

Law of Georgia on the Protection of Cultural Heritage

PREAMBLE

Georgia's cultural heritage is the spiritual and material chronicle of the country. Cultural heritage represents a precondition for the formation of the nation's self-cognizance representing a self-contained uninterrupted national culture. At the same time, it is an inseparable part of the mankind's treasure.

Georgia's Law "On Cultural Heritage Protection" is based on Georgia's Constitution, acting laws and other normative acts functioning within the cultural sphere. The conception of the Law is based on the traditions of protection of Georgia's cultural

heritage, recommendations of international organizations and international agreements in the sphere of culture.

The present Law is founded on the following major principles:

- a) Reflection of the already built up traditions in the sphere of cultural heritage protection in Georgia and a creative approach to the consideration of international experience:
- b) State guarantee of the cultural heritage protection:
- c) Equality of legal subjects with public priority in special cases laid down by the Law:
- d) Institutional perfection of cultural heritage protection:
- e) Determination of competence among legal subjects:
- f) Democratization of the cultural heritage protection system and its economic liberalization:

The aim of the present Law is to establish the mentioned above principles in the field of cultural heritage protection and to regulate legal relations that may arise.

PART I GENERAL PROVISIONS

Chapter I. Objective of the Law. Its Sphere of Application and Concepts Used

Article 1. Objective of the Law

The objective of the present Law is legal protection of Georgia's cultural heritage and the regulation of legal relations arising in this field.

Article 2. Sphere of application of the Law

1. The present Law refers to all immovable monuments, separable parts of immovable monuments, objects with monument signs and immovable monument protection zones existing on the whole territory of Georgia disregarding the form of ownership.
2. This law is not applied to urban monuments.
3. Relations between the State and the Patriarchate of Georgia as an owner of considerable part of cultural heritage is regulated under a separate legal act.

Article 3. Concepts used in the Law

With reference to the aims of the present law, the concepts used are defined in the following way:

- A) Value - Any material or non-material object rendering itself to individual or group evaluation, being assigned a significant role in life.
- B) Artistic Value - Any valuable piece of artistic creation.
- C) Antiquaries - Objects that are a hundred or more years old possessing a certain value from the point of view of culture.
- D) Cultural Heritage - Part of culture which has established, preserved or restored its significance as a value in the process of the development of the society and is transferred from generation to generation.
- E) Protection of Cultural Heritage - A complex system of legal, institutional, registering, scientific, prospecting, technological, practical, controlling, informational, educational and other activities which serve to reveal, care and preserve cultural heritage for the generations to come.
- F) A Monument of Material Culture - An item of material culture - a movable or immovable valuable object, its part or aggregates of objects possessing historical, archaeological, ethnographic, urban, architectural, artistic, scientific, technological or other type of value; a sample of modern production that has been granted the status of a monument according to the prescribed law.
- G) An Immovable Monument of Culture - A monument of material culture or its part, possessing historical, functional and harmonious natural environmental, and

whose removal is an impossibility or is connected with complex engineering work and is unjustifiable from the scientific, ethic or other viewpoints.

H) A fragment of an immovable monument - An essential component part of an immovable monument, which is separated from the immovable monument and is recognized to be an object of its own legal right by the present Law.

I) A Movable Monument of Culture - A monument of material culture, which does not represent an inseparable part of an immovable cultural monument and when removed does not change the features for which it had been granted the status of a monument.

J) The Status of a Monument - A legal state of an object bringing it under the application of the present Law.

K) An Object with a Sign of a Monument - A newly revealed or an earlier known object which complies with the legally prescribed procedures.

L) State Registration of Monuments - Execution of monument-registration documentation as laid down by the present Law and carried out by government bodies.

M) The Documentation System of Monument registration - A unity of monument registration forms that contains:

- a) a List of objects with signs of a monument;
- b) a Monument registration card;
- c) a Monument passport;
- d) a State Register of Monuments.

N) A List of Objects with Signs of a Monument - A list compiled by governmental bodies representing a legal basis for a temporary protection of the object and granting it the status of a monument.

O) A Monument Registration Card - A primary document for the monument registration documentation system which briefly reflects its identity, location, condition and provides other data.

P) A Passport of the Monument - A major document of the System of Monument Registration containing extended information on the monument.

Q) The State Register of Monuments - A registration list of monuments conducted by the state.

- R) Maintenance of a Monument - A unity of all those activities - preservation, conservation, restoration, reconstruction and adaptation - designed to preserve and restore the signs of a monument.
- S) Preservation of a Monument - Constant care of a monument envisaging the protection of its artistic elements, its construction, exploitation regime, engineering network and equipment.
- T) Conservation of a Monument - Activities aimed at preserving the condition of a monument.
- U) Restoration of a Monument - Restoration of damaged or lost fragments of a monument by making use of scientific methods.
- V) Reconstruction of a Monument - Providing a scientifically justified, more-or-less complete original appearance to the monument by applying both existing and new elements.
- W) Adaptation of an Monument -Such a change of an immovable monument which does not contradict its new and possible application and preserves the maximum degree of its outer appearance.
- X) A Permissible Application of a Monument - Such an application of a monument which does not cause irrecoverable changes of monument characteristics
- Y) A culture Layer - Layers of earth as well as water covered areas (beds) containing the traces of human habitation and activity.
- Z) The Territory of an Immoveable Monument - A piece of territory directly occupied by the immovable monument historically and functionally connected with it.
- ZA) System of Protection Zones - A system of territories confirmed in accordance with the established order, which serves to protect immovable monuments, immovable objects with monument signs, and culture layer from undesirable influence.
- ZB) Archaeological zone - A territory defined and stated by archaeological prospecting or excavation data as containing a culture layer and assuming the existence of an object with characteristic signs of a monument.
- ZC) Natural Landscape Protecting Zone - A territory protecting the historically shaped natural and artificial landscape providing an optimal exposition of a monument.
- ZD) Built Environment Regulation Zone - Territory that has to meet the requirements of the historically formed space-compositional, structural, planning systems,

architectural appearance, nature or the scale of revelation, restoration and preservation. The territory also has to meet the requirements of strengthening the significance of immovable monuments within the urban development regulation zones and the adjustment of new constructions to the historical environment.

ZE) Immovable Monument Protection Zone - The territory immediately surrounding the territory of an immovable monument the status of which secures the protection of the immovable monument from outward physical influence.

PART II. CULTURAL HERITAGE PROTECTION SYSTEM AND ITS MANAGEMENT

Chapter II. Cultural Heritage Protection System

Article 4. Cultural heritage protection system

Cultural heritage protection is exercised by government bodies, local government and self-government bodies, as well as legal and natural persons within the framework of the authority defined by the Law.

Article 5. State bodies for cultural heritage protection

1. The Ministry of Culture of Georgia (hereinafter - the Ministry), also the Academy of Sciences of Georgia and the State Archive Department within the authority prescribed by the legislation, as well as other state and non-state bodies within the framework of the competence defined by the legislation of Georgia and the authority delegated by the Ministry exercise protection of the cultural heritage.

2. State sub-unit of the Ministry - the Department for Georgia's Monument Protection (hereinafter - Department) and the Scientific Methodological Council for Cultural Heritage Protection (hereinafter - Council) are founded on the basis of Georgia's legislation in order to ensure state protection of the cultural heritage.

3. The Ministry co-ordinates and administers the activities carried out in the cultural heritage protection sphere.

Article 6. Competence of the Ministry of Culture in the sphere of cultural heritage protection

Within the framework of the authority prescribed by legislation the Ministry:

- a) Works out and implements the state policy of cultural heritage protection;
- b) Works out and issues normative and individual acts in the field of cultural heritage protection;

- c) Ensures the protection of the existing cultural heritage on the whole territory of Georgia and holds regular inspections of the monument condition;
 - d) Works out and implements rules regulating the inclusion and exclusion of monuments in and out of the State Register;
 - e) Controls the process of export and import of movable monuments and objects with monument signs;
 - f) Under the consent of the Council confirms annual plans for the works to be done on monuments by the Department.
2. Other functions of the Ministry within the cultural heritage protection system are defined by its Charter.

Article 7. Competence of the Autonomous Republics of Abkhazia and Adjara in the sphere of cultural heritage protection

- 1. Competence of the Autonomous Republics of Abkhazia and Adjara in the sphere of cultural heritage protection is defined by the Constitution of Georgia, Law "On Culture" and other normative acts regulating this sphere.
- 2. Autonomous Republics of Abkhazia and Adjara participate in the protection of cultural heritage through the Ministries of Culture of relevant Republics within the competence defined by this Law and the Ministry Charter.

Article 8. Competence of the Department for Georgia's Monument Protection

Within the competence defined by the legislation of Georgia the Department:

- a) Reveals and registers objects with signs of a monument, except the movable monuments within the competence of the Academy of Sciences of Georgia and the State Archive Department, ensures their expert examination and classification;
- b) Ensures the creation of registration documents of the cultural heritage and their registration;
- c) Together with the relevant state bodies ensures the determination and approval of archeological zones and immovable monument protection zones;
- d) Sets up a unified data bank for cultural heritage;
- e) Selects experts or sets up commissions of experts for the assessment of the monuments or other issues;

- f) Works out and finances programs with special pursuit to protect cultural heritage in accordance with the rule established by the legislation;
- g) Sees to it that monuments and monument protection zones are taken into consideration while creating documentation on land cadastre and urban planning;
- h) Together with the relevant bodies suspends all kinds of work that can endanger the cultural heritage;
- i) In accordance with the procedure established by the Law imposes administrative responsibility on natural and legal persons. A written report is sent to law enforcement bodies about the violation of the law.
- j) Controls trade in antiques with the aim of revealing objects with movable monument signs and protection of movable monuments.
- k) Arranges tenders with the goal of executing work on monuments using the allocated funds from the state budget and other legal sources.
- l) Participates in the work of the Committee for the approval of the work executed on monuments irrespective of the owner and the executor of the work performed.
- m) Ensures the protection of the cultural heritage during military activities or state of emergency according to the international legislative norms.
- n) Exercises other functions prescribed by legislature and the Department Charter.

Article 9. Competence of the Academy of Sciences of Georgia in the field of cultural heritage protection

1. The Academy of Sciences of Georgia ensures protection and application of cultural heritage preserved at its sub-units, reveals, gathers, scientifically studies and popularizes monuments.
2. The Archeological Commission at the Academy of Sciences of Georgia plans, coordinates and supervises execution of archeological activities and together with the Ministry issues permits for the implementation of these kinds of works.
3. Other functions of the Academy of Sciences of Georgia in the sphere of cultural heritage protection is defined by the respective law and the Charter of the Academy of Sciences of Georgia.

Article 10. Competence of the State Archive Department in the sphere of cultural heritage protection

1. Within the competence defined by the legislation of Georgia the State Archive Department of Georgia:

a) ensures registration and recording of the cultural heritage documentation preserved at the State Archive of Georgia and is responsible for its proper protection in accordance with the rule established by this Law;

b) disseminates information on the documentation registered and recorded to the competent state bodies for their inclusion in the state register in accordance under this law;

c) together with the Ministry and other state bodies makes decisions on the conservation and registration of the damaged documents.

2. Other functions of the State Archive Department in the field of cultural heritage protection are defined by the respective law and the Charter of the State Archive Department of Georgia.

Article 11. Scientific-Methodological Council for Cultural Heritage Protection

1. The Scientific-Methodological Council for Cultural Heritage Protection (hereinafter - the Council) is created in accordance with rule prescribed by the legislation at the Order of President of Georgia:

2. The status of the Council is that of a governmental commission comprised of 12 highly skilled specialists.

3. The Council is set up for a five year term and functions on the basis of the Charter approved by the President of Georgia.

Article 12. Authority of local self-government and government bodies in the sphere of cultural heritage protection

Local self-government and government bodies within the sphere of their competence defined by the legislation are entitled to:

a) Exercise cultural heritage protection

b) Establish co-operation with the monument protection bodies with the aim of informational and technical assistance.

c) Ensure temporary protection of the revealed objects with immovable monument signs and address the Ministry with the proposal to provide expert examination of such objects.

d) Exercise other functions determined by the legislation in the sphere of cultural heritage protection.

Article 13. Participation of natural and legal persons in the sphere of cultural heritage protection.

1. The participation of natural and legal persons in the sphere of cultural heritage protection is determined by the present Law and other legal acts.

2. Natural and legal persons are obliged to fulfill the requirements in the cultural heritage sphere as prescribed by this law and the legislation of Georgia by linked with cultural heritage protection.

3. Natural and legal persons acting in the sphere of cultural heritage protection are obliged to inform the Ministry in written form about the goals of their activities before commencing them.

Article 14. Export and import of cultural properties

The rules determining export and import of cultural properties are determined by the legislation of Georgia.

PART III. PROTECTION OF IMMOVABLE MONUMENTS

Chapter III. Classification of Immovable Monuments. Registration And Granting the Status

Article 15. Classification of immovable monuments

1. The classification of immovable monuments is based on their typological, functional, chronological or other features as well as their artistic, historical, scientific, aesthetic and spiritual significance.

2. Types of immovable monuments:

a) Archaeological monuments (ancient town, village settlements, etc);

b) Historical monuments (places connected with historical processes, events or people);

c) Urban, park and landscape art monuments (historical settlements and their complexes, engineering or other systems, architectural complexes, ensembles or their parts, gardens, parks, etc.);

d) Architectural monuments (civic, cult, defensive, utility and other buildings or their parts or fragments, among them samples of modern construction);

e) Monumental Fine Art monuments (frescoes, reliefs, statues, menhires, stone-crosses, steles, grave stones, etc);

f) Monuments tied up with the development of science, technology and industry.

3. The chronological and typological classification of immovable monuments is determined by the scientific criteria accepted in the respective field.

4. According to their artistic, historical, scientific, aesthetic or spiritual values immovable monuments belong to the following categories:

a) immovable monuments that have entered UNESCO's "World Heritage List";

b) immovable monuments of national significance;

c) immovable monuments of local significance.

Article 16. Granting the status of an immovable monument to objects with immovable monument signs

1. An object with an immovable monument sign is granted the status of an immovable monument if it possesses characteristic signs of an immovable monument.

2. An object with an immovable monument sign is granted the status of an immovable monument by the Ministry on the basis of the Council's recommendation.

3. An object with an immovable monument sign is granted the status of an immovable monument immediately upon its inclusion in the State Register of Immovable Monuments.

Article 17. Loss of the status of an immovable monument and its exclusion from the State Register.

1. An object loses its status of an immovable monument in case it gets ruined, or becomes so damaged that its restoration is impossible.

2. The exclusion of this kind of an immovable monument from the State Register is carried out according to the same procedure applied during the process of its granting the status.

Article 18. Granting the category to immovable monuments

1. Monuments are granted the category on the basis of the Council's recommendation.

2. In accordance with the accepted rule immovable monuments of special national significance are presented to UNESCO by President of Georgia in accordance with the accepted rule for its inclusion in the “World Heritage List”.

3. The immovable monuments included in “World Heritage List” enjoy the privileges envisaged by the UNESCO recommendations and resolutions, and the legislation of Georgia.

4. Immovable monuments are granted the category of national significance by the President of Georgia on the basis of the proposal submitted by the Ministry.

5. Immovable monuments are granted the category of local significance by the Ministry together on the basis of the proposal of the respective local government body.

Article 19. Category alteration of an immovable monument

The change of the monument category is permitted only in case of reasonably grounded opinion secured by the Council, by the bodies listed in article 5 of this law and their unanimous decision.

Article 20. Registration Documentation of immovable monuments

1. Immovable monuments and objects with immovable monument signs are subject to obligatory state registration disregarding the owner.

2. The immovable monument registration documentation is made up of:

- a) the list of objects with immovable monument signs;
- b) registration (identity) cards of immovable monuments;
- c) passports of immovable monuments;
- d) the State Register of Immovable Monuments.

3. Forms of registration documentation for immovable monuments, the rules for their filling in, approval, preservation and application are defined by the Ministry.

4. Any new information obtained on immovable monuments should be entered into its respective form.

Article 21. Legal regime for objects with immovable monument signs

1. Objects with immovable monument signs fall under the rules prescribed by the present Law for immovable monuments upon their inclusion into the List of Objects with Immovable Monument Signs.
2. In case of the discovery of an object with immovable monument signs the discoverer has to inform in written the local government bodies, the Ministry and the Academy of Sciences determining the regime of temporary protection of the object.
3. The Ministry is obliged to hold an expert investigation of the discovered object with immovable monument signs within 6 months period with the purpose of assessing its cultural value. If necessary it has to ensure its classification and granting the status of an immovable monument according to the prescribed rules.
4. Rule for expert examination is determined by the Ministry Decree "Rule for conducting expert examination to define cultural value of a monument"

Article 22. Marking of immovable monuments

Immovable monuments are marked by protective, annotation or memorial plaques as well as other minor architectural forms representing an inseparable part of a respective immovable monument.

Article 23. Dissemination of information on immovable monuments

1. The information on granting, changing or canceling the status of an immovable monument of the object with immovable monument signs is published in mass media according to the categories of the monument:
 - a) of national significance - central official printed media;
 - b) of local significance- respective local official printed media.
2. On granting the object the status of an immovable monument the Department is obliged to send the owner (user) a written request regarding concluding an agreement on protection.
3. The Department is obliged to supply all the interested natural or legal persons with respective information on the immovable monument according to the rule laid down by the Law.

Chapter IV. Ownership of Immovable Monuments

Article 24. Owners of immovable monuments

1. The owner of an immovable monument may be:

- a) the State;
- b) local self-government and government bodies;
- c) natural persons;
- d) legal persons.

2. The monuments whose owners are impossible to identify, are declared to belong to the State.

Article 25. Rights and responsibilities of the owner of an immovable monument

1. The owner of an immovable monument is entitled to:

- a) use the monument according to the requirements prescribed by the present Law;
- b) obtain an income through the permissible application of an immovable monument;
- c) enjoy taxation and other privileges envisaged by the legislature;
- d) demand from the state bodies for cultural heritage protection to provide him\her with scientific and methodological consultations on the immovable monument in his\her ownership (use);
- e) demand a suitable reimbursement in case of a compulsory deprivation of the monument.

2. The owner of an immovable monument is obliged to:

- a) protect the immovable monument in his\her ownership, incur expenses on its maintenance;
- b) provide the state bodies for cultural heritage protection with all kind of information on the immovable monument if this information does not represent state, commercial or other kind of secret established by the law;
- c) conclude an agreement on protection with the Department with the regime of protection of the monument indicated;
- d) assist the state bodies for cultural heritage protection in examining the condition of the immovable monument;
- e) inform the state bodies for cultural heritage protection on the changes in the condition of the immovable monument;

f) observe the regime of the immovable monument protection zone(s) in his\her ownership;

g) prevent any change, removal or dismantle of a monument, its parts or fragments without the written consent of the Department, also prevent land-work, burials, planting of perennial plants and their destruction in the protection zone of the monument and such an exploitation of the monument which will damage or alter its appearance;

h) aid the work executed on the immovable monument to be carried out in accordance with the acts prescribed by the Law;

i) ensure access to the immovable monument at the hours fixed by him\her:

Article 26. Rights and responsibilities of the user of an immovable monument

1. The same rights and responsibilities of the owner of an immovable monument are applied to any user of an immovable monument.

2. All the natural and legal persons as users of immovable monuments enjoy the rights envisaged by the legislation of Georgia and those originating from an agreement concluded with the owner.

Article 27. Right of inheritance on an immovable monument

All the inheritance rights determined by the legislation of Georgia are applied to immovable monuments.

Article 28. Alienation and transfer for use of immovable monuments

1. Transfer of a right of ownership (alienation) on an immovable monument under state ownership with any motive is prohibited. The monument of this type can be transferred only with the right of use and application, with a definite or indefinite period of time in accordance with the legislation of Georgia.

2. Alienation or transfer for use of an immovable monument is permitted after a written notice is submitted to the Ministry by the owner. The owner is to inform the Ministry one month prior to the expected alienation

3. Protection zones of immovable monuments enjoy the same legal regime as immovable monuments do when alienated or transferred for use:

4. Transfer for use of state-owned immovable monuments is exercised according to the procedure prescribed by the legislation of Georgia.

5. After transferring for use of a state-owned immovable monument, an agreement is concluded between the Ministry and the person whom the immovable monument was transferred to.

Article 29. Compulsory deprivation of immovable monuments

1. Compulsory deprivation is executed in case the owner (user) cannot ensure the required protection of the immovable monument resulting in a threat of damage, destruction or stealing.

2. In case of the mentioned threat of destruction to the immovable monument caused by the carelessness of owner, the Department is obliged to warn the owner (user) in a written form and inform him\her of the deadline before which the drawbacks in the maintenance of the immovable monument must be eliminated.

3. If the owner (user) does not take into account the requirements of the Department, then the Department can raise a claim at the court requiring deprivation of a monument. The court makes decision on not satisfying the claim or compulsory deprivation of an immovable monument.

Article 30. Ownership of newly discovered objects with signs of an immovable monument

1. Ownership of a newly discovered object with an immovable monument sign between the discoverer of an object and the owner of the area where the object was found is regulated by the civic law norms of Georgia.

2. If the newly revealed object is granted a national category and the object owner agrees the object is transferred to the state ownership on the basis of the appropriate reimbursement.

Chapter V. Immovable Monument Protection

Article 31. Major principle of immovable monument protection

The major principle of immovable monument protection is the preservation of those signs and the fabric which constitute its artistic, historical, scientific, aesthetic or spiritual values and for which it was granted a monument status.

Article 32. System of protection zones and their regimes

1. The system of protection zones is created with the aim of preserving immovable monuments, monument complexes, ensembles and their natural and man-made environment and consists of the following zones:

a) archaeological zone;

- b) monument protection zone;
 - c) urban development regulation zone;
 - d) natural landscape protection zone.
2. The Department together with the Ministry and the Ministry of Urban Planning and Constructions determines the protection zones, which are confirmed by their joint order.
 3. The rule regulating for built environment and natural landscape protection zones are worked out and approved in accordance with Georgia's legislation.
 4. All natural and legal persons are obliged to observe the protection zone regimes.
 5. The regimes of protection zones within their boundaries rule out the activities that may create danger of damage or destruction, or worsen the visibility of culture layers, immovable monuments, monument ensembles and their environment.
 6. If activities endangering immovable monuments (explosions, vibrations, exhaust fumes and the like) are conducted in immovable monument protection zones, the Ministry has the right to demand the prohibition or restriction of these activities.
 7. If activities endangering immovable monuments are conducted outside the boundaries of the protection zone, the Ministry submits a proposal to the President on suspension or limitation those activities, or in case of a well-grounded demand - ceasing them.

Article 33. Permissible use of immovable monuments

1. Immovable monuments can be used with their original purpose. If used otherwise and if the application does not violate monument protection regime, a written permission should be issued by the Department.
2. Any permissible application of immovable monuments must ensure the protection of their conditions and be consistent with the present Law.

Article 34. Museum reserves

1. Museum reserves are created with the aim of protecting both immovable monuments and their environment.
2. Museum reserves are created on the base of immovable monuments of special significance or\and their complexes on the basis of the proposal submitted by the Ministry with the consent of the Ministry of Urban Planning and Constructions and at the

order of President of Georgia. The Charter of a museum reserve is approved by the President of Georgia.

3. The major function of museum reserves is to maintain and popularize the immovable monument, attract tourists and conduct researches.

4. The use of exhibit-structures located on the territory of museum reserves is determined by the present Law, relevant Charter and the design documentation approved in accordance with the accepted procedure.

Article 35. Consideration of immovable monuments in land cadastre and urban planning documentation

1. It is necessary to consider immovable monuments, their territories and protection zones in the documentation on land cadastre and urban planning (housing construction and field schemes, schemes and projects of regional planning, general schemes and master plans of populated areas, detailed planning and development projects and so on.).

2. Urban planning documentation mentioned above is agreed by the Ministry.

Article 36. Necessary terms for designing and executing large-scale construction and other types of work

1. Construction, melioration, motorway, oil and gas pipe and other types of construction and reconstruction works are executed on the basis of the Opinion provided by the Ministry, the Department and the Archeological Research Centre of the Academy of Sciences of Georgia.

2. Registration-inventory and protection of monuments located above the ground, as well as the protection, restoration and conservation of monuments discovered through excavations is ensured by the Ministry, while archeological prospecting, expertise, excavations, organization of scientific study and relations with relevant entities and institutions is secured by the Archeological Research Centre of the Academy of Sciences of Georgia.

3. Natural and legal persons intending to carry out construction or other large-scale works (road and engineering infrastructure development, land and melioration works, mining, etc.) are obliged to submit a suitable application to the Ministry and the Archeological Research Centre during the process of designing, three months prior to the beginning of works in order to carry out archeological or other types of works intended for the monument protection. In case of a well-grounded necessity the Ministry can extend the deadline on the basis of the relevant Conclusion of the Archeological Research Centre of the Academy of Sciences of Georgia.

4. Natural and legal persons, including international organizations and enterprises, as well as those founded through foreign investments engaged in different types of

large scale construction and reconstruction activities shall include the expenses incidental to archeological excavations, supervision, preliminary prospecting, survey of historical-cultural heritage, scientific research, publication and protection activities in their design and construction cost estimates.

Article 37. Prohibition of voluntary alteration, removal or disassamblage of immovable monuments

1. Voluntary alteration, removal or disassamblage of immovable monuments is prohibited;
2. Alteration, removal or disassamblage of an immovable monument or its parts is permitted in case of a written permission issued by the Ministry and is aimed at:
 - a) saving the monument from ruin;
 - b) a condition of utmost necessity.
3. In case of permitted alteration, removal or disassamblage of immovable monuments respective changes are entered into the registration documents of immovable monuments.

Chapter VI. Terms and Types of Work to be Executed on Immovable Monuments

Article 38. Types of work to be executed on immovable monuments

1. The following types of work are conducted on immovable monuments:
 - a) prospecting;
 - b) cleaning;
 - c) excavation;
 - d) conservation;
 - e) restoration;
 - f) reconstruction;
 - g) regeneration;
 - h) adaptation.
2. The work executed on immovable monuments has the following major phases:

- a) research activities;
 - b) design-prospecting;
 - c) project execution.
3. Specific rules for conducting archeological activities are determined by the legislation.

Article 39. Labour conditions for immovable monuments

1. Only those natural and legal persons who have a license and a written certificate issued in accordance with the prescribed procedure are allowed to execute the types of work listed in Article 36.
2. The funds mobilized on the account of the Ministry and the Department designated for executing work on immovable monuments can be used only on the basis of the tender rule.
3. The owner of the monument or the performer of the work on the monument covers the expenses incurred for the business trips of specialists of the Department who participate in the work of the Commission.

Article 40. Licensing work on immovable monuments and qualification certification of specialists

1. The Ministry of Culture and the Ministry of Urban Planning and Constructions jointly work out and approve the Decree on issuing license to perform work on immovable monuments according to Georgia's legislation.
2. The Ministry of Culture and the Ministry of Urban Planning and Constructions jointly work out and approve the Decree on the qualification certification of specialists according to Georgia's legislation.
3. The procedure and terms of issuing licenses and certificates are determined by the relevant Decree.
4. The permission to carry out archeological excavations are granted jointly by the Ministry and the Archeological Commission at the Presidium of the Academy of Sciences of Georgia.

Article 41. Regulations granting access to foreign natural and legal persons to execute work on immovable monuments

Foreign natural and legal persons execute work on immovable monuments:

- a) on the basis of the license issued according to the established order;

b) only on a par with local specialists;

c) on the basis of the permission of the Ministry, and the permit issued by the Archeological Commission at the Presidium of the Academy of Sciences of Georgia in agreement with the Ministry in case of conducting archeological activities.

Article 42. Moral and material responsibility for the quality of work executed on immovable monuments

1. Any natural or legal person possessing a license to execute work on an immovable monument bears moral and material responsibility for the quality of the work performed on an immovable monument;

2. In case of a poor quality of the executed work the following forms of responsibility are in action:

a) responsibility with property;

b) ceasing a license;

c) deprivation of a license;

d) deprivation of a certificate;

e) other forms of responsibility envisaged by Georgia's legislation.

PART IV. PROTECTION OF MOVABLE MONUMENTS

Chapter VII. Classification of Movable Monuments. Registration and Granting the Status

Article 43. Classification of movable monuments

1. The classification of movable monuments is based on their typological, functional, chronological or other features as well as their respective categories of artistic, historical, scientific and spiritual significance;

2. Types of movable monuments:

a) A piece of Fine Arts created with any material and technique;

b) A piece of decorative, applied art created with any material and any technique;

c) Objects connected with historical events or with the creative activities of historical persons;

- d) Objects and/or parts of objects discovered during archaeological excavations or in culture layers by chance;
- e) Cult objects made of any material and technique;
- f) Manuscripts, incunabula, civic and clerical documents, books, diplomas and publications possessing historical, artistic and scientific interests;
- g) Documents of the National Archive, among them photo, phono, film and video materials;
- h) Ethnographical objects;
- i) Pieces of unique furniture and musical instruments;
- j) Monuments connected with the development of science and technology;
- k) Other movable objects possessing historical, artistic, scientific and other cultural significance. Among them architectural drawings of historical importance and copies of the pieces of Fine Arts as well as objects of modern serial production.

Article 44. Granting the Status of a movable monument to objects with movable monument signs

1. The status of a movable monument is granted to an object with a movable monument signs;
2. An object with movable monument signs is granted the status of a movable monument by the Ministry on the basis of the Council's Opinion;
3. An object with movable monument sign is granted the status of a movable monument from the time it enters into the State Register.

Article 45. Loss of a movable monument status and exclusion from the Register

1. An object loses the status of a movable monument in case of its destruction or loss of movable monument features and when their restoration is impossible or unreasonable;
2. The exclusion of a movable monument from the register is enacted according to the same procedure applied during its granting the status.

Article 46. Categories of movable monuments

On the basis of their artistic, historical, aesthetic or spiritual values movable monuments belong to the following categories:

- a) movable monuments of special significance.
- b) movable monuments of national significance;
- c) movable monuments of local significance;

Article 47. Granting the category to movable monuments

1. Movable monuments are granted categories on the basis of the Council's recommendation;
2. Movable monuments are granted the category of special significance by the President of Georgia on the basis of the Council's proposal submitted by the Ministry;
3. Movable monuments are granted the category of national significance by President of Georgia on the basis of the proposal submitted by the Ministry of Culture;
4. Movable monuments are granted the category of local significance by the Ministry on the basis of the Opinion submitted by the respective local government bodies.

Article 48. Category alteration of a movable monument

Change of a monument category is exercised on the basis of a reasonably grounded opinion submitted by the Council after reaching a unanimous decision on the issue by all the bodies mentioned in Article 5.

Article 49. Legal regime for objects with movable monument signs

1. The regulations envisaged by the present Law for movable monuments are applied to objects with movable monument signs;
2. In case of a discovery of an object with movable monument signs the discoverer has to inform the local government bodies and the Ministry of the discovery in a written form. The Ministry determines the regime of temporary protection of the object;
3. The Ministry is obliged to hold an expert examination of the discovered object with movable monument signs within a 6 months' period with the purpose of assessing its cultural value. If necessary it has to include the object in the List of Objects with Movable Monument Signs, ensure its classification and granting the status of a movable monument according to the prescribed rules.

Article 50. Registration of movable monuments

1. Movable monuments and objects with movable monument signs are subject to obligatory State registration disregarding the owner;
2. The system of movable monument registration documentation consists of:
 - a) a list of objects with movable monument signs;
 - b) identity (registration) cards of movable monuments;
 - c) passports of movable monuments;
 - d) the State register of Movable Monuments;
3. The Ministry issues a respective document required by the owner of a movable monument.
4. Registration forms of movable monuments, the rules for their filling, approval, keeping and application are defined by the Ministry.
5. All the activities connected with the registration procedure of a movable monument are financed by the State.
6. The owner (user) is obliged to address the Ministry or an equivalent territorial body to include the object in his\her ownership into the List of Objects with Movable Monument Signs.

Article 51. Dissemination of information on movable monuments

The owner (user) of a movable monument has the right to demand confidentiality of the information on the movable monument in his\her ownership.

Chapter VIII Ownership of Movable Monuments

Article 52. Owners of movable monuments

1. The owner of a movable monument can be:
 - a) the State;
 - b) local self-government bodies and government bodies;
 - c) natural persons;
 - d) legal persons;

2. A newly discovered object with movable monument signs the owner of which is unknown or it is impossible to identify the owner within the timeframe prescribed by the legislation, is declared to be of discoverer's ownership. The mentioned rule does not refer to the people whose responsibilities include search of monuments, excavations or monument surveillance.

3. If the owner of the territory on which the object with the movable monument sign is discovered is known, the owner (owners) of the latter is (are) identified in accordance with the rule established by the legislation.

4. The discoverer of the object with the monument sign has the right to remain anonymous

5. A movable monument of state ownership cannot be alienated to any natural or legal person.

Article 53. Rights and responsibilities of owners of movable monuments

1. The owner of a movable monument is entitled to:

a) Use the movable monument according to the regulations of the present law;

b) Gain profit by a legal application of a movable monument;

c) Enjoy taxation and other types of privileges established by the legislation;

d) Require scientific and methodological consultations from the Department on the monument in the ownership of the latter.

2. Owner - local self-government body, natural or legal person is entitled to require due remuneration in case of a compulsory deprivation of the monument.

3. The owner of a movable monument is obliged to:

a) Ensure the maintenance of a movable monument in his\her ownership;

b) Immediately report to the Ministry on the changes to the monument or its theft;

c) Forbid any alteration, disassembly or such a removal or exploitation of a movable monument or its parts or fragments that may endanger or change its appearance;

d) Assist to execute work on the movable monument in accordance with the laid down regulations;

e) In case of a monument alienation inform the new owner about the protective conditions of the monument;

f) Help respective authorized bodies or license-granted specialists to inspect the condition of the monument; If there is a well-grounded necessity to study the conditions of a movable monument and the owner (user) conceals the information on the monuments in his\her ownership, the Ministry resorts to necessary measures to make the movable monument available for inspection;

g) Exercise other duties envisaged by legislation.

Article 54. Rights of responsibilities of users of movable monuments

1. Natural or legal person being the user of a movable monument enjoys the same rights and responsibilities as the movable monument owner;

2. The user of a movable monument enjoys all the rights envisaged by legislation and the agreement concluded with owner.

Article 55. Rights of inheritance of movable monuments

All inheritance rights envisaged by the legislation of Georgia are exercised on movable monuments.

Article 56. Alienation or transfer for use movable monuments

1. When alienating a movable monument, the owner is obliged to inform the Ministry of the terms of alienation.

2. A state owned movable monument is not subject to any form of alienation

3. The organizers of auctions have to send a list of lots to the Ministry thirty days prior to the auction.

Article 57. Compulsory deprivation of movable monuments

1. Compulsory deprivation of a movable monument is exercised in case its owner (user) fails to ensure the required protection of a movable monument resulting in a threat of damage or destruction of the monument;

2. In case of the emergence of the threat to the movable monument the Department is obliged to warn the owner (user) in written form and inform him\her of the time limits set for the elimination of the drawbacks.

3. If the owner (user) does not take into account the requirements of the Department, then the Department can raise a claim at the court requiring deprivation of a monument. The court makes decision on not satisfying the claim or compulsory deprivation of an immovable monument.

Chapter IX. Movable Monument Protection

Article 58. Major Principle of movable monument protection

The major principle of movable monument protection is the preservation of their condition and those features which constitute their historical, artistic, aesthetic or spiritual values and for which they were granted the status of a movable monument

Article 59. Prohibition of voluntary alteration and disassembly of movable monuments.

1. Any voluntary alteration, disassembly or change of a movable monument is prohibited.
2. Alteration or disassembly of a movable monument or its part is permitted in case of a written permission issued by the Department and in case if it is required by:
 - a) saving the monument from ruin;
 - b) a condition of utmost necessity.
3. In case of permitted alteration or disassembly of a movable monument respective information is entered into the registration documents of movable monuments.

Article 60. Ensuring protective conditions for movable monuments

In case the owner (user) does not possess and cannot provide necessary conditions for the protection and maintenance of a movable monument within the time limit stated by the Department, he\she is obliged to transfer the object to another person until providing necessary conditions for the monument protection. The change of ownership is enacted on the basis of an agreement.

Chapter X. Conditions and Types of Work to be Executed on Movable Monuments

Article 61. Types of work executed on movable monuments

1. The following types of work are executed on movable monuments:
 - a) cleaning;
 - b) conservation;
 - c) restoration;
 - d) regeneration;

2. The work performed on movable monuments consists of the following major phases:

- a) research activities;
- b) practical work.

Article 62. Labor conditions for movable monuments

1. Only natural and legal persons with appropriate license issued by the Ministry are permitted to execute any work on movable monuments.
2. Respective documentation is compiled on the work to be performed on a movable monument and its copy is given to the owner (user).

Article 63. Licensing work on movable monuments

Decree on licensing and qualification of specialists to work on movable monuments is worked out and approved by the Ministry. Qualification certificates are granted in accordance with the types of movable monuments and the difficulties of the work to be executed.

Article 64. Regulations granting access to foreign natural and legal persons to work on movable monuments

Foreign natural and legal persons are permitted to execute work on movable monuments:

- a) on the basis of the license issued according to the approved procedure;
- b) only on a par with local specialists;
- c) on the basis of the permission issued by the Ministry.

Article 65. Responsibilities for the quality of work executed on movable monuments

1. A natural or legal person possessing a license to execute work on an immovable monument bears moral and material responsibility for the quality of the work performed on an immovable monument;
2. In case of a poor quality of the executed work the following forms of responsibility are in action:
 - a) responsibility with property;
 - b) ceasing a license;

- c) deprivation of a license;
- d) deprivation of a certificate;
- e) other forms of responsibility envisaged by Georgia's legislation.

Chapter XI. Regulations on Antiquary Trade

Article 66. Regulations on antiquary trade

With the purpose of discovery, registration and protection of an object with movable monument signs antiquary trade may be allowed through a permission issued by the Ministry and is in compliance with the functioning legislature.

Article 67. Obligations of antiquary traders

Any antiquary trader is to keep a record of the objects in his business according to the norms laid down by the Ministry.

PART V. ECONOMIC AND FINANCIAL BASES OF CULTURAL HERITAGE PROTECTION

Chapter XII. Financing Cultural Heritage Protection

Article 68. Financing cultural heritage protection

1. Cultural heritage protection is financed from:

- a) state and local budgets;
- b) financial means of the monument owners (users);
- c) specially created funds;
- d) rental taxes;
- e) deductions from special incomes;
- f) contributions;
- g) lottery gains;
- h) grants provided by international, organizations for the implementation of different programs programmes;

- i) financial means of foreign natural and legal persons:
- j) all other incomes not prohibited by legislation.

Article 69. Application of means of the state budget and local government bodies for cultural heritage protection

1. The means of the state budget are spent on:
 - a) the activities of monument protection bodies:
 - b) the activities of state or non-state bodies that have been delegated some authority in the field of cultural heritage protection by the Ministry;
 - c) other activities envisaged by legislation.
2. Autonomous and other state territorial units take into consideration the allocations for the protection of monuments located on their territory when approving their annual budgets. The mentioned financial resources are used for the maintenance of monument in agreement with the Department.

Article 70. Funds of cultural heritage protection

Funds of cultural heritage protection are founded in accordance with the legislation.

Chapter XIII. Monument Insurance and Privileges for Cultural Heritage Protection

Article 71. Insurance of monuments

The insurance of monuments is executed according to the legislation of Georgia.

Article 72. Privileges

Financial transactions with the budget in the sphere of cultural heritage are made in accordance with Georgia's Law on "Budgetary System and Authority", Tax and Customs Codes and the legislation.

PART VI INTERNATIONAL RELATIONS IN THE SPHERE OF GEORGIA'S CULTURAL HERITAGE PROTECTION

Chapter XIV. International Relations in the Sphere of Georgia's Cultural Heritage Protection

Article 73. Georgia's participation in the activities of international organizations and international agreements

1. Georgia takes part in the activities of international organizations functioning within the sphere of cultural heritage protection.
2. Georgia seeks accession to the international agreements and conventions in the sphere of cultural heritage protection.

Article 74. Protection of Georgia's cultural heritage existing abroad

Georgia takes care to protect its cultural heritage existing abroad.

Article 75. Protection of foreign cultural heritage on the territory of Georgia

Protection of foreign cultural heritage existing on the territory of Georgia is executed in compliance with the agreement concluded between Georgia and the country concerned.

Article 76. Prohibition of transfer of immovable monuments to diplomatic representations with diplomatic immunity

Immovable monuments are not transferred to international organizations and foreign diplomatic representations for housing purposes.

PART VII. TRANSITIONAL AND CONCLUSIVE PROVISIONS

Chapter XV. Transitional provisions

Article 77. Normative Acts losing validity upon the implementation of the present law

After the present Law comes into effect the Law "On Protection and Application of Historical and Cultural monuments" of the Georgian SSR dated December 29, 1977 be considered non-valid.

Article 78. Normative acts to be adopted upon the implementation of the present Law

The following normative acts must be adopted after the present Law comes into effect:

- a) Georgia's Law "On Urban Planning";
- b) Georgia's Law "On Archeology";
- c) Georgia's Law "On Export and Import of Cultural Properties";
- d) Georgia's Law "On Separation of Powers between the State and the Patriarchate of Georgia in the Sphere of Cultural Heritage Ownership";

- e) Decree "On the Department of Georgia's Monument Protection"
- f) Decree "On the Scientific-Methodological Council of the Cultural Heritage Protection";
- g) Decree "On Licensing work on Immovable Monuments"
- h) Decree "On Qualification Certification of Specialists";
- i) Decree "On Licensing work on Movable Monuments and Qualification Certification of Specialists";
- j) Decree "On Regulations on the Forms, Compilation, Approval and Application of Registration Documentation of Immovable Monuments";
- k) Decree "Regulations on the Forms, Compilation, Approval and Application of Registration Documentation of Movable Monuments";
- l) Decree "Regulations for the Antiquary Trade".

Chapter XVI. Conclusive Provision

Article 79. Implementation of the Law

The Law is in force upon its publication.

President of Georgia
Tbilisi
June 25, 1999
N 2209