for obtaining this certificate of competency by the organisation carrying out certification. The natural persons who have obtained certificates of competency of a manager of special territorial planning of immovable cultural heritage protection must improve their qualifications in accordance with the procedure laid down by the Law on Territorial Planning.

13. Where it is technically feasible, an organisation carrying out certification must allow natural persons who have acquired the entitlement to manage the preparation of a special territorial planning document of immovable cultural heritage protection to receive a certificate of competency of a manager of special territorial planning of immovable cultural heritage protection in electronic form.

14. Plans of the management of the sites of cultural heritage and complex objects of cultural heritage which are declared protected by the State and are state-protected and protection zones thereof shall be approved by the Minister of Culture, and plans of the management of the sites of cultural heritage and complex objects of cultural heritage which are declared protected by a municipality and are municipality-protected and protection zones thereof shall be approved by a municipal council.

15. The preparation of special territorial planning documents of immovable cultural heritage protection specified by this Article may be financed also by managers of an object of cultural heritage and owners of other immovable items located within the territory of the immovable cultural property or protection zone thereof or other holders of management rights.

Article 23. Maintenance of immovable cultural heritage

1. The maintenance of cultural heritage shall be carried out:

1) pursuant to established heritage protection requirements;

2) pursuant to the regulations of management operations of construction of a structure of cultural heritage (technical construction regulations) approved by the Minister of Environment and the Minister of Culture;

3) pursuant to the heritage maintenance regulations approved by the Minister of Culture and setting out requirements for specific maintenance operations.

2. A design documentation of maintenance shall be prepared on the basis of data of the Register of Cultural Property, the conclusions of the research required prior to preparation of the design documentation and upon assessment of the environmental impact of the proposed economic activity, where this is carried out in the cases specified by the Law on Environmental Impact Assessment of Proposed Economic Activity. Heritage maintenance regulations shall establish the binding character and volume of the research conducted prior to preparation of the design documentation and required for the assessment of the environmental impact.

3. Where new valuable properties are discovered during maintenance, operations shall be suspended in accordance with the procedure laid down in Article 9(3) of this Law. In order to make the discovered valuable properties known, additional research shall be conducted. On the basis of conclusions thereof, additional maintenance operations of an object of cultural heritage may be requested.

4. The objects of cultural heritage destroyed by natural disasters or by man may, in exceptional cases and without posing threat to remnants, parts or elements thereof possessing valuable properties, be restored in accordance with the procedure established by the Government or an institution authorised by it, where:

1) the possibility of restoration is based on the thorough data of historical sources and physical research;

2) an object possesses particular artistic or symbolic significance, is of especial importance to the fostering of the national consciousness and cultural heritage and matches the landscape character;

3) state and municipal institutions and the public approve of the recreation.

5. The removal of an object of cultural heritage shall be prohibited, except where the preservation of such an object makes removal imperative. All necessary precautions must be taken for its dismantling, transfer and reinstatement at a suitable location.

6. *Repealed as of 1 January 2017.*

7. *Repealed as of 1 January 2017.*

8. Special heritage protection requirements for management operations of construction and documents permitting construction for the carrying out of such operations shall be issued in accordance with the procedure laid down by the Law on Construction. Prior to issuing a document permitting construction, a (special) expert examination of heritage protection pertaining to a design documentation of such operations must be carried out in accordance

with the procedure established by the Minister of Culture and an expert examination of a design documentation of a structure – in the cases and in accordance with the procedure established by the Minister of Environment and the Minister of Culture. The design documentation must be revised according to binding notes to reports on conducting such expert examinations prior to issuing the document permitting construction. The document permitting construction for the carrying out of management operations of construction of a structure of cultural heritage shall be issued where such design documentation is not in conflict with heritage protection requirements and is approved by representatives of the Department and a municipality.

9. Prior to issuing an authorisation to carry out management operations of heritage protection, a (special) expert examination of heritage protection pertaining to a design documentation of such operations must be carried out in the cases and in accordance with the procedure established by the Minister of Culture. The design documentation must be revised according to binding notes to a report on conducting of such expert examination. Design conditions of management operations of heritage protection and authorisations to carry out such operations shall be issued in accordance with the procedure established by the Minister of Culture. The authorisations shall be issued not later than within one month from the submission of a design documentation or a revised design documentation.

10. The manager, the Department and municipal institutions and the entities referred to in other laws controlling the progress and quality of the implementation of a design documentation of maintenance operations carried out at an object of cultural heritage must, upon establishing that heritage protection requirements were violated in the course of the carrying out of the operations or a danger of a loss of or damage to valuable properties has arisen due to deficiencies of the design documentation, give a notice thereof to the Department. The Department must suspend the operations which cause damage or threat to the valuable properties of the object of cultural heritage. Such suspension shall remain in force until elimination of violations of the heritage protection requirements or the arising threat or until adoption of a court decision.

11. *Repealed as of 1 July 2013.*

12. The procedure for accepting maintenance operations of objects of cultural heritage shall be approved by the Minister of Culture, with the exception of management operations of construction of structures of cultural heritage and management operations of green areas whose acceptance procedure shall be approved by the Minister of Environment and the Minister of Culture.

Article 23¹. Entitlement to carry out activities related to the maintenance of immovable movable cultural heritage

1. The entitlement to carry out the maintenance of immovable cultural heritage (except in the cases referred to in paragraph 2 of this Article) and a (special) examination of heritage protection shall be vested in professionals meeting the qualification requirements set out in this Article and certified in accordance with the procedure laid down in this Article, where they have been issued a certificate of competency of a professional of immovable cultural heritage (hereinafter: a ‘certificate of competency’), and uncertified assistants thereof under the direction of a certified professional. A certified professional shall be responsible for the operations being carried out.

Note in the Register of Legal Acts. Certificates entitling to carry out the activities referred to in Article 23¹(1) and issued before the entry into force of Law No XII-2574 (1 January 2017) shall be held equivalent to certificates of competency issued in accordance with the procedure laid down in this Law and entitling to carry out the activities of the relevant type and profile. The certificates referred to in this paragraph shall be renewed before the expiry of the period of validity of such certificates after the organisation carrying out certification assesses, in accordance with the procedure established by the Minister of Culture, the experience of the holder of a certificate in the carrying out of activities according to the type and profile specified in the certificate issued to him, by issuing a certificate of competency entitling to carry out the relevant activities.

2. The entitlement to carry out research, conservation and restoration operations of movable items constituting one of the valuable properties of an object of cultural heritage, of valuable properties of objects of art immovable cultural heritage as well as of structures (wall painting, polychrome, moulding, sculpture, stained glass art, carving) shall be vested in restorers certified in accordance with the procedure laid down in the Law on the Protection of Movable Cultural Property.

3. On a recommendation of the Certification Commission for the Protection of Immovable Cultural Heritage Protection (hereinafter: ‘the Certification Commission’), certificates of competency shall be issued by the Minister of Culture, who shall approve profiles of the activities subject to certification, a description of the procedure for issuing, renewing, suspending the validity of, lifting the suspension of the validity of and withdrawing certificates of competency based on the grounds laid down in this Law.

4. Natural persons seeking to prepare a design documentation of maintenance operations, carry out supervision of the implementation of the design documentation of maintenance operations must meet the following qualification requirements:

1) hold a degree in the field of architecture of the study area of art studies, in the field of construction engineering or construction technology of the study area of technology studies or an equivalent degree;

2) have professional experience, the duration whereof shall be calculated from the acquisition of the degree referred to in point 1 of paragraph 4 of this Article: for the preparation of a design documentation of maintenance operations – at least two-year experience of participation in the preparation of a design documentation of maintenance operations, when activities are carried out at objects, sites of cultural heritage or in structures of cultural heritage. The professional experience of participation in the preparation of a design documentation of management operations of heritage protection maintenance shall be determined on the basis of submitted documentary evidence of work experience, design documentation and a list of objects, sites of cultural heritage and structures of cultural heritage with participation in the preparation of a design documentation of maintenance operations thereof; for the supervision of the implementation of a design documentation of maintenance operations – at least two-year professional experience of participation in the implementation of a design documentation of maintenance operations, where activities are carried out at objects, sites of cultural heritage and in structures of cultural heritage. The professional experience of participation in the implementation of the design documentation of maintenance operations shall be determined on the basis of submitted documentary evidence of work experience and a list of objects of cultural heritage, structures of cultural heritage with participation in the implementation of a design documentation of maintenance operations thereof;

3) pass, in accordance with the procedure established by the Minister of Culture, an examination of professional and legal knowledge according to a programme approved by the Minister of Culture. The results of examinations of professional knowledge shall be valid for an indefinite period for certified professionals who have improved their qualifications in accordance with the established procedure and whose certificate of competency or entitlement document has not been revoked for the reasons referred to in points 1 and 2 of paragraph 17 of this Law and who do not have administrative penalties in professional field and in respect of whom no breaches of professional ethics have been established.

5. Professionals seeking to conduct research, conservation, restoration of immovable cultural heritage, repairs of a structure of cultural heritage (hereinafter: 'repairs') must meet the following qualification requirements according to the relevant activities:

1) professionals conducting research of immovable cultural heritage must hold a degree in the field of archaeology, in the field of history, in the field of art sciences, in the field of heritage protection studies of the study area of humanities, in the field of architecture of the study area of art studies, in the study field of construction engineering or construction technology of the study area of technology studies or an equivalent degree; professionals carrying out repairs, conservation and restoration must have completed qualification improvement courses for professionals of maintenance operations of immovable cultural property whose programme and organisation procedure shall be established by the Minister of Culture;

2) have professional experience: professionals conducting research of immovable cultural heritage must have at least three-year professional experience of participation in the research of immovable cultural heritage (the duration thereof shall be calculated from the acquisition of the degree referred to in point 1 of paragraph 5 of this Article). The professional experience of participation in such research shall be determined on the basis of the data provided in research reports on the persons participating in the research; the professionals carrying out repairs, conservation or restoration must have at least three-year professional experience in carrying out repair, conservation or restoration operations, where activities are carried out at immovable cultural property. The professional experience of participation in the carrying out of repairs, conservation or restoration operations shall be determined on the basis of submitted documentary evidence of work experience and a list of immovable cultural property with participation in the carrying out of repairs, conservation or restoration thereof;

3) pass, in accordance with the procedure established by the Minister of Culture, an examination of professional and legal knowledge with the Certification Commission according to a programme approved by the Minister of Culture. The results of examinations of professional knowledge shall be valid for an indefinite period for certified professionals who have improved their qualifications in accordance with the established procedure and whose certificate of competency or entitlement document has not been withdrawn for the reasons referred to in points 1 and 2 of paragraph 17 of this Law and who do not have administrative penalties in professional field and in respect of whom no breaches of professional ethics have been established.

6. Professionals seeking to perform a (special) expert examination of heritage protection must meet the following qualification requirements:

1) hold at least a second-cycle university degree in the field of archaeology, in the field of history, in the field of art sciences, in the field of heritage protection studies of the study area of humanities, in the field of architecture of the study area of art studies, in the study field of construction engineering or construction technology of the study area of technology studies or an equivalent degree;

2) have professional experience, the duration of which shall be calculated from the acquisition of the degree referred to in point 1 of paragraph 6 of this Article – at least seven-year professional experience in the area of cultural heritage protection. Professional experience in the area of cultural heritage protection shall be determined on the basis of submitted documentary evidence of work experience, a list of researched, prepared design documentation of maintenance operations of objects of cultural heritage, sites of cultural heritage and structures of cultural heritage and special territorial planning documents of immovable cultural heritage protection, the data provided in reports of a (special) expert examination of heritage protection on the persons participating in the preparation thereof;

3) pass, in accordance with the procedure established by the Minister of Culture, an examination of professional and legal knowledge with the Certification Commission according to a programme approved by the Minister of Culture. The results of examinations of professional knowledge shall be valid for an indefinite period for certified professionals who have improved their qualifications in accordance with the established procedure and whose certificate of competency or entitlement document has not been withdrawn for the reasons referred to in points 1 and 2 of paragraph 17 of this Law and who do not have administrative penalties in professional field and in respect of whom no breaches of professional ethics have been established.

7. Certified specialists seeking to manage the preparation of a design documentation of maintenance operations of objects of cultural heritage and structures of cultural heritage and the supervision of the implementation of the design documentation of maintenance operations must meet the following qualification requirements:

1) hold a degree referred in point 1 of paragraph 4 of this Article;

2) have professional experience, the duration of which shall be calculated from the acquisition of the degree referred to in point 1 of paragraph 4 of this Article: professionals managing the preparation of the design documentation of maintenance operations – at least three-year professional experience of participation in the preparation of a design documentation of maintenance operations, where activities are carried out at objects of cultural heritage and in structures of cultural heritage. The professional experience of participation in the preparation of a design documentation of management operations of

heritage protection maintenance shall be determined on the basis of submitted documentary evidence of work experience, design documentation and a list of objects of cultural heritage, structures of cultural heritage with participation in the preparation of a design documentation of maintenance operations thereof; the natural persons managing the supervision of the implementation of a design documentation of maintenance operations – at least three-year professional experience of participation in the implementation of a design documentation of maintenance operations, where activities are carried out at objects of cultural heritage and in structures of cultural heritage. The professional experience of participation in the implementation of a design documentation of maintenance operations shall be determined on the basis of submitted documentary evidence of work experience and a list of objects of cultural heritage, structures of cultural heritage with participation in the implementation of the design documentation of maintenance operations thereof;

3) pass, in accordance with the procedure established by the Minister of Culture, an examination of professional and legal knowledge with the Certification Commission according to a programme approved by the Minister of Culture. The results of examinations of professional knowledge shall be valid for an indefinite period for certified professionals who have improved their qualifications in accordance with the established procedure and whose certificate of competency or entitlement document has not been withdrawn for the reasons referred to in points 1 and 2 of paragraph 17 of this Article and who do not have administrative penalties in professional field and in respect of whom no breaches of professional ethics have been established.

8. Nationals of an EU Member State, the Swiss Confederation or a state which is a signatory of the Agreement on the European Economic Area and other natural persons enjoying the freedom of movement granted to them under EU legislation shall have the right to perform the functions indicated in paragraph 1 of this Article, subject to recognition of the entitlement to carry out the relevant activities held in their country of origin. The procedure for recognising the entitlement held, the procedure for renewing, suspending the validity, lifting the suspension of the validity and withdrawing an issued entitlement document shall be established by the Minister of Culture on the grounds laid down in this Law. Recognition of the entitlement shall be carried out by the Ministry of Culture.

9. Natural persons seeking to acquire the entitlement to carry out maintenance operations of immovable cultural heritage or a (special) expert examination of heritage protection or seeking recognition of this entitlement shall have the right to undertake the procedures related to certification and recognition of the entitlement (with the exception of taking of an examination of professional and legal knowledge) in accordance with the

procedure laid down by the Minister of Culture at a distance, by electronic means through a point of single contact, by using the Cultural Heritage Electronic Service Information System or by applying directly to the Ministry of Culture. A decision to issue or not to issue a certificate of competency or to recognise or not to recognise the entitlement shall be adopted and, upon adopting the relevant decision, the certificate of competency or the entitlement document shall be issued for an indefinite period not later than within 30 working days from the receipt by the Ministry of Culture of all the documents required for the issue of a certificate of competency or an entitlement document. Natural persons who have been issued a certificate of competency must, at least every five years, improve their qualifications in qualification improvement courses by attending at least 20 hours of lectures according to training programmes approved by higher education institutions, associations, training schools and coordinated with the Ministry of Culture. The documentary evidence of qualification improvement shall be submitted to the Ministry of Culture in accordance with the procedure established by the Minister of Culture.

10. The entitlement to manage the preparation of a design documentation of a special or non-special structure (except for objects of cultural heritage and structures of cultural heritage) located within the territory of an object of cultural heritage, the protection zone thereof or at a site of cultural heritage, the supervision of the implementation of the design documentation of such a structure shall be vested in architects and construction engineers certified in accordance with the procedure laid down in the Law on Construction and meeting the requirements set out therein.

***Note in the Register of Legal Acts.** The entitlement to carry out the activities referred to in Article 23¹(10), (11) and (12) at special structures shall also be exercised by persons who have been issued certificates or entitlement documents entitling them to carry out the relevant activities before the entry into force of Law No XII-2574 (1 January 2017) in accordance with the procedure laid down by the Law of the Republic of Lithuania on Construction, the Law of the Republic of Lithuania on the Protection of Immovable Cultural Heritage as amended by this Law and the implementing legislation. This right shall be valid until the expiry of a certificate or an entitlement document.*

11. The entitlement to manage the preparation of a design documentation of management construction operations in relation to an object of cultural heritage and a structure of cultural heritage, supervise the implementation of the design documentation of such a structure shall be vested in architects and construction engineers certified in accordance with the procedure laid down in paragraph 10 of this Article who have acquired the entitlement to manage the preparation of a design documentation of maintenance

operations of objects of cultural heritage and structures of cultural heritage or the supervision of the implementation of the design documentation of the maintenance operations.

***Note in the Register of Legal Acts.** The entitlement to carry out the activities referred to in Article 23¹(10), (11) and (12) at special structures shall also be held by persons who have been issued certificates or entitlement documents entitling them to carry out the relevant activities before the entry into force of Law No XII-2574 (1 January 2017) in accordance with the procedure laid down by the Law of the Republic of Lithuania on Construction, the Law of the Republic of Lithuania on the Protection of Immovable Cultural Heritage as amended by this Law and the implementing legislation. This entitlement shall be valid until the expiry of a certificate or an entitlement document.*

12. The entitlement to manage management construction operations in relation to an object of cultural heritage and a structure of cultural heritage, any other special or non-special structure located within the territory of the object of cultural heritage, the protection zone thereof or at a site of cultural heritage, an expert examination of such a structure, the technical supervision of construction of such a structure shall be vested in architects and construction engineers certified in accordance with the procedure laid down in the Law on Construction and meeting the requirements set out therein.

***Note in the Register of Legal Acts.** The entitlement to carry out the activities referred to in Article 23¹(10), (11) and (12) at special structures shall also be held by persons who have been issued certificates or entitlement documents entitling them to carry out the relevant activities before the entry into force of Law No XII-2574 (1 January 2017) in accordance with the procedure laid down by the Law of the Republic of Lithuania on Construction, the Law of the Republic of Lithuania on the Protection of Immovable Cultural Heritage as amended by this Law and the implementing legislation. The entitlement shall be valid until the expiry of a certificate or an entitlement document.*

13. Nationals of an EU Member State, the Swiss Confederation or a state which is a signatory of the Agreement on the European Economic Area and other natural persons enjoying the freedom of movement granted to them under EU legislation shall be entitled to carry out the activities referred to in paragraphs 10, 11 and 12 of this Article, subject to recognition of the entitlement to carry out the relevant activities held in their country of origin in accordance with the procedure laid down in this Law and the Law on Construction.

14. The Minister of Culture shall suspend the validity of a certificate of competency or an entitlement document for a period of up to six months (a specific time limit shall be laid down taking into account the nature of an infringement, the degree of dangerousness in relation to objects and/or sites of cultural heritage and the arising consequences, and in the

event of suspension of the entitlement of a natural person held in the country of origin and recognised by issuing the entitlement document thereto – taking into account the circumstances of and time limit for suspension of such entitlement) in the following cases:

1) where the Certification Commission, on a recommendation of the Ministry of Culture or the Department, establishes that in the course of carrying out the activities indicated in the certificate of competency or the entitlement document, the person has committed a non-serious infringement of the requirements of this Law and the implementing legislation. An infringement of the requirements of this Law and the implementing legislation shall be considered non-serious if it does not result in destruction of a valuable property(ies) or authenticity of immovable cultural heritage;

2) where the entitlement recognised when issuing the entitlement document is suspended in the country of origin of the person who has been issued the entitlement document;

3) where the person has failed to improve his qualification according to the requirements set out in paragraph 9 of this Article.

15. The holder of a certificate of competency or an entitlement document who has eliminated the infringements referred to in point 1 of paragraph 14 of this Article due to which the validity of the certificate of competency has been suspended shall submit supporting documents to the Ministry of Culture. Not later than within 20 working days from the submission of these documents to the Ministry of Culture, the Minister of Culture shall, on a recommendation of the Certification Commission, adopt a decision to lift the suspension of the certificate of competency or the entitlement document (not to withdraw it, where it transpires upon the verification of the documents and other factual data that the circumstances, as referred to in this paragraph, due to which the validity of the certificate of competency or the entitlement document has been suspended have not ceased to exist). The Ministry of Culture shall, not later than within three working days from the adoption of this decision, give a written notice thereof to the holder of the certificate of competency or the entitlement document. Where a decision is adopted that the infringements have not been eliminated, the notice must state the reasons for the decision.

16. Upon eliminating the infringement indicated in point 3 of paragraph 14 of this Article or in the event of disappearance in the country of origin of a natural person, during the period of suspension of the validity of an entitlement document, of the circumstances due to which his entitlement as referred to in paragraph 8 of this Article has been suspended, the holder of a certificate of competency shall submit supporting documents to the Ministry of Culture. Not later than within ten working days from the submission of these documents to

the Ministry of Culture, the Minister of Culture shall adopt a decision to lift the suspension of the validity of the certificate of competency or the entitlement document (not to withdraw it, where upon verifying the documents and other factual data it transpires that the circumstances, as referred to in this paragraph, due to which the validity of the certificate of competency or the entitlement document has been suspended have not ceased to exist). The Ministry of Culture shall, not later than within three working days from the adoption of this decision, give a written notice thereof to the holder of the certificate of competency or the entitlement document. Where a decision not to lift the suspension of the validity of the certificate of competency or the entitlement document is adopted, the notice must state the reasons for the decision.

17. The Minister of Culture shall, on a recommendation of the Certification Commission, withdraw a certificate of competency or an entitlement document in the following cases:

1) where it is established that in the course of carrying out the activities indicated in the certificate of competency or the entitlement document, the person has committed a serious infringement of the requirements of this Law and the implementing legislation. An infringement of the requirements of this Law and the implementing legislation shall be considered serious if it results in destruction of a valuable property(ies) or authenticity of immovable cultural heritage;

2) it is established that upon suspending the validity of the certificate of competency or the entitlement document, the person continues to engage in the activities for which a certificate of competency or an entitlement document is required;

3) the person whose certificate of competency or entitlement document has been suspended fails, within the set time limit, to eliminate the infringements due to which the validity of the certificate of competency or the entitlement document has been suspended;

4) the person has failed, within the set time limit, to submit the requested documents and/or data required for the examination of the infringements committed by him;

5) it transpires that the person has provided incorrect data seeking to obtain a certificate of competency or an entitlement document;

6) where the entitlement recognised when issuing the entitlement document has been cancelled in the country of origin of the natural person who had been issued the entitlement document;

7) where this is requested by the holder of the certificate of competency or the entitlement document.

18. A person whose certificate of competency or entitlement document has been withdrawn for the reasons referred to in points 1 and 2 of paragraph 17 of this Article may submit an application for the issue of a new certificate of competency or entitlement document not earlier than after the lapse of three years from the withdrawal of the certificate of competency or the entitlement document.

19. The right to be a contractor of construction of structures of cultural heritage, an expert examination of a design documentation of structures and an expert examination of a structure shall be vested in the persons certified in accordance with the procedure laid down in the Law on Construction and meeting the requirements set out therein.

CHAPTER FIVE

KNOWLEDGE OF IMMOVABLE CULTURAL HERITAGE, DISSEMINATION OF KNOWLEDGE, REHABILITATION

Article 24. Knowledge of immovable cultural heritage, dissemination of knowledge and public use of heritage

1. The knowledge of immovable cultural heritage shall be disseminated and heritage shall be publicly used in the following manner:

1) possibilities shall be provided for the public to acquire direct knowledge and to develop awareness of it being under protection and made known in the historical surroundings;

2) cultural and recreational tourism shall be developed;

3) information on heritage shall be disseminated;

4) knowledge of heritage shall be included in educational and scientific programmes.

2. Cultural and recreational tourism shall be one of the ways of the public use of cultural heritage. In order to continuously develop it, the authentic form of heritage must be preserved.

3. The Department as well as the heritage protection divisions of municipalities, directorates of state parks and cultural strict reserves shall, in cooperation with museums, libraries, archives and higher education and general education schools:

1) collect, manage, systematise, protect and disseminate information on immovable cultural heritage and the protection thereof;

2) organise events disseminating knowledge about cultural heritage and promoting it;

3) publish information bulletins popularising cultural heritage and the protection thereof and organise the publication of heritage protection literature;

4) cooperate with the media in preparing radio and television programmes or articles on cultural heritage and the protection thereof;

5) promote cultural events at objects of cultural heritage and assist the managers and other natural and legal persons in organising them.

4. The Ministry of Education and Science shall, in cooperation with the Ministry of Culture:

1) organise a state programme for the basic research of immovable cultural heritage and coordinate the implementation thereof;

2) ensure that the theoretical and practical knowledge of cultural heritage be included in pre-school education, general education programmes for children and youth, education programmes for adults;

3) arrange for the improvement of qualifications of teachers in the area of knowledge of cultural heritage and safeguarding thereof;

4) promote and support the educational institutions which organise and implement events disseminating knowledge about cultural heritage and the maintenance operations of this heritage provided for in protection programmes;

5) enable the acquisition and continuous improvement of expertise and skills of heritage protection.

Article 25. Accessibility of immovable cultural property

1. Every member of the public shall have the right to become knowledgeable about immovable cultural property.

2. Where it is necessary to preserve a cultural monument and make it accessible to the public, the Government shall have the right to take over cultural monuments for public needs in accordance with the procedure laid down by law.

3. Sample rules for admission to the objects of cultural heritage belonging to the State and municipalities shall be approved by the Government or an institution authorised by it.

4. The viewing of the interior of the structures of cultural heritage managed by the right of private ownership shall be subject to consent of the manager. The conditions of admission and viewing may be laid down by a protection agreement.

5. In order to ensure that an object of cultural heritage could be adequately viewed from the outside, the managers must allow to pass through the territory managed by them to viewing places.

6. Where an object of cultural heritage is surrounded on all sides by the land plots managed by the right of private ownership, owners thereof or other managers must grant the visitors access to this object.

7. When preparing territorial planning documents, servitudes of access to objects of cultural heritage of public knowledge and use and places of viewing them must be provided for. These servitudes shall be formalised pursuant to provisions of the Civil Code and the Law on Land.

8. Where visitors were granted access to an object of cultural heritage, but this right was not entered in documents of the right of ownership of the land plots surrounding the object, an institution in charge of protection thereof must organise the formalisation of such servitudes.

9. Where the valuable properties of an object or site of cultural heritage are damaged by an excessively intensive visiting and damage may not avoided by technical means, an admission fee may be introduced or the flow of visitors may be otherwise reduced.

Article 26. Rehabilitation of immovable cultural heritage

1. Immovable cultural heritage shall be integrated in public life by adapting it for use so that the valuable properties of heritage are best revealed and possibilities are provided to become knowledgeable about it as well as by enhancing cultural landscape.

2. Heritage shall be rehabilitated so that the public understands the importance of the heritage it possesses from the point of view of national identity, social and economic welfare, civil society, national security and other points of view.

3. The managers, the institutions in charge of protection as well as the institutions in charge of territorial planning and other institutions shaping the social and economic development of the State shall be jointly responsible for the rehabilitation of immovable cultural heritage.

CHAPTER SIX FINAL PROVISIONS

Article 27. Financing of the protection of immovable cultural heritage

1. State programmes for the accounting, heritage management and control of immovable cultural heritage shall be financed from the state budget.

2. Immovable cultural property shall be made known and objects shall be declared protected with funds allocated to heritage protection from the state budget and from municipal

budgets. The right to make a property known at own expense shall be vested in religious communities, societies and centres as well as public organisations of heritage protection.

3. The operations of keeping up of a protected object shall be financed with funds of managers, maintenance operations – with funds of the managers, where possible,– co-financed with funds allocated to heritage management from the state budget or from municipal budgets, international funds and programmes or other sources of financing. The managers shall enjoy tax reliefs established by law.

4. The Minister of Culture shall approve the programmes for the dissemination of knowledge and rehabilitation of immovable cultural heritage which are financed from the state budget, while municipal councils shall approve the programmes for the dissemination of knowledge and rehabilitation of immovable cultural heritage which are financed from municipal budgets as well as the procedure for financing such projects from the respective budgets.

5. Research of immovable cultural property and operations of response to the threat of an accident, introduction of technical protection measures and other urgent safeguarding operations may be financed with funds allocated to heritage management. A list of such operations and priorities of financing thereof shall be approved by the Minister of Culture. A procedure for allocating municipal funds to maintenance operations shall be established by municipal councils.

Article 28. Reimbursement to managers

1. Expenses for management operations of heritage protection of a state-protected object of cultural heritage which is held by the right of private ownership –and is accessible to the public shall be reimbursed from the funds of the state budget allocated for the maintenance of immovable cultural heritage in accordance with the procedure and in the amount approved by the Government or an institution authorised by –it. The expenses shall be reimbursed taking account of the significance of the object and the importance of the operations for the preservation of the object.

2. Under a decision of a municipal council, the municipality may, from the funds of its budget, reimburse expenses for maintenance operations of an object of cultural heritage declared protected which does not belong to the municipality by the right of ownership, but is located within its territory.

3. Upon the request of the institutions in charge of protection, the managers of the mothballed structures under protection shall, in accordance with the procedure established by the Minister of Culture, be reimbursed mothballing expenses.

4. Reimbursement shall be paid to the manager of an object of cultural heritage declared protected, where the established or tightened activity restrictions prohibiting previous activities factually reduce the profit obtained by the manager. The procedure for calculating and paying reimbursement shall be established by the Government or an institution authorised by it.

Article 29. Compensation for damage caused to immovable cultural property

1. The legal and natural persons who have caused damage to an immovable cultural property, also caused damage within the territory or protection zone thereof must restore, to the maximum extent practicable, the condition prior to damage and compensate for direct and indirect losses sustained by the public and the manager.

2. An institution in charge of the protection of an immovable cultural property must propose to a person who has caused damage to restore the condition prior to damage and to compensate for the losses sustained. Where no agreement is reached, the Department shall bring actions before a court for compensation of the damage caused to the immovable cultural property and recovery of losses.

3. The losses sustained by the State may include the expenditure of the state budget and municipal budgets for the maintenance of a damaged cultural property, tourism income not received, the loss of an unknown source of scientific data and educational and schooling means, also the expenditure of the state budget and municipal budgets for the making of the lost or damaged property known and protection thereof.

Article 30. Taking over of immovable cultural property

1. In exceptional cases, an immovable cultural property may be taken over by the State for public needs, with a fair recompense in accordance with the procedure laid down by laws of the Republic of Lithuania and by the Government, where:

1) the cultural property is located in a cultural strict state reserve (reserve-museum) established or being established;

2) a state museum or a branch of the state museum has been or is being established for the exhibition of the cultural property;

3) a cultural monument is inscribed in the list of historical, archaeological and cultural objects of state significance to ensure accessibility, admission or knowledge.

2. In the case of the taking over of immovable cultural property for public needs, the owner shall be compensated for at market price established under the Law on the Bases of

Property and Business Valuation or by agreement between the parties – by transferring another equivalent item (assets).

3. An immovable cultural property which is improperly maintained may be taken over into the ownership of the State in accordance with the procedure laid down by law.

Article 31. Liability for infringements of this Law

1. Natural and legal persons in breach of the provisions of this Law shall be held liable under law.

2. Legal persons or other organisations or divisions thereof in breach of this Law shall be subject to a fine in the amount from eight hundred and sixty-eight euros up to eleven thousand five hundred and eighty-four euros. Infringements of this Law committed by the legal persons or other organisations or divisions thereof shall be examined, resolutions shall be appealed against and enforced in accordance with the procedure laid down by this Law and other laws.

3. The specific amount of a fine imposed under paragraph 2 of this Article shall be determined having regard to the nature and extent of a committed infringement, mitigating and aggravating circumstances and other relevant circumstances. In the presence of any mitigating circumstances, the amount of the fine shall be reduced from the average to the minimum, and in the presence of any aggravating circumstances the fine shall be increased from the average to the maximum amount. If there are both mitigating and aggravating circumstances, the fine shall be imposed taking into account their amount and significance. The reduction or increase of the amount of the fine shall be substantiated in a resolution of the institution imposing the fine for non-compliance with the requirements set out in this Law.

4. The fact that, having committed an infringement, legal persons or other organisations or divisions thereof have voluntarily prevented the harmful consequences of the infringement, assisted competent institutions in the course of the investigation and compensated for losses or eliminated the damage caused shall be regarded as mitigating circumstances. The institution imposing a fine may also recognise other circumstances which have not been indicated in this paragraph as mitigating.

5. The fact that, having committed an infringement, legal persons or other organisations or divisions thereof have hindered the investigation, concealed the committed infringement, continued to infringe the provisions of this Law despite the competent authority's instruction to terminate unlawful actions shall be regarded as aggravating circumstances. The institution imposing a fine may also recognise other circumstances which have not been indicated in this paragraph as aggravating.

Article 31¹. Record of infringements of this Law and time limits for examining cases

1. Having established that the provisions of this Law have been infringed, duly authorised officials of the Department shall draw up against the entities indicated in Article 31(2) of this Law a record of the content set out in the Code of Administrative Offences in respect of infringements of this Law.

2. The cases opened against the entities indicated in Article 31(2) of this Law shall be examined and fines shall be imposed not later than within one month from the detection of an infringement, however not later than within three years from the commission of the infringement, and in the event of a continuous infringement – within three years from the transpiration thereof.

Article 31². Participants in proceedings

1. The following persons shall participate in examining infringements of this Law:

- 1) the persons suspected of the commission of an infringement of this Law;
- 2) by a decision of the entity examining a case, experts, professionals, interpreters and other persons whose interests are directly related to the case being examined (participants in the proceedings and the parties to the proceedings) and representatives of state and municipal institutions at their request (participants in the proceedings).

2. The persons indicated in point 1 of paragraph 1 of this Article shall be referred to in this Law as the parties to the proceedings.

3. The parties to the proceedings may be represented by representatives authorised by them.

Article 31³. Notice of the examination of a case

Parties to proceedings shall be given a written notice regarding the established infringements of this Law, the time and venue of the examination of a case and shall also be offered access to the case material and requested to present written explanations.

Article 31⁴. Examination of a case

1. A case shall be examined by officials authorised by the Director of the Department. The case shall be examined in the presence of the parties to the proceedings and other participants in the proceedings.

2. During the examination of a case, the parties to the proceedings shall have the right to familiarise themselves with the collected material, give oral and written explanations, present evidence and lodge motions.

3. If the parties to the proceedings do not participate in the examination of a case, the case may only be examined in those cases when information is available that the parties to the proceedings have been notified in due time of the venue and time of the examination of the case.

Article 31⁵. Resolutions adopted upon the examination of a case

1. The entities referred to in Article 31⁴(1) of this Law, having examined a case, shall have the right to adopt a resolution:

1) to impose a fine specified in Article 31(2) of this Law, the amount of which shall be determined having regard to the nature and extent of the committed infringement, mitigating and aggravating circumstances and other relevant circumstances;

2) to close the case, when no infringement of this Law has been committed;

3) to refer the case back for further examination.

2. Upon the examination of a case and adoption of a resolution to impose a fine, the resolution must indicate: the name of the institution which has adopted the resolution; the date and venue of the examination of the case; information regarding the infringer; circumstances of the infringement; proof of the infringer's guilt on which the resolution is based, the article of this Law which establishes liability for the infringement; the explanations of the violator and the assessment thereof; the adopted resolution; the time limits and procedure for appealing against the resolution.

3. The resolutions indicated in paragraph 2 of this Article shall be sent to persons in respect whereof such resolutions have been adopted within three working days from the adoption thereof.

Article 31⁶. Recovery of fines

1. A fine shall be paid to the state budget not later than within one month from the service of a resolution to impose the fine on the infringer of this Law.

2. Judicial officers shall recover unpaid fines by enforcing the submitted resolutions indicated in Article 31⁵ of this Law in accordance with the procedure laid down by the Code of Civil Procedure. The resolutions may be submitted for enforcement not later than within three years of the adoption thereof.

Article 31⁷. Appeal against resolutions

1. Legal persons or other organisations or divisions thereof objecting to the resolutions indicated in Article 31⁵ of this Law shall have the right to appeal against a resolution to court in accordance with the procedure laid down by the Law on Administrative Proceedings within one month from the service of the resolution thereon.

2. A referral to court shall suspend the enforcement of the resolutions indicated in Article 31⁵ of this Law regarding the imposition of sanctions.

3. The court hearing an appeal shall, taking into account to the nature and extent of a committed infringement, mitigating and other relevant circumstances (due to which a respective fine imposed on the infringer would be manifestly excessive and disproportionate (inadequate) in respect of the committed infringement and therefore unfair) and acting in compliance with the principles of fairness and reasonableness, have the right to impose a fine in the amount smaller than the minimum amount stipulated in Article 31(2) of this Law.

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

PRESIDENT OF THE REPUBLIC

ALGIRDAS BRAZAUSKAS