

# LAW OF GEORGIA

## ON CULTURAL HERITAGE

### Section I – General Provisions

#### Chapter I. - General Provisions, Purpose and Scope of this Law and Terms used in this Law

##### Article 1 - Purpose of the Law

The purpose of this Law is to protect the cultural heritage of Georgia and to regulate legal relations originating in this field.

##### Article 2 - Scope of the Law

1. This Law applies to cultural heritage in the whole territory of Georgia.
2. Georgia cares for the protection of the cultural heritage of Georgia located abroad.
3. The procedures for the export and import of objects of cultural heritage and cultural value from and into Georgia, as well as the procedures for the regulation of professional activities in the field of cultural heritage, shall be defined by individual legislative acts.

##### Article 3 - Terms used in this Law

The terms used herein have the following meanings:

- a) authenticity - the genuineness of objects, their structural elements, environment, context, functions and/or features, and the contemporaneousness of their creation or development;
- b) archaeological site- any remains or cultural stratum partially or completely buried underground or preserved underwater 100 or more years ago, and a cultural layer created by a human being or as a result of a human impact on the natural environment, or which bears the trace of a human impact;
- c) archaeological works - scientific activities intended for the discovery and study of objects of archaeological interest; a complete cycle of tracing, excavating, restoring and conserving objects of archaeological interest, and scientific and research activities in relation to objects of archaeological interest;
- d) archaeological investigation – the identification of objects of archaeological interest, and the determination of their stratigraphy and chronology by means of visual inspection or test pits;
- e) archaeological excavations - earthworks or works carried out underwater to discover objects of archaeological interest and to conduct research work on them;
- f) inventory survey - a combination of activities conducted to discover immovable objects of cultural heritage and to obtain information on such objects and their settings;
- g) historical development - an area of historical and cultural value which was formed 100 or more years ago;
- h) historical setting - a combination of artistic, architectural, spatial, landscape, and social and economic context, which was formed 100 or more years ago;
- i) an object of cultural heritage (cultural property):
  - i.a.) immovable or movable objects of cultural heritage (immovable or movable items defined by the Civil Code of Georgia), which have been granted cultural property status in accordance with the procedures established by this Law;
  - i.b) a complex type property - a collection of physically, functionally, historically or territorially interconnected objects of cultural heritage, which is a topographically identifiable unit and which has been granted cultural property status in accordance with the procedures established by this Law;
- j) a buffer zone for the protection of cultural heritage (buffer zone) - an area surrounding an immovable object of cultural heritage and/or the area within the extension or influence zone of the object of immovable cultural heritage determined in accordance with the procedures established by this Law, within which there is a special exploitation regime and which is designed to protect cultural heritage within its area from adverse impacts;
- k) cultural heritage:
  - k.a) material - man-made or created as a result of a human impact on the natural environment, any kind of architectural, artistic, urban planning, agricultural, archaeological, anthropological, ethnographic, or monumental impact related to the technological development of immovable or movable objects of artistic, aesthetic, historical, and memorial value, or documentary material, as well as gardens, parks, objects of landscape architecture,



historical settlements, and historical settings related to history, development, folklore, faith and traditions, and to the past or present civilisation of the country;

k.b) non-material - oral traditions and verbal arts, including language as a bearer of material cultural heritage, performing arts, customs, traditions, and traditional practices, knowledge and skills related to traditional arts and crafts, as well as the instruments, objects, artefacts and cultural space related to them, which are recognised by society, groups and, in some cases, by individuals as part of their cultural heritage;

l) the protection of cultural heritage - a combination of legal, scientific and research, rehabilitation, informational and educational activities intended to preserve cultural heritage in its various forms and to ensure its sustainable development;

m) a cultural asset - any immovable or movable item made of any material and using any means in any historical era as a result of a creative process, which has artistic, aesthetic, ethnographic, archaeological, historical, religious, memorial, scientific, technical or technological value;

n) a cultural stratum - layers of soil or underwater areas (water beds) where signs of human habitat and activity can be traced;

o) urban fabric - a combination of urban planning structures, including street networks, squares, gardens, buildings and structures, yards or engineering communications;

p) a movable fragment of an immovable cultural property - a substantial fraction of an immovable cultural property which has been or is a composite part thereof and which is separated from, and is deemed to be a separate object of, cultural property under this Law, or which, for the interests of the cultural property, may be separated from it without damaging the cultural property;

q) an area of an immovable cultural property - a land plot attached to an immovable cultural property as provided for by the legislation of Georgia, or where there is no land plot, the area directly occupied by an immovable cultural property;

r) relocation of immovable cultural property - the change of location of a cultural property without changing its main features by dismantling and restoring it to its original form or by other means of relocation ;

r<sup>1</sup>) remodelling of immovable cultural property - the alteration of a cultural property by way of its expansion, which is permitted only if such alternation does not decrease or diminish the historical or cultural value of the cultural property, or interfere in the process of its appropriate interpretation and appreciation;

s) built-up surroundings - an organic part of a developed area which creates the artistic and architectural context of a cultural property, and which facilitates the display and preservation of the dominant role of the said cultural property;

t) backfilling of archaeological sites - refilling an explored archaeological site (territory) with ground for the purposes of its conservation and/or restoration to its original form after the completion of archaeological works ;

u) cleaning of cultural property - the removal of organic or non-organic surface, layers or additives that have been gradually formed or accumulated on the surface of a cultural property as a result of natural or man-made impacts (in the case of immovable cultural property - the removal of existing soil surface) without any alteration to the cultural property;

v) adaptation of cultural property - making such alterations to a cultural property that are intended for its rehabilitation and for permissible changes in the function of the cultural property and which do not diminish the artistic, aesthetic, historical or other significance of the cultural property and which are methodologically justified;

w) conservation of cultural property - a combination of measures taken to maintain the current state of a cultural property and to protect it against deterioration or irreversible alterations. Preventive conservation may also be conducted on a cultural property intended to take primary, urgent and temporary measures before the rehabilitation of the cultural property. The methodology used for preventive conservation shall encompass the removal of materials and appliances used during the preventive conservation without damaging the cultural property;

x) safeguarding cultural property - a combination of activities carried out as provided for by the legislation of Georgia, including by this Law, to protect cultural property (in the case of an immovable cultural property safeguarding shall encompass the protection of the territory of the immovable cultural property as well) against damage and deterioration and to ensure the preservation of its historical and cultural value;

y) restoration of cultural property - the restoration of the damaged fragments of a cultural property to their original forms on the basis of surviving authentic materials and elements using the technologies of the period of their creation or the technologies of the modern period;

z) reconstruction of cultural property - rebuilding a partially or fully ruined or dismantled cultural property or part thereof to its original form using old or new materials, or a combination, on the basis of meticulous scientific research and accurate measurements;

z<sup>1</sup>) restoration of cultural property to its original form - the returning of a cultural property to the form in which it was originally created by means of restoration or reconstruction works (including removing details that were added later than the original creation);

z<sup>2</sup>) cultural property status - the legal status of cultural property on the basis of which the regime established by the legislation of Georgia is applied to objects of cultural property;

z<sup>3</sup>) damaging cultural property - the alteration of a cultural property or a part thereof which deteriorates the state of the cultural property or its perception;

z<sup>4</sup>) deterioration of a cultural property - the destruction of a cultural property, including an impact on a cultural property or a part thereof which diminishes the features of the cultural property on which basis cultural property status has been granted to it;

z<sup>5</sup>) investigation of cultural property - activities for the purposes of obtaining information on cultural property that are conducted by means of physical intervention or visual examination using appropriate methodologies .



## Section II - Registration, Protection and Management of Cultural Heritage

### Chapter II System for the Protection of Cultural Heritage

#### Article 4 - Cultural heritage protection bodies

1. The Ministry of Culture and Monument Protection of Georgia ('the Ministry'), the Ministry of Justice of Georgia, local self-government bodies, as well as other state bodies, and legal persons of public and private law, shall exercise powers for the state protection of cultural heritage within their scopes of authority as determined by the legislation of Georgia. In the territory of the Autonomous Republics of Abkhazia and Ajara, the given powers shall be exercised by the relevant state bodies of the Autonomous Republics of Abkhazia and Ajara.

2. State and local self-government bodies shall exercise their authority in the field of cultural heritage protection in accordance with the norms established under Articles 7, 8 and 9 of the Constitutional Agreement between the State of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia.

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013.*

#### Article 5 - Authority of the Ministry in the field of cultural heritage

1. The Ministry, within the scope of its authority as determined by the legislation of Georgia, shall:

- a) supervise the protection of cultural heritage, and prepare and implement state policy for the protection and development of cultural heritage;
- b) prepare and issue normative and individual legislative acts in the field of cultural heritage protection;
- c) manage and coordinate the discovery, protection, promotion and systematic examination of the state of cultural heritage in the entire territory of Georgia;
- d) ensure the examination and state registration of discovered objects of cultural heritage and establish relevant procedures;
- e) monitor the treatment of and archaeological works conducted on cultural property, and establish commissions for the approval of works performed;
- f) control the import of objects of cultural heritage which are abroad, unless otherwise provided for by law;
- g) ensure inventory surveys of historical areas, and draw up drafts of normative acts regulating buffer zones for the protection of cultural heritage sites, and develop projects of activities to be carried out within such zones, and submit them to the relevant state authorities for approval;
- h) create an integrated information system and database of cultural heritage;
- i) prepare and implement target and state programmes for the discovery, protection and promotion of objects of cultural heritage, and carry out state procurements;
- j) suspend any activity posing a threat to cultural heritage in coordination with the relevant state authorities in accordance with the procedures established by the legislation of Georgia;
- k) cooperate with other state authorities, and legal entities under public and private law, in order to detect, respond to and prevent administrative offences in the field of cultural heritage protection, and prepare reports on administrative offences within the scope of its authority;
- l) identify non-material cultural heritage, and provide the recording and documenting (audio, video, or written) of cultural heritage, and ensure its storage and protection;
- m) ensure the protection of cultural heritage during military combat operations, and during a state of emergency, in accordance with standards of international law;
- n) perform other functions determined by the legislation of Georgia.

2. The Minister of Culture and Monument Protection of Georgia ('the Minister') is entitled to delegate the right to issue individual legislative acts, falling within the authority of the Ministry, to its territorial bodies or structural units, on the basis of a legislative act.

3. The Minister is entitled to delegate the right to issue acts under the second paragraph of this article to the legal entities under public law within the governance of the Ministry on the basis of an administrative agreement, as well as to local self-government bodies in accordance with the procedures established by the legislation of Georgia. The scopes of authority in the field of cultural heritage protection delegated to other administrative bodies and the procedures and conditions for exercising such authority shall be determined by an appropriate administrative agreement.

4. The Cultural Heritage Protection Council ('the Council'), which is an advisory body of the Minister, shall be established within the Ministry in accordance with the procedures established by the legislation of Georgia.



5. The Council is composed of experts and public figures in the field of cultural heritage protection. The rules of procedure and the authority of the Council shall be determined by the statute of the Council and shall be approved by the Minister.

6. The Council shall review the following:

- a) matters related to granting and revoking cultural property status, and matters related to assigning categories to objects of cultural property and to changing them;
- b) scientific and methodological matters related to the treatment to be performed on cultural properties and other objects of cultural heritage;
- c) draft urban development documents determined by the legislation of Georgia, and matters related to granting status to historical settlements and to revoking such status ;
- d) matters related to establishing buffer zones for the protection of cultural heritage and to issuing administrative legislative acts within the scope of authority of the Ministry;
- e) matters related to the inclusion of cultural property in the World Heritage List established on the basis of the Convention Concerning the Protection of the World Cultural and Natural Heritage which was adopted in 1972 ('the World Heritage List');
- f) state projects and programmes to be implemented in the field of cultural heritage;
- g) other matters falling within its scope of authority in accordance with the statute of the Council.

7. Council decisions shall serve as recommendations for the Minister.

*Law of Georgia No 528 of 21 November 2008 - LHG I, No 34, 4. 12.2008, Article 212*

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013.*

#### **Article 6 - Authority of the Ministry of Justice of Georgia in the field of cultural heritage protection**

1. Within the scope of authority determined by the legislation of Georgia, the Ministry of Justice of Georgia (the legal entity under public law called the National Archives of Georgia under the Ministry of Justice) shall:

- a) ensure the identification and registration of documents containing information on cultural heritage and other information related to it, which exists in the National Archival Fund, and be responsible for the maintenance of such documents and ensure the implementation of rehabilitation works on them in accordance with the procedures defined by the Law of Georgia on the National Archival Fund and the National Archives;
- b) submit information on discovered cultural heritage and other information related to cultural heritage to the Ministry;
- c) cooperate, within the scope of its authority, with other state authorities, and legal entities under public and private law in the field of cultural heritage protection.

2. Other functions of the Ministry of Justice of Georgia and the bodies within the Ministry acting in the field of cultural heritage protection shall be determined by the Law of Georgia on the National Archival Fund and the National Archives, and other legislative acts.

#### **Article 7 - Authority of the bodies of the Autonomous Republics of Abkhazia and Ajara and of local self-government bodies in the field of cultural heritage protection**

The appropriate bodies of the Autonomous Republics of Abkhazia and Ajara and local self-government bodies, within the scopes of their authority as determined by the legislation of Georgia and within the powers delegated by the Ministry, shall:

- a) ensure the discovery, registration and systematic examination of the state of cultural heritage existing within the territory of their jurisdiction, and the maintenance, exploration and rehabilitation of cultural heritage in accordance with the procedures determined by law;
- b) submit information on the discovery and recovery of cultural heritage and on the state of cultural heritage to the Ministry;
- c) cooperate with the ministries, and other state authorities and legal entities under public and private law to promote informational and technical support in the field of cultural heritage protection;
- d) conduct other activities determined by the legislation of Georgia in the field of cultural heritage protection.

#### **Article 8 - Museum reserve**

1. A museum reserve is a legal entity under public law, which is established by an ordinance of the Government of Georgia, and on the basis of a recommendation from the Ministry, and in the administrative territory of the Autonomous Republic of Ajara on the basis of a recommendation from the government of the Autonomous Republic of Ajara. Fully or partially state-owned cultural property and objects of archaeological interest and other assets shall be transferred to the museum reserve in accordance with the procedures determined by the legislation of Georgia. The state control of the museum reserve shall be implemented by the authority determined by the ordinance of the Government of Georgia on the Foundation of the Museum Reserve.

2. The objective of the museum reserve is to protect, exhibit and promote movable and immovable objects of cultural heritage within its ownership or



use, as well as to conduct scientific and research work.

3. On the basis of an ordinance of the Government of Georgia, an area of operation may be allocated for the museum reserve within which it shall conduct the systematic examination of cultural property and other objects of cultural heritage and perform other scientific and research work.

4. Other matters related to the activity of the museum reserve shall be determined by the legislation of Georgia, including this Law and the statute of the museum reserve.

5. The types of museum reserve are:

a) architectural

b) archaeological (archaeological park)

c) ethnographic

d) historical.

6. A museum reserve may represent a complex structure, with a combination of several types of museum reserves as determined by paragraph 5 of this article.

*Law of Georgia No 5553 of 20 December 2011 – website, 28.12.2011*

*Law of Georgia No 1330 of 25 September 2013 – website, 8.10.2013*

## **Article 9 - Rights and duties of natural and legal persons in the field of cultural heritage protection**

1. Natural and legal persons are obliged to:

a) protect and preserve cultural heritage;

b) immediately notify the Ministry and other state authorities acting in the field of cultural heritage protection on the discovery and recovery of cultural heritage or of any circumstances which pose a threat to cultural heritage;

c) assist a museum reserve in examining the state of cultural heritage in their ownership or use within an appropriate area of operation.

2. Other rights and duties of legal and natural persons acting in the field of cultural heritage protection shall be determined by the legislation of Georgia.

## **Chapter III - Initial (Temporary) Protection of Identified or Discovered Cultural Heritage**

### **Article 10 - Initial (temporary) protection regime of identified or discovered cultural heritage**

1. If a natural or legal person identifies or discovers cultural heritage, or has reasonable grounds to presume that cultural heritage is being identified or discovered during activities which, if continued, may damage, destroy or pose a threat of damaging or destroying cultural heritage, the person conducting the activities shall immediately terminate such activities and inform the Ministry in writing, in not later than 7 days, on the subject of identifying and discovering the said cultural heritage or on the existence of a reasonable presumption that cultural heritage is being identified or discovered, as well as on the termination of the activities.

2. The Ministry shall verify the fact of identifying (discovering) the cultural heritage not later than two weeks after the receipt of such information and shall notify in writing the interested person on the results of the verification. The person may continue the activities if the Ministry fails to respond within the two week time limit.

3. If there are reasonable grounds for doing so, the Minister shall ensure state registration of the identified (discovered) cultural heritage in accordance with the procedures determined by this Law, and the Ministry shall immediately inform the interested person and local self-government bodies regarding the matter.

4. If cultural heritage is identified as a result of archaeological works, the time period for the procedures under paragraph 2 of this article shall commence upon the completion of the works as specified by an appropriate permit.

5. The principles and procedures prescribed under Articles 22, 23 and 25 of this Law with regard to cultural property shall apply to cultural heritage registered and preserved in the state museums and museum reserves of Georgia.

## **Chapter IV - Types and Conditions of Archaeological Works**

### **Article 11 - Types of archaeological works**

The archaeological works or treatment of cultural property as provided for only by this Law may be conducted on objects of archaeological interest. The



types of archaeological works are the following:

a) archaeological field work – the investigation of objects of archaeological interest, trial trenching, excavations, recording, preliminary identification analysis and conservation;

b) archaeological lab works - scientific description, restoration, conservation, photographic and graphic recording, multidisciplinary research, historical interpretation and preparation for the publication of archaeological finds.

#### **Article 12 - Requirements for conducting archaeological excavations**

1. For the purposes of the on-site conservation of archaeological heritage and in order to allow future generations to conduct their examinations using better technologies, the excavation of an object of archaeological interest may be permitted only if this is necessary for solving scientific matters, or if the archaeological heritage is under the threat of damage or deterioration as a result of construction, or agricultural, industrial or any other activities, or as a result of natural events.

2. Excavated objects of archaeological interest or archaeological finds may not be kept without conservation or reclamation after the completion of archaeological works. The person conducting the works shall ensure the appropriate protection of objects of archaeological interest and archaeological material uncovered in the process of the archaeological works from being damaged, destroyed or lost, as well as from being affected by environmental conditions and from other undesirable interference.

3. If in the process of archaeological works an object(s) of high material value is/are uncovered and it/their extraction and transportation to a safe destination is impossible due to methodological, climate, technical or other conditions, the person conducting the works shall immediately address an appropriate territorial body of the Ministry of Internal Affairs of Georgia. The body shall be responsible for the protection of the given object(s) and for its/their delivery to a safe destination.

4. As a rule, a movable archaeological find shall be kept in the nearest museum reserve, museum or other appropriate scientific institution.

#### **Article 13 - Demolition (dismantling) of immovable objects of archaeological interest**

An immovable object of archaeological interest may be demolished (dismantled) only upon the approval of the Ministry, if the given object has been excavated and fully examined and there are no reasonable grounds to grant it cultural property status.

#### **Article 14 - Mandatory requirements for large-scale earthworks**

1. Decisions on opencast mining, the mining of minerals and the construction of an object of special importance shall be made by a body determined by the legislation of Georgia, on the basis of the positive opinion of the Ministry.

2. The archaeological investigation of the relevant area, which is undertaken by a person interested in conducting earthworks, shall serve as the basis for rendering decisions by the Ministry specified under paragraph 1 of this article.

3. A person interested in conducting earthworks shall submit to the Ministry the documents on the archaeological investigation of the site. Archaeological investigations shall be undertaken in the following fields:

a) historical, bibliographical and archival research - tracking and analysing museum and archival material (historical maps and master plans, historical cadastral and structure plans), conducting historical and bibliographical research by indicating its reference sources, tracking and interpreting photographic, space and aerial photography material stored in archives, conducting analysis of photo fixation material of existing situation and of their relations with archival data;

b) field investigations and preliminary office studies, and a layout plan of trial pits and sketches (scale 1:25, 1:20) demonstrating the stratigraphy.

4. In the event of uncovering an object of archaeological interest on the study site, the conclusive part of the archaeological investigation shall include the following:

a) a comprehensive study of the archaeological strata and objects uncovered on the study site using modern methodology, mapping of the areas to be excavated, a layout plan of objects of archaeological interest uncovered during the archaeological investigation and the measurements of individual objects, stratigraphic sections of uncovered structures and cultural strata, a report on the archaeological field works, the identification of character and age of uncovered archaeological strata and sites, their photographs and graphical records, the analytical processing of material obtained as a result of research on the strata and sites, and the drawing of conclusions, the writing up of a final text and the preparation of relevant illustrations;

b) recommendations developed on the basis of the archaeological investigations regarding the conservation of uncovered objects and the planning strategy for the construction works on the project site.

### **Chapter V - Registration and Classification of Cultural Heritage and Granting and Revoking Cultural Heritage Status**

#### **Article 15 - Granting cultural heritage status to cultural property**

1. The basis for granting cultural heritage status to a property is its historical or cultural value, related to its antiquity, uniqueness or authenticity.



2. Where the basis set out in paragraph 1 of this article exists, cultural property status may be also granted to a combination of physically, functionally, historically or territorially interconnected objects of cultural heritage which together represent a topographically identifiable unit. In the given case, the procedures prescribed for movable and immovable objects of cultural property under this Law shall apply to its movable and immovable parts.
3. An object may be granted cultural property status on the basis of an appropriate decision of the Council, an individual administrative legislative act of the Minister, and, in the territory of Georgia, on the basis of an appropriate decision of the Council upon the recommendation of the Ministry on the basis of a decree of the Government of Georgia.
4. If the essence of a property cannot be defined, or if data related to its historical or cultural value needs to be verified or additionally investigated, the Minister is entitled to include the object in the list of objects of cultural property. The legal regime prescribed by Chapters VI and IX of this Law shall be applied to the object thereafter.
5. The property may be included in the List of Cultural Heritage for a period of 6 months. This time period may be extended only once, and not for more than 6 months.
6. The Ministry shall submit data to the Council to obtain an appropriate report for the determination of the type, significance, state, historical or cultural value and category of a cultural property in order to render a decision on granting the status of cultural property to an object included in the List of Cultural Heritage.
7. If as a result of appropriate investigations it is revealed that there are no grounds under this Law for granting the status of cultural property to an object included in the List of Cultural Heritage, the Minister is entitled to exclude the said property from the List of Cultural Heritage before the expiry of the time period determined by paragraph 5 of this article.
8. An individual and administrative legislative act of the Minister on including or excluding a property in or from the List of Cultural Heritage or on granting or revoking cultural property status shall enter into force upon its promulgation in accordance with the procedures established by the legislation of Georgia.
9. Data on granting or revoking cultural heritage status shall be reflected in the State Registry of Cultural Properties and shall be published on the website of the Ministry within one month after the entry into force of an appropriate legislative act.

*Law of Georgia No 528 of 21 November 2008 – LHG I, No 34, 4.11.2008, Article 212*

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013.*

#### **Article 16 - State registration of objects of cultural heritage and registration documents**

1. The State Registry for Cultural Properties, the List of Objects of Cultural Heritage, and registration cards and registration certificates shall be created for the registration and identification of immovable and movable objects of cultural heritage. The list of non-material objects of cultural heritage and the State Registry for Non-Material Objects of Cultural Heritage shall be created for the registration and identification of non-material objects of cultural heritage.
2. The State Registry for Cultural Properties shall be maintained and the list of objects of cultural heritage shall be prepared by the Ministry.
3. A registration card is a document containing essential and general information necessary for the identification of the cultural property included in the list of the objects of cultural heritage.
4. The Ministry is authorised to prepare a certificate of cultural property after the registration of the object of cultural heritage in the State Registry of Cultural Properties. The certificate of the cultural property is a document approved by a legislative act of the Minister, which contains scientific and research information related to the cultural property.
5. The registration documents shall be updated if new information has been uncovered or the circumstances have changed.
6. The templates of registration documents and the procedures for completing the given templates shall be determined by a normative act of the Minister.

*Law of Georgia No 528 of 21 November 2008 – LHG I, No 34, 4.11.2008, Art. 212*

*Law of Georgia No 3740 of 26 October 2010 - LGH I, No 62, 5.11.2010, Art. 383*

#### **Article 17 - Revoking the cultural property status of cultural property**

Cultural property status may be revoked only on the basis of an appropriate decision of the Council, by an individual and administrative legislative act of the Minister, and in the territory of Georgia the status may be revoked on the basis of an appropriate decision of the Council, upon the recommendation of the Ministry, and by a decree of the Government of Georgia, only where the cultural property has been destroyed or damaged to such extent that it has lost its historical and cultural value, and it cannot be restored, or where it has lost the key peculiarities on the basis of which it was granted cultural property status.

*Law of Georgia No 528 of 21 November 2008 – LHG I, No 34, 4.11.2008, Art. 212*

*Law of Georgia No. 075 of 6 September 2013 - website, 25.9.2013.*



## **Article 18 - Grading of cultural properties**

1. On the basis of a recommendation of the Ministry, cultural properties may be granted the grade of national importance by an ordinance of the Government of Georgia if such cultural property has special artistic or aesthetic value, or if it is associated with an event or a person of special historical significance, or if it is related to a stage of national development, and if it has distinctive general and national values.

2. Immovable cultural property of national importance shall be nominated for inclusion in the World Heritage List by the Prime Minister of Georgia upon the recommendation of the Minister or upon his/her personal initiative.

*Law of Georgia No 1330 of 25 September 2013 – website, 8.10.2013*

## **Article 19 - Classification of cultural properties**

1. Cultural properties may be classified into several types depending on their typology, and their historical, cultural, artistic, aesthetic, memorial, secular, scientific and other values.

2. Types of cultural property are:

a) archaeological

b) architectural

c) engineering

d) urban development (urban)

e) park and garden landscape art and landscape architecture

f) palaeontological

g) elements of artistic monuments

h) memorial

i) ethnographic

j) fine art

k) archival,

l) cultural properties related to the development of science, technology or industry.

3. The type of cultural property shall be determined in accordance with the scientific criteria developed in the respective field.

## **Article 20 - Commemoration of a cultural property**

Immovable cultural property is marked by a commemorative plaque, the form and use of which shall be determined by an order of the Minister.

## **Article 21 - Cultural properties included in documents related to the land cadastre and urban development**

The inclusion of cultural properties and their territories in documents related to the land cadastre and urban development shall be mandatory.

## **Chapter V<sup>1</sup> (Deleted)**

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013.*

## **Article 21<sup>1</sup>(Deleted)**

*Law of Georgia No 528 of 21 November 2008 – LHG I, No 34, 4.11.2008, Art. 212*

## **Article 21<sup>2</sup>(Deleted)**





**Article 21<sup>3</sup>(Deleted)**

*Law of Georgia No 528 of 21 November 2008 – LHG I, No 34, 4.11.2008, Art. 212*

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013.*

**Article 21<sup>4</sup>(Deleted)**

*Law of Georgia No 528 of 21 November 2008 – LHG I, No 34, 4.11.2008, Art. 212*

**Article 21<sup>5</sup>(Deleted)**

*Law of Georgia No 528 of 21 November 2008 – LHG I, No 34, 4.11.2008, Art. 212*

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013.*

**Article 21<sup>6</sup> (Deleted)**

*Law of Georgia No 528 of 21 November 2008 – LHG I, No 34, 4.11.2008, Art. 212*

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013*

**Chapter VI - Protection of Cultural Property**

**Article 22 - Fundamental principles for the protection of cultural property**

The fundamental principles for the protection of cultural property involve preserving the features and peculiarities of the cultural property, as well as its settings in the case of an object of immovable cultural property, which ensure the preservation of its historical, cultural, memorial, ethnological, artistic, aesthetic, scientific or other values.

**Article 23 - Permissible use of cultural property**

It shall be permissible to use cultural property only in such manner as not to damage or pose a threat to it, or diminish its cultural or historical value, or change its authentic elements, or deteriorate its perception.

**Article 24 - Prohibition of unauthorised treatment of cultural property**

It shall be prohibited to conduct any kind of treatment on cultural property unless an appropriate permit prescribed by the legislation of Georgia, including this Law, has been obtained.

**Article 25 - Types and categories of treatment to be conducted on cultural property**

1. The treatment to be conducted on cultural property falls into the following types:

- a) research activities - scientific, exploratory and practical activities intended to search for information on the cultural property, including to determine its state, damage and causes of damage, and to develop recommendations regarding rehabilitation measures;
- b) rehabilitation activities - a combination of activities prescribed by the legislation of Georgia, including by this Law, for the purposes of improving the state of cultural property.

2. For the purposes of research or rehabilitation works the following activities may be conducted with regard to immovable cultural property:

- a) exploration
- b) cleaning



c) conservation

d) restoration

e) reconstruction

f) adaptation, and

g) remodelling.

3. For the purposes of research or rehabilitation works the following activities may be conducted with regard to movable cultural property:

a) exploration

b) cleaning

c) conservation, and

d) restoration.

4. For the purposes of research or rehabilitation works on buried fragments of archaeological objects or other types of cultural property, archaeological works may also be conducted.

5. Conservation, cleaning and restoration works prescribed by this Law with regard to archaeological objects may also be conducted within the scope of archaeological works.

6. Lost shapes, fragments, and elements of an object may be restored only within the scope of restoration or reconstruction works of the object if the shapes, fragments and elements to be restored are completely identified based on design documents prepared on the basis of accurate scientific data. Documentary material and scientific research shall always be taken into consideration.

7. Only exploration, cleaning, archaeological works and preventive conservation may be conducted on cultural property included in the List of Cultural Heritage for the purposes of conducting full expert analysis on it, as well as for the prevention of possible damage or the deterioration of undiscovered, and historically and culturally valuable, elements of the cultural property.

8. The methodology and procedures for conducting treatment on cultural property shall be established by a normative act of the Minister.

*Law of Georgia No 528 of 21 November 2008 – LHG I, No 34, 4.11.2008, Art. 212*

#### **Article 26 - The dismantling, remodelling, relocation and fragmentation of cultural property**

1. An immovable cultural property or the parts thereof may be dismantled only within the scope of treatment works (reconstruction) permitted by this Law and for the purpose of restoring the property, if such activities are required for the interests of the cultural property, or if the current state of the cultural property poses a threat to human life or health, and if there is no other method to prevent such threat.

2. An immovable cultural property or the parts thereof may be remodelled only for adaptation purposes, unless the given activity results in damaging or diminishing the historical and cultural value of the property.

3. An immovable cultural property or the parts thereof may be relocated, if:

a) the immovable cultural property is under the threat of irreversible damage or deterioration due to force-majeure circumstances;

b) special public interest prevails with regard to the relocation of the property, except for cultural properties of national interest.

4. An immovable cultural property may be relocated only to an environment resembling its original one to the extent possible by way of its reconstruction using authentic materials aiming to restore it to its original form.

5. Cultural property status shall be maintained for an immovable cultural property during and after a relocation process.

6. A movable cultural property may not be remodelled or fragmented except for the case where it is essential for the preservation or rehabilitation of the property.

7. (Deleted - 06.9.2013, No.1075).

*Law of Georgia No 528 of 21 November 2008 – LHG I, No 34, 4.11.2008, Art. 212*

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013.*

#### **Article 27 - Conservation plan of cultural property of complex structure**

1. For the purposes of ensuring the protection and regulation of rehabilitation works, and the use and development of cultural property of complex structure, the Ministry is authorised to develop a conservation plan ('the conservation plan') of cultural property of complex structure, which represents a unified guideline for the rehabilitation and development of the cultural property.



2. The conservation plan is a normative act of the Minister which includes scientific, methodological and practical instructions on the treatment be conducted on the cultural property, and determines the list and scope of permitted or recommended treatments to be conducted on each separate object of the property of complex structure, indicating the sequence of conducting such activities, and establishes the main regulations for conducting research, rehabilitation and development activities and individual procedures for the maintenance and use of the cultural property.

3. The requirements of the conservation plan shall be complied with during the adoption of legal acts related to the cultural property.

## **Article 28 - Rights and obligations of the owner (legitimate user) of cultural property**

1. The owner (legitimate user) of cultural property shall:

a) submit information on the current state of the cultural property to the Ministry within one month after being notified, in accordance with the form approved by the Ministry, and enter into an agreement with the Ministry on the maintenance of the cultural property, pursuant to which the protection of the cultural property against damage and deterioration and the preservation of its historical and cultural value shall be ensured;

b) immediately notify the Ministry and a local self-government body on changes concerning the state of the cultural property, its storage conditions and environment;

c) assist duly authorised bodies and specialists in the process of examining and inspecting the state of the cultural property, and submit any information at hand upon their request, unless such information contains state, commercial or other secrets established by law;

d) prevent any kind of unauthorised influence on the cultural property, including remodelling, fragmenting, dismantling, and adding parts or fragments to the cultural property;

e) notify the Ministry beforehand regarding the alienation of the property, and provide the purchaser with information on the status of the cultural property in advance;

f) ensure public access to the cultural property in accordance with the procedures determined by the legislation of Georgia;

g) perform other obligations determined by the legislation of Georgia.

1.<sup>1</sup>. The owner of cultural property located in the territory of the Autonomous Republic of Ajara shall be accountable to the duly authorised body of the Autonomous Republic of Ajara for the fulfilment of the obligations under paragraph 1 of this article with regard to the Ministry.

2. The owner (legitimate user) of cultural property shall have the right to:

a) use the cultural property in accordance with the requirements of this Law and receive income;

b) benefit from tax and other exemptions determined by the legislation of Georgia;

c) request scientific-methodological and legal consultations, free of charge, for the cultural property in his/her ownership (use) from the state authorities engaged in cultural heritage protection.

*Law of Georgia No 528 of 21 November 2008 – LHG I, No 34, 4.11.2008, Art. 212*

*Law of Georgia No 5554 of 20 December 2011 - website, 28.12.2011*

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013*

## **Article 29 - Procedures for studying and examining cultural property (objects) and conditions for conducting such study and examination without the consent of the owner (legitimate user)**

1. A list of cultural properties of special public interest and the procedures for providing public access to cultural properties by the owner (legitimate user) shall be established by an ordinance of the Government of Georgia. The procedures for public access to cultural properties under Articles 7, 8 and 9 of the Constitutional Agreement between the State of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia shall be established on the basis of the pre-approval of the owner (legitimate holder) of the cultural property; in the case of disagreement, religious rights shall have priority over the right to public access.

2. Where a reasonable need to examine the state of a cultural property (object) exists or where there is a reasonable presumption that an object represents cultural heritage, and the owner (legitimate user) of the property (object) impedes the competent authorities from conducting appropriate expert analysis and research activities, and if the owner (legitimate user) of the cultural property violates procedures for examining cultural properties and for granting public access to cultural properties determined by the legislation of Georgia, access to the cultural property (object) under examination by state authorities responsible for cultural heritage protection shall be granted on the basis of a court decision without obtaining the consent of the owner (legitimate user) of the property.

3. Liability for the violation of procedures for examining and granting public access to cultural properties shall be determined by the legislation of Georgia.

*Law of Georgia No 528 of 21 November 2008 – LHG I, No 34, 4.11.2008, Art. 212*

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013*

*Law of Georgia No 1330 of 25 September 2013 – website, 8.10.2013*



## **Article 30 - Responsibility of the owner (legitimate user) of cultural property**

1. An owner (legitimate user) of cultural property shall be given a written warning by the Ministry, in which measures for the maintenance of the cultural property shall be set forth and the conditions for the implementation of specific activities shall be set out, as well as a reasonable time for the completion of such measures, where the owner (legitimate user) of the cultural property:
  - a) violates the terms and conditions of the agreement with the Ministry on safeguarding the cultural property;
  - b) violates the terms and conditions of an appropriate permit issued by the Ministry or conducts any treatment of the cultural property without obtaining a permit prescribed by this Law.
2. A union of owners (legitimate users) of apartments and non-residential areas in a house which has the status of cultural property shall be construed as a condominium determined by the Law of Georgia on Condominiums. The warning provided for in paragraph 1 of this article shall be given to, and the liability for the non-fulfilment thereof as provided for by the legislation of Georgia shall be imposed on, the respective condominium.
3. Upon the expiry of the time period prescribed by the warning under paragraph 1 of this article, and for the non-fulfilment or improper fulfilment of conditions indicated in the warning, a penalty shall be imposed on an offender in accordance with the procedures determined by the legislation of Georgia.
4. Within six months after the imposition of a fine, the owner (legitimate user) shall be fined with an amount three times more than the previous fine after each six months, if he/she fails to fulfil or improperly fulfils the conditions indicated in the warning.
5. If an owner (legitimate user) fails to fulfil the conditions prescribed by the Ministry and urgent intervention is required for the interests of the cultural property, and if the owner (legitimate user) of the given property cannot be identified or traced, the Ministry is entitled to conduct urgent rehabilitation works on the given cultural property directly or through third persons without obtaining the consent of the owner (legitimate user) of the property. Where the circumstances under this paragraph exist, a decision on conducting works without obtaining the consent of the owner (legitimate user) of the property shall be made by a court.
6. The owner (legitimate user) shall compensate the expenses which result from the violation of his/her agreement with the Ministry on safeguarding the cultural property and which were incurred by the state bodies of the Ministry upon exercising their authority under paragraph 5 of this article or by persons designated by the Ministry to conduct urgent rehabilitation works on the cultural property.
7. If the owner (legitimate user) of the cultural property wilfully fails to cover the expenses of rehabilitation works, the Ministry is entitled to apply to a court and request the payment of the expenses under paragraph 5 of this article by the owner (legitimate user) of the cultural property.
8. This article and Article 32 of this Law do not apply to cultural properties in the ownership (use) determined by Article 7(1) of the Constitutional Agreement between the State of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia and in the ownership of other religious confessions.
9. The authority of the Ministry prescribed by this article shall be exercised by the authorised body of the Autonomous Republic of Ajara, within its scope of authority, in the territory of the Autonomous Republic of Ajara.

*Law of Georgia No 528 of 21 November 2008 – LHG I, No 34, 4.11.2008, Article 212*

*La of Georgia No 5554 of 20 December 2011 - website, 28.12.2011*

## **Article 31 - Liability for damage to or destruction of cultural property**

Any deliberate effect on cultural property that may threaten to irrevocably damage or destroy the cultural property shall result in the imposition of criminal liability on the person responsible in accordance with the procedures established by the legislation of Georgia.

## **Chapter VII - Right of Ownership of Objects of Cultural Heritage**

### **Article 32 - Alienation or transfer for use of state-owned cultural heritage with the right to possess and to use**

1. Stated-owned cultural property, cultural valuables and land plots located within archaeological protection zones may be alienated or transferred with the right of possession and use with the consent of the Ministry on the basis of predetermined, safeguarding conditions in accordance with the procedures defined by the legislation of Georgia.
2. State-owned cultural property listed in the World Heritage List may not be alienated. Such property may be transferred for use with the right of possession and use only with a condition to safeguard and protect it.
3. A document (movable cultural property) which is in the ownership of a state or a local self-governing unit and is registered with the National Archival Fund may not be alienated.
4. The housing fund and non-residential areas existing in residential buildings are exclusions from the procedures provided for in paragraph 2 of this article.



### **Article 33 - Origination of ownership rights with regard to movable objects of archaeological interest**

1. Movable objects of archaeological interest, which have been discovered in the process of archaeological works launched with or without a permit to conduct such works, are the property of the State.
2. Matters related to rights of ownership of objects of archaeological interest which have been discovered as a result of other activities (accidental discoveries), except for the cases under paragraph 1 of this article, shall be regulated in accordance with the procedures defined by the Civil Code of Georgia.
3. In the event of an accidental discovery, the person who made such a discovery shall notify the Ministry thereof in accordance with the procedures established under Chapter III of this Law.
4. The government shall have the priority right to purchase the object of archaeological interest.

## **Chapter VIII - Buffer Zones for the Protection of Cultural Heritage and their Regimes**

### **Article 34 - Structure of buffer zones for the protection of cultural heritage and procedures for their identification**

1. The structure of buffer zones for the protection of cultural heritage comprises primary and secondary buffer zones.
2. Primary buffer zones comprise the following perimeters:
  - a) the perimeter of physical security of the cultural property
  - b) the perimeter of visual security of the cultural property.
3. Secondary buffer zones are as follows:
  - a) the buffer zone of the historical development area
  - b) the regulation zone of the development area
  - c) historical landscape protection zone
  - d) the buffer zone for archaeological sites.
4. Primary buffer zones for the protection of cultural property shall be established automatically from the moment of granting the status of cultural property to an immovable cultural property. Where there is a reasonable need, the primary buffer zone of the cultural property or its perimeter may be extended on the basis of an individual administrative legislative act of the Minister, and within the territory of Tbilisi it may be extended upon the recommendation of the Ministry, on the basis of an appropriate decree of the Government of Georgia. An order of the Minister on the extension of a primary buffer zone of a cultural property or of its perimeter shall be agreed with the Apostolic Autocephalous Orthodox Church of Georgia, if such order is issued in respect of a cultural property defined by the agreement signed between the State of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia.
5. Secondary buffer zones shall be identified in agreement with local self-government bodies upon the recommendation of the Minister and by a decree of the Government of Georgia.
6. A decree of the Government of Georgia on the identification of secondary buffer zones, and an order of the Minister on the identification or extension of primary buffer zones shall be published in accordance with the procedures established by the General Administrative Code of Georgia.
7. An area may fall within several buffer zones out of which only one zone may be the secondary buffer zone.
8. If an area falls within several buffer zones, a prohibitive legal norm from the buffer zone regimes shall apply in each particular case.
9. The methodology for the development of buffer zones, and the procedures for designing appropriate graphical and textual material, shall be established by an ordinance of the Government of Georgia.

*Law of Georgia No 528 of 21 November 2008 - LHG I, No 34, 4. 12.2008, Art 212*

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013*

### **Article 35 - Goals and objectives for the establishment of buffer zones**

1. The goals for the establishment of buffer zones are: the protection of cultural heritage within their borders, including the protection of cultural properties, urban fabric with cultural value and individual buildings and structures, and historical developments, street networks, planning structures, historical landscapes and objects of archaeological interest, from undesirable influence; the conservation of the natural, historical, aesthetic, and ecological environment of cultural heritage, their authentic elements, historically evolved views and panoramas within their borders, as well as the preservation of their social, economic and cultural context, which will support the protection and sustainable development of cultural properties and their environment and will preserve the role of cultural properties as objects of historical witness.



2. The planned activities within the buffer zones shall consider the preservation of favourable geological and hydrological, and sanitary and hygienic conditions, the observation of seismic and fire safety requirements and the prevention of unfavourable interference on cultural properties and their historically evolved environments. The norms and standards provided for by international law and the legislation of Georgia in this field shall be observed during the implementation of the given activities.

3. Large-scale billboards, power transmission and telephone towers, television antennas and other large-scale surface engineering and technological equipment may not be installed within the active visual perception space of buffer zones of cultural properties.

4. Industrial, transportation, warehouse and other facilities which are not fire safe and create heavy traffic flow of cargo vehicles and vehicles for transportation, and cause air or water pollution, may not be constructed within buffer zones.

5. Public amenities shall be designed so as they are harmoniously merged with a historically developed environment. The urban planning policy and management principles within buffer zones shall be directed to the target-oriented and gradual reduction of traffic flow and the development of pedestrian infrastructure.

6. Demolition (dismantling) of buildings and other objects of architectural interest within buffer zones shall be allowed only:

- a) in the process of construction, which is permitted under an appropriate regime;
- b) in the case of extreme necessity when the threat of the collapse of the object is verified;
- c) if an object to be dismantled is granted the status of improper object or the object is demolished (dismantled) for the purposes of the buffer zone;
- d) in the case where the given activities are in the interests of the development of the urban fabric within the respective territory.

7. Specific goals and objectives for individual buffer zones shall be established in accordance with the regime of the respective buffer zone.

*Law of Georgia No 528 of 21 November 2008 - LHG I, No 34, 4. 12.2008, Art 212*

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013*

#### **Article 36 - Identification of the primary buffer zones of cultural properties, their perimeters and regimes**

1. The territory surrounding a cultural property is defined as a primary buffer zone of the cultural property which consists of perimeters of physical and visual security and is identified for the purposes of the physical and visual protection of the cultural property.

1.<sup>1</sup> (Deleted - 06.9.2013, No.1075).

2. A perimeter of physical security of a cultural property is the territory surrounding the immovable cultural property in which any activity may physically damage the cultural property or its vicinity. The perimeter of physical security is defined by the following distance: the height of the cultural property multiplied by two, but with no less than 50 meters of radius.

3. Any activity which may damage or pose a threat of damaging a cultural property or of diminishing its scope of perception or use shall not be permitted, including:

- a) activities which may cause significant ground vibration or deformation;
- b) the storage of chemicals, and/or easily inflammable and explosive substances;
- c) the erection of structures which are not designed to protect the cultural property or improve its environment;
- d) the selection of appropriate plant species and planting techniques that do not damage the cultural property.

4. The perimeter of visual security of a cultural property is the territory beyond the perimeter of physical security, changes to which may influence the historically evolved environment of the cultural property and/or the full perception of the cultural property. The perimeter of visual security shall be defined:

- a) for a cultural property, within a radius of 300 meters;
- b) for a cultural property of national importance, within a radius of 500 meters;
- c) for cultural properties included in the World Heritage List, within a radius of 1000 meters.

5. If a cultural property is located in an urban area, the appropriate distance indicated in paragraph 4(a)(b) of this article shall halve.

6. Any activity which may damage the historically evolved environment of a cultural property, or hinder optimum visibility and full perception of the cultural property and diminish its value, shall not be permitted within the perimeter of visual security.

7. For the purposes of defining the perimeters under this article, the elevation of the top of the cultural property is construed as the height of the cultural property, and the distance from the cultural property to the border of the security perimeter shall be calculated from outer contour of the cultural property, which is directed towards the radius drawn from the centre of the cultural property.

*Law of Georgia No 528 of 21 November 2008 - LHG I, No 34, 4.12.2008, Art. 212*



### **Article 37 - Identification of buffer zones of historically developed areas and their regimes**

1. A buffer zone of a historically developed area is a territory where a large concentration of cultural properties and other objects of cultural heritage have been discovered, and where a network of streets, developed areas, planning patterns and morphology are preserved in an authentic form.
2. The purpose of identifying the buffer zones of historical developments is to preserve the historically evolved spatial and architectural environments of cultural properties and the traditional forms and appearance of the developments, and to ensure the protection and preservation of the historical part of a city as a historically evolved organism (planning pattern, morphology, scale of buildings, character, silhouette, appearance, landscape, etc.), and to regulate the rehabilitation, construction and other works, to improve the urban environment, to restore degraded urban fabric to its historical appearance to the maximum possible extent, and to improve the economic and cultural potential of historical developments.
3. When preparing documentation for urban planning and construction in buffer zones for the protection of historical developments, the conservation of historical environmental planning and developments, and the landscape, as well as the opportunity to restore their lost components, shall be ensured.
4. Construction within a buffer zone for the protection of historical development shall be allowed if:
  - a) the construction project replaces a building or structure which is on the verge of dilapidation or which lacks historical and/or artistic value or which replaces an engineering-communication network;
  - b) the construction activities are planned to improve degraded urban fabric (to backfill holes as a result of destruction within a historical development, to replace buildings with no value which are between valuable buildings, to free the space from buildings which distort the historically developed environment, and to restore a historically developed environment to its original form, etc.)
5. The configuration, proportions and planning structure of the project site shall comply with the type of historical development around the project site. The building shall be organically harmonised with the traditional forms and environment of the development area, and it shall not contradict the appearance, morphology and scale of the historical development and the landscape.
6. A body defined by the legislation of Georgia may issue a permit within the buffer zone of a historical development to develop an area which has never been developed historically only in special cases and on the basis of expert opinion, and with the consent of the Ministry, and in accordance with the legislation of Georgia.
7. In areas where the existence of the object of architectural interest with high historical and cultural value has been verified no less than 50 years ago on the basis of the scientific research, construction works shall be allowed only on the basis of a project which has been prepared on the basis of appropriate surveys and which is maximally approximated to the project of the verified object.
8. Altering, widening, increasing or decreasing the elevations or making other changes to the historically developed street networks within historic development buffer zones shall be allowed only on the basis of the appropriate planning and scientific substantiation, and by making such changes as similar to the historical appearance as possible.

*Law of Georgia No 4045 of 15 December 2010 - LHG I, No 75, 27.12.2010, Art 467*

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013*

### **Article 38 - Determination of regulation zones and regimes of developments**

1. The regulation zone of a development is a territory where the fragments of historical developments, streets network and planning structures and/or individual cultural properties, and other immovable objects of cultural value, and development surroundings, are preserved in an original and authentic form. The regulation zone of a development may serve as another buffer zone for the protection of cultural heritage.
2. The purpose of the determination of the regulation zone of a development is to ensure the harmonised merger of historical and new developments.
3. Historically developed spatial dominants shall be strengthened and restored to affect the architectural and spatial organisation of the environment, and the architectural and spatial setting of cultural properties and other immovable objects of cultural value, and the structure or fragments of historically developed urban planning shall be preserved in the regulation zone of a development.
4. Construction activities within the regulation zone of a development which comply with the requirements under this article and Article 35 of this Law shall be permitted alongside those permitted within a buffer zone for the protection of historical development.
5. For the purposes of ensuring the better presentation of cultural properties and the harmonious merger of historical and modern developments, the most favourable vantage points shall be identified within the regulation zone of a development, and the optimal visibility of panoramas and individual cultural properties shall be ensured by regulating new constructions and demolishing inappropriate cultural properties within a historically developed environment.

### **Article 39 - Determination of the protection zone and regulatory regime of a historical landscape**

1. The protection zone of a historical landscape is a natural, rural or urban territory of historical, cultural and aesthetic value which has been fully or partially developed as a result of human activities throughout the period of historical development or which represents the natural environment of individual cultural properties developed throughout history.



2. The purpose of determining a protection zone of a historical landscape is to preserve and restore the appearance of immovable objects of cultural heritage and buffer zones for the protection of cultural heritage, and historically developed natural environments related to historical events, tales and folklore.

3. Within the protection zone of a historical landscape the following shall be mandatory: to preserve the natural environment and water reservoirs, to free up the landscape from distorting buildings and structures, and plants with no cultural value, to protect and regulate the vegetation cover, to ensure the natural restoration of forest and greenery, and to protect meadows and other areas against landslides and floods.

4. Within the protection zone of a historical landscape only the following is allowed:

a) the following construction works:

a.a) exploration and rehabilitation works for buildings and structures of cultural and historical value;

a.b) where there is a reasonable need, to construct structures that are functionally connected to the goals and objectives defined by paragraphs 2 and 3 of this article, temporary structures of public interest or such linear structures of state interest, which do not significantly change the appearance of the historical relief and landscape or diminish the perception of cultural heritage protected within the zone and located within the perimeter of visual security;

b) economic activities which do not contradict the goals and objectives under paragraphs 1 and 2 of this article.

#### **Article 40 - Archaeological protection zone and the determination of its regime**

1. An archaeological protection zone is a territory where cultural strata and/or objects of archaeological interest have been discovered, fixed or explored.

2. The purpose of determining an archaeological protection zone is to ensure the protection of archaeological cultural properties, cultural strata, or discovered or explored objects of archaeological interest and their surroundings.

3. Any activity within the archaeological protection zone which may damage, deteriorate, and diminish the perception of cultural heritage protected within the zone or which may hinder the comprehensive scientific survey of the given cultural heritage shall not be permitted, including:

a) earthworks, except for earthworks related to agricultural and archaeological activities;

e) the dumping of waste provided for in the legislation of Georgia, as well as the disposal of spoil accumulated during archaeological excavations.

4. If some types of activities, such as traffic flow, certain agricultural activities or pedestrian movement, prove to cause a threat of damage or deterioration of objects of archaeological interest or to cultural strata, the Government of Georgia shall be entitled, upon the recommendation of the Ministry, to restrict or forbid such activities within the zone. . The information signpost shall be placed in a visible area in such a case, and in the case of restricting or forbidding traffic flow an appropriate sign shall be placed, which shall indicate that the given activities are restricted or forbidden within the zone.

*Law of Georgia No 3001 of 26 December 2014 - website, 12.1.2015*

#### **Article 41 - Procedure for negotiation and approval of urban planning documents and for conducting construction activities within cultural heritage buffer zones**

1. Urban planning documents relating to cultural heritage buffer zones shall be approved by an appropriate body determined by the legislation of Georgia, with the consent of the Ministry and in accordance with the procedures established by the legislation of Georgia.

2. Construction permits for construction and reconstruction projects within cultural heritage buffer zones shall be issued by an appropriate body determined by the legislation of Georgia, with the consent of the Ministry and in accordance with the procedures established by the legislation of Georgia.

3. (Deleted).

*Law of Georgia No 528 of 21 November 2008 - LHG I, No 34, 4. 12.2008, Art 212*

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013*

#### **Article 42 - Planning the development process in the buffer and regulation zones of historical developments, historical and cultural investigation reference plans and regulation plans of the developments**

1. A regulation plan within the protection and regulation zones of historical developments shall be approved by an appropriate body determined by the legislation of Georgia, in agreement with the Ministry.

2. The basis for preparing regulation plans within the protection and regulation zones of historical developments is the historical and cultural investigation reference plan, the principles of which shall be considered in the process of preparing spatial planning documents.

3. A historical and cultural investigation reference plan is a special comprehensive scientific and research document prepared on the basis of a multidisciplinary approach which includes informative and analytical material on cultural heritage protection zones and cultural properties and historical settings within such zones, and includes recommendations on urban development and planning regulations required for their protection.





4. The historical and cultural investigation reference plan consists of informational, analytical and conclusive parts.

5. The informational part of a historical and cultural investigation reference plan is an integrated information database regarding the current state of the territory obtained on the basis of an inventory survey and comprises the following:

- a) a notice on relevant protection zone (zones)
- b) a layout plan of the area
- c) a boundary survey plan of the area showing coordinates
- d) a topographic map of the area
- e) archival and bibliographic material
- f) information on the cultural properties and other objects of cultural heritage within the area in accordance with the registration card of immovable cultural property, as well as main data on any other building or structure within the area;
- g) thematic maps and other graphic material containing the following information:
  - g.a) cultural properties and other objects of cultural heritage located in the given area;
  - g.b) development surroundings and inadequate objects;
  - g.c) the morphology and planning structure of the development;
  - g.d) the functionality of the buildings and structures;
  - g.e) the number of floors within the buildings and structures;
  - g.f) the physical state of the buildings and structures;
  - g.g) the age of the buildings and structures;
  - g.h) the architectural and artistic value of the buildings and structures;
  - g.i) urban and natural spatial dominants located within the given area;
  - g.j) vantage points for the perception of important panoramas and perspectives;
  - g.k) the boundaries of the historically developed landscape;
  - g.l) green space, squares, gardens and parks within the area;
  - g.m) the classification of streets network and roads;
  - g.n) the main longitudinal and lateral sections of the area, and developed schematic views of main streets showing key elevations;
- h) recorded materials on objects of historical and cultural value and urban and natural panoramas.

6. The analytical part of the historical and cultural reference plan consists of:

- a) a general overview of the historical setting;
  - a.a) a determination of the importance of the territory in a general context;
  - a.b) an assessment and analysis of historically developed architectural and natural spatial dominants;
- b) historical and cultural analysis:
  - b.a) analysis of the chronological development of street networks and developments;
  - b.b) analysis of historically evolved patterns of developments and of their main features;
  - b.c) analysis of conventional construction materials and technical equipment;
  - b.d) assessment and analysis of historically developed functions;
- c) general assessment and analysis of the physical state of the development, assessment and analysis of the historical and cultural value of the buildings and structures, and the identification of boundaries of homogeneous sites in terms of culture and history;
- d) the identification of conservation and development areas.

7. The conclusive part of the historical and cultural reference plan consists of:

- a) main provisions and development principles for the protection and rehabilitation of cultural heritage within the buffer zones;



- b) the graphical part of the historical and cultural reference plan (a synthesis map);
  - c) a list of cultural properties and other objects of cultural heritage within the buffer zones;
  - d) recommendations on activities permitted within the buffer zones, including recommendations on objects of rehabilitation (cultural properties, other objects of cultural heritage, development surroundings, public space, etc.) and on methodologies to be used to effect such rehabilitation.
8. The development regulation plan within the buffer zones of historical developments and their regulation zones, in addition to those provided for by the Law of Georgia on Spatial Planning and Urban Development, shall comprise the following:
- a) the requirements of the protection and rehabilitation of cultural heritage, in particular of the treatment of rehabilitation sites (cultural properties and other cultural heritage sites, development surroundings, public space, etc.);
  - b) the requirements of the development of territories and new constructions:
    - b.a) the identification of conservation and development areas (by indicating the buildings to be dismantled and preserved);
    - b.b) the permissible parameters for new constructions (scale, height, the spatial and planning configuration, façade rhythm, fenestration);
    - b.c) requirements of public space improvements.
9. If a buffer zone, for which a development regulation plan is prepared, consists of non-homogeneous districts and areas, the regulations for the development regulation plan shall be prepared individually for each district, micro-district or area.

### **Article 43 - Historical and architectural survey**

1. If there is no development regulation plan approved in accordance with the procedures established under this Law within a cultural heritage buffer zone, project documentation for each construction site shall be prepared on the basis of pre-project historical and architectural research. The scope, planning structure and architectural type of the project site shall be established on the basis of the given research. The sites under paragraph 3 of this article are exceptions.
2. Historical and architectural research shall be carried out by an applicant for a permit. The area of historical and architectural research shall include a project land plot and its surrounding territory within the distance of no less than two times longer than the length/width of the land plot from the project land plot boundaries towards the relevant direction. The historical and architectural research documents shall comprise the following parts:
- a) the location of the project area within the city structure and the characterisation of its current state (graphical and textual materials);
  - b) a topographical map of the research area showing the boundaries of the project land plot and cultural properties existing in the research area (in 1:1500 and 1:200 scales);
  - c) a historical retrospective of the research area, and the chronology and stages of its development (graphical, textual and photographic material);
  - d) aerial photographs of developments located within the research area showing the project land plot and cultural properties located in the project area (photographic material);
  - e) an analysis of any development located within the research area (graphical and textual material), which includes:
    - e.a) a description of the structure, morphology and scale of the development, and of the configuration of buildings and structures and open areas, and the revelation of the peculiarities of their location within the structure of the development;
    - e.b) a spatial and architectural assessment of cultural properties and visual dominants, landscape and developments, and the revelation of the spatial-interdependence between them;
    - e.c) a description of the artistic and decorative elements of the development and their stylistic and semantic identification.
3. The conclusive part of the historical and architectural research shall include recommendations developed on the basis of the results of completed research regarding the spatial planning and compositional design solutions of the construction to be undertaken on the project territory.
4. Historical and architectural research is not mandatory for the following cultural properties and construction activities:
- a) small scale architectural forms, in particular:
    - a.a) structures with a volume allowance of no more than 50 cubic metres, for example pavilions, booths, stalls, sheds, garages, bus stop shelters, and other structures;
    - a.b) playgrounds and small scale sport grounds, amusement rides, with an area allowance of no more than 50 square meters;
    - a.c) free standing information or advertising billboards and structures, or information or advertising billboards and structures affixed to the façades of buildings;
    - a.d) benches, elements of street lighting, components of amenities for squares, lanes and other small size greenery zones, and engineering equipment, signboards, litter bins, street clocks, street name and number plaques, fences, gates, display windows, entrance signs in boroughs, elements of architectural installations of memorial plaques and sculptures, drinking fountains, fountains covering no more than 25 square meters;
  - b) minor modifications to existing buildings covering no more than 50 square meters: replacing the existing roof within the same dimensions, building



an extension covering no more than 50 cubic meters, adding or removing an opening for doors or windows, adding or removing balconies.

#### **Article 44 - Prevention of any activity causing damage or a threat thereof to cultural properties**

In the case of detecting any activity which is not permitted under the regime of the buffer zone, and which may cause damage or the threat thereof to cultural property within or beyond a given zone, the Ministry shall address appropriate state authorities with a request to restrict, suspend or terminate such activities.

#### **Article 45 - Conditions for granting the status of an inappropriate building and structure within buffer zones**

1. Within buffer zones, in addition to the cases under the Law of Georgia on Principles of Spatial Arrangement and Urban Development, the status of an inappropriate building and structure shall be also granted to buildings, structures, enterprises, workshops, warehouses, and other objects which cause cargo and transport flow and pollute soil, atmosphere and water reservoirs, and/or which distort the historically developed environment, and/or impede the perception of the given environment and/or inflict physical or aesthetic damage on cultural properties within the zones.

2. During the preparation and approval of urban development documents, as well as upon making decisions with regard to building and planning, the bodies determined by the legislation of Georgia are obliged to take into consideration the consequences of dismantling or correcting inappropriate buildings and structures.

#### **Article 46 - Cultural heritage rehabilitation area**

1. For the purposes of promoting and encouraging the rehabilitation of cultural heritage, on the basis of an ordinance of the Government of Georgia and upon the recommendation of the Ministry, and the initiative of local self-government bodies, a cultural heritage rehabilitation area may be determined in the secondary buffer zone of an object of cultural heritage on the basis of a rehabilitation area development programme.

2. The grounds for the determination of a cultural heritage rehabilitation area are:

- a) a high concentration of cultural property and other cultural heritage sites within the area;
- b) the presence of a spatial and architectural environment of high historical and cultural interest;
- c) the poor physical condition of the historical development, and the authentic historical development and environment facing the threat of degradation.

3. State and local self-government bodies are responsible for the implementation and supervision of a rehabilitation area development programme.

4. A rehabilitation area development programme of cultural heritage submitted to the Government of Georgia for approval shall include:

- a) a comprehensive assessment of the situation within the rehabilitation area;
- b) an assessment of the historical and artistic-architectural value of the development existing within the rehabilitation area;
- c) the results of research into and assessment of the cultural property within the rehabilitation area;
- d) analysis of the economic and social situation and the potential for tourism and social and economic development within the rehabilitation area;
- e) conditions for the rehabilitation of the cultural heritage within the rehabilitation area;
- f) conditions for the improvement of the urban fabric within the rehabilitation area;
- g) the rehabilitation projects of cultural properties, other cultural heritage sites and other buildings and structures within the rehabilitation area;
- h) the rehabilitation projects of main aboveground and underground trunk networks of communications and engineering communications;
- i) the rehabilitation projects of rehabilitation area infrastructure and public space;
- j) a cost estimate of the rehabilitation area development programme;
- k) time limits for the implementation of the rehabilitation area development programme;
- l) mechanisms for raising public awareness and for engaging the public in the implementation of the rehabilitation area development programme.

5. The sources of financing rehabilitation area development programmes are:

- a) funds allocated from the State Budget;
- b) funds allocated from the budget of local self-government units;
- c) grants provided by international organisations;
- d) donations;



e) infrastructure charges of the cultural heritage rehabilitation area;

f) other funds permitted by the legislation of Georgia.

6. The infrastructure charges of a cultural heritage rehabilitation area shall be determined by law and shall be valid for the time period prescribed for the implementation of the rehabilitation area development programme.

## **Chapter IX - Legal Basis for Conducting Treatment of Cultural Property and for Performing Archaeological Works, and Procedures for Issuing Permits, and Permit Conditions**

### **Article 47 - Legal basis for conducting treatment on cultural property and for performing archaeological works and procedures for issuing permits**

1. A permit to conduct treatment on a cultural property is the legal basis for conducting treatment on a cultural property under Article 25 of this Law, except for the cases provided for by paragraphs 2 and 3 of this article.

2. If a cultural property is also an object of special importance, a construction permit of special importance shall be obtained to conduct treatment thereon in accordance with the procedures established by the legislation of Georgia.

3. A permit to conduct treatment on a cultural property shall be issued for rehabilitation works only, and in the case of an immovable cultural property, a permit to conduct research activities may also be issued if the cultural property will be affected physically as a result of such activities.

4. Only a single permit as defined by paragraphs 1 and 2 of this article shall be issued to conduct treatment on a cultural property. No additional permits are required to conduct treatment on a cultural property.

5. A permit to conduct archaeological works is the legal basis for conducting archaeological works, except for archaeological works to be conducted on cultural properties and in the cases defined by paragraph 10 of this article. A permit to conduct archaeological works may be issued only for those archaeological field works which physically affect archaeological sites.

6. Permits to conduct treatment on a cultural property and archaeological works shall be issued by the Ministry, or a competent body authorised by an ordinance of the Government of Georgia, and upon the recommendation of the Ministry. A permit shall be issued for the time period required for the completion of the works according to appropriate design documents by taking into account the volume and complexity of the works, environmental conditions and the schedule of works based on calendar days presented by the applicant for the permit.

7. An applicant for a permit to conduct treatment on a cultural property may only be an owner of the given property or a person authorised by him/her, and an applicant for a permit to conduct archaeological works may be the owner of the given land plot or a person authorised by him/her, except for the cases provided for under Article 54 of this Law.

8. If the treatment or archaeological works are to be conducted by the State, appropriate procedures determined by this Law shall be conducted, but no certificate of permission is required.

9. Only a person who is qualified in the given field may conduct treatment and archaeological works on cultural property. Certification procedures for conducting treatment and archaeological works on cultural property shall be established in accordance with the legislation of Georgia.

10. No permits under this article shall be issued if there is a court judgement on conducting the given works .

11. A certificate of permission to conduct treatment and archaeological works on a cultural property shall include the identity of the permit holder, the date of the appropriate application and its registration number, and the type and terms of works. The templates of certificates of permission shall be approved by a normative act of the Minister.

12. Other procedures for the issuance of permits under this Chapter and permit conditions shall be established in accordance with the Law of Georgia on Licences and Permits.

*Law of Georgia No 528 of 21 November 2008 - LHG I, No 34, 4. 12.2008, Art 212*

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013*

### **Article 48 - Submitting an application to obtain a permit to conduct treatment and archaeological works on cultural property**

1. An application to obtain a permit to conduct treatment and archaeological works on cultural property shall include a precise indication, by the applicant for the permit, of the type and volume of works planned.

2. Two copies of the application and annexed documents shall be submitted to the body issuing the permit. In the event of a permit being granted, one copy, in a duly certified form, shall be submitted to the permit holder after the decision on the issuance of the permit has been made.

3. In addition to the documents defined by the Law of Georgia on Licences and Permits, the application shall include the following documents:

a) a complete set of design documents of works that are appropriate under this Law , except for the cases provided for by Article 51 of this Law;

b) in the case of an immovable property, the application shall also include a document confirming the ownership rights of an appropriate site or area, and a cadastre map; if an applicant for the permit is not an owner of an appropriate site or area, the application shall also include a document certifying



his/her authorisation;

c) where an immovable cultural property is owned by the State, the application shall include a document certifying state ownership of the given property. In the said case, an appropriate state body shall act as separate administrative body in the appropriate administrative procedures required for issuing an approval or reasonable refusal on conducting the works determined in the application in accordance with the procedures established by the Law of Georgia on Licences and Permits.

4. The application to obtain a permit to conduct archaeological works shall include a letter of approval issued by a museum, institute or other appropriate institution on ensuring proper conditions for displaying and storing archaeological materials discovered as a result of the said works.

5. If archaeological works are to be conducted together with or separately from another kind of treatment on cultural property, the application to obtain a permit to conduct treatment on the cultural property shall include the design documents of the archaeological works.

#### **Article 49 - Composition of design documentation for conducting treatment on cultural property**

1. A project of research and rehabilitation works on a movable cultural property and on movable fragments of immovable cultural property (except for artworks of palaeographical and monumental character) shall include the following parts:

- a) an executive summary ( a detailed description of problems and a determination of the ways of solving such problems, and a substantiation of the selected methodology);
- b) reports on the current state of the cultural property, including materials of photographic recording and visual examination, and appropriate analysis;
- c) a works plan and its substantiation showing the sequence of the process, and a schedule of works to be conducted based on calendar days;
- d) a description of expected results.

2. A project of research works of immovable cultural property shall include the following parts:

a) an executive summary, which shall justify the need to conduct physical works on the cultural property for the purposes of an investigation of the cultural property, and the compliance of research works with the requirements of the legislation of Georgia. The executive summary shall specify:

a.a) the exact official name of the cultural property and its location, as well as its exact address;

a.b) the types and volume of works and chosen methodology;

a.c) in the case of cultural property of a complex type, where there is a conservation plan approved in accordance with the legislation of Georgia, and where the project envisages the examination of fragments of the cultural property only, the execution summary shall also confirm the compliance of these works with the conservation plan;

b) a layout plan of the project site (in 1:1000 or 1:2000 scales), showing coordinates obtained by means of the Global Positioning System ('the GPS coordinates');

c) recent photographic material showing overall views of the project site;

d) a works plan and its substantiation showing the sequence of the process, and a schedule of works to be conducted based on calendar days;

e) a description of expected results.

3. A project of rehabilitation works to be conducted on immovable cultural property shall be developed on the basis of research activities. It shall include the following parts except for the cases provided for by paragraph 4 of this article:

a) an executive summary ( a detailed description of problems and a determination of the ways of solving such problems, and a substantiation of the selected methodology);

b) a layout plan of the project site (in 1:1000 or 1:2000 scales);

c) photographic material showing overall views of the project site, a developed view of the part of the project site with surrounding structures, and where there is damage to the property the project shall include photographic material showing local damage, archival photographs and a photographic montage of projected works;

d) measurements of the cultural property (sketch maps, drawings (in 1:100 and 1:50 scales));

e) the results of art history research (analysis of bibliographical survey, on site investigation analysis, a list of studied bibliographical and archival material);

f) where archaeological investigations are conducted during research works, the project shall include the results of archaeological investigations (a grid layout of the investigation site, a layout plan and mapping of properties discovered during the archaeological investigations, a layout plan of test pits and trenches confirmed by the signature of the archaeologist, sketch maps, and drawings (in 1:25 and 1:20 scales), textual description, and the results of archaeological investigations);

g) engineering-geological investigations (a layout plan of test pits and trenches confirmed by the signature of the archaeologist, laboratory analysis, lithographic sections and recommendations);

h) a biochemical analysis of existing construction materials (a layout of collected samples, laboratory analysis and recommendations), investigations to



identify the compatibility of materials to be used during the works with the materials of the cultural property);

i) in the case of probing, a layout of the probing, sketch maps, and drawings (in 1:25 and 1:20 scales) and a textual description;

j) a layout of architectural details, sketch maps, and drawings (in 1:25 and 1:20 scales) and a textual description;

k) a layout of structural details, sketch maps, and drawings (in 1:25 and 1:20 scales) and a textual description;

l) display material (plans, façades, sections (in 1:50, 1:100, and 1:200 scales), fragments and details (in 1:20 and 1:10 scales)), a photographic montage and the project substantiation;

m) the draft project (draft architectural drawings, templates (in 1:100, 1:50, and 1:1 scales), draft structural drawings and calculations);

o) a draft plan and its substantiation showing the sequence of the process, and a the schedule of works to be conducted on the basis of calendar days;

p) the project for the organisation of the execution of the works;

q) a description of expected results.

4. A project of small-scale rehabilitation works (painting of façades, installing signboards and lights; repairing, replacing and installing engineering communications without changing bearing structural parts; alteration of individual architectural details including spans, stairs, balconies, and decorative elements, restoration, painting and renovation works to be conducted in the interior, as well as works for cleaning cultural property) shall include the following parts:

a) an executive summary ( a detailed description of problems and a determination of the ways of solving such problems, and the substantiation of the selected methodology);

b) a layout plan of the project site (in 1:1000 or 1:2000 scales);

c) recent photographic material showing overall views of the project site;

d) graphic material reflecting the works and showing appropriate elevations;

e) mapping of an appropriate part of the cultural property;

f) art history research with a substantiation of works to be conducted;

g) a works plan showing the schedule of works on the basis of calendar days ;

h) a photographic montage of the works envisaged by the project;

4.<sup>1</sup> A project of small-scale rehabilitation works which envisages only repairing, replacing and/or installing of roofs (sheets), covers (shingles, tiles, stone coated tiles, etc.) and window openings without changing the parts of the bearing structure, shall include the following parts:

a) recent photographic material showing overall views of the project site;

b) a photographic montage of works envisaged by the project;

c) an executive summary ( a substantiation of the selected methodology);

d) a works plan showing the schedule of works on the basis of calendar days.

5. If treatment of the cultural property involves fragments of palaeographical and monumental character as well, the project for conducting treatment on the cultural property shall also include documents determined by paragraph 6 of this article.

6. A project of rehabilitation works on cultural properties of palaeographical and monumental character shall include the following parts:

a) an executive summary ( a detailed description of problems and a determination of the ways of solving such problems, and a substantiation of the selected methodology);

b) in the case of an immovable cultural property, a layout plan of the project site (in 1:1000 or 1:2000 scales), with the GPS coordinates;

c) recent photographic material showing overall views of the project site, detailed photographic recording of damaged elements and fragments;

d) mapping of the project site, a layout of damage (in 1:50 and 1:25 scales), and individual details (in 1:1 scale) and templates;

e) biochemical analysis of the project site (a layout of collected samples, and the results of laboratory analysis);

f) art history research of the project site;

g) an appropriate expert's opinion on the compatibility of materials to be used during the works with the materials of the cultural property;

h) a works plan and its substantiation showing the sequence of the process, and a schedule of works to be performed on the basis of calendar days;

i) a description of expected results.



## **Article 50 - Composition of project documents for conducting archaeological works**

The project documents for archaeological works shall include the following parts:

- a) an executive summary. The executive summary shall substantiate the need for conducting the works and confirm their compliance with the requirements of the legislation of Georgia, specifying the types and volume of works. The executive summary shall specify:
  - a.a) the exact name of the archaeological site (if any);
  - a.b) the exact name of the location of the cultural property and its exact address;
  - a.c) if the project, due to the scope of works and the archaeological site, involves only the examination or rehabilitation of fragments of the site, the executive summary shall also confirm compliance of the works with the unified concept of the examination, rehabilitation and development of the site (where there exists a conservation plan it shall also confirm compliance with the conservation plan);
  - a.d) the provision of conditions for the conservation and cultivation of objects of archaeological interest and materials to be discovered as a result of works to be performed, and their proper placement and storage in an appropriate depository;
  - a.e) a report on the expected results of works performed;
- b) a layout of the project site (in 1:1500 or 1:500 scales) showing the GPS coordinates;
- c) recordings of the study area and sites existing thereon, including materials of photographic and visual description, and appropriate analysis, and in the case of preliminary examinations, the results of preliminary examinations;
- d) material from the historical-bibliographical and archival research of the project area (site) with an indication of respective references, namely searching museum and archival material (including, if any, historical and master plans, historical cadastral and structure plans, archival photographs of the project area, space and aerial photographic material), and an analysis of comparing primary information obtained on the study area with the archival data;
- e) the project for the organisation of the execution of the works and the schedule of works on the basis of calendar days, showing the sectors and the sequence of appropriate works, and in the case of a long-term (multi-year) expedition, showing the interim and total duration of works.

## **Article 51 - Types of treatment and archaeological works on cultural properties and composition of project documents in the case of urgent need**

1. If, as a result of natural and environmental factors or force majeure circumstances, a cultural property or archaeological site is under the threat of irreversible damage or deterioration, and there is an urgent need to conduct emergency archaeological and research works or preventive conservation activities on the cultural property, and if complete project documents cannot be prepared within the time frame, an appropriate permit may be issued on the basis of incomplete project documents.
2. In the case of an urgent need under paragraph 1 of this article, only archaeological or research works, and preventive conservation activities, may be conducted. In this case the project documents of the works shall include the following parts:
  - a) an executive summary. The executive summary shall specify: the exact name of the cultural property or archaeological site (in the case of a movable cultural property, the name of its storage location), and if the exact name does not exist, the name of its location and its exact address. The executive summary shall substantiate the following:
    - a.a) the urgent need to conduct the works and the impossibility of preparing full project documents under the given circumstances;
    - a.b) the type, category and volume of the works to be conducted, the technologies and methodology to be used, and confirmation of their compliance with the legislation of Georgia;
    - a.c) in the case of preventive conservation, the estimated length of the efficacy of the preventive conservation, and the type of further activities and estimated time frames for their execution;
  - b) detailed photographic material showing the property and the damage thereto;
  - c) in the case of an immovable property, a layout plan of the study area with the respective scale and accurate coordinates;
  - d) in the case of archaeological works, the provision of conditions for the conservation and cultivation of properties and materials discovered as a result of the works to be performed, and for their proper placement and storage in an appropriate depository;
  - e) a schedule of works on the basis of calendar days (and in the case of the archaeological site, showing the sequence of respective sectors and appropriate works);
  - f) a report on the estimated results of works performed .

## **Article 52 - Submission of reports on the completion of works by a permit holder, and state monitoring of the observance of permit conditions**

1. A permit holder as defined by this Law shall periodically submit interim reports of works in the process of conducting the works, and a final report



upon the completion of the works, and shall allow the representatives of the body issuing the permit to access the location for the purposes of their examination.

2. The frequency of submitting reports by the permit holder under this article shall be determined by the Ministry in the process of making a decision regarding the issuing of the permit and it shall be reflected in the certificate of permission.

3. The report on the executed works shall include information on issues regarding the procedure of the works, the quality of their execution, and on circumstances not included in the project documents, on external factors and cultural properties detected or discovered during the works or information and sites related thereto.

4. If the rehabilitation works of an immovable property envisaged the replacement or installation of engineering communications, or technological facilities and/or lines, the final report on the given works shall include:

a) protocols of testing lifts and escalators in the case of public and residential buildings and structures and acts on testing installed technological facilities and/or lines certified by a competent authority, in the case of industrial objects;

b) certification, issued by an appropriate company, of connection with external communication networks in accordance with the project documents.

5. After the completion of each relevant stage of the works, and on the basis of interim and final reports, the representatives of the Ministry shall prepare an act on the acceptance of appropriate stages of the works, one copy of which shall be submitted to the permit holder in accordance with the legislation of Georgia. The act shall confirm compliance of the performed works with the project documents.

6. The permit holder is obliged to submit a certificate of permission and/or appropriate project documents to the monitoring or supervising body determined by the legislation of Georgia and to allow the examination of an appropriate site if requested.

7. The permit conditions of treatment or archaeological works on cultural property under this Law shall be deemed completed only after the works and conditions under appropriate project documents are fully completed by the permit holder and reports under this article are fully submitted, following which the Minister shall issue an administrative legal act on the acceptance of the works.

8. The legal basis for refusing to approve works shall be:

a) a failure to submit the documents under this article;

b) interference with the physical examination conducted by the representatives of the body issuing the permit.

c) a failure to observe the permit conditions, including the non-compliance of the executed works with the project documents.

9. The permit holder shall be responsible for the observance of permit conditions, except for the cases under paragraph 10 of this article.

10. An appropriate offender shall be responsible for the violation of permit conditions related to professional activities under the order of the Minister on the Procedures for Conducting Archaeological Works and Treatment on Cultural Properties, and the order of the Minister on the Approval of the Template of the Certificate of Permission on Conducting Archaeological Works and Treatment on Cultural Properties.

### **Article 53 - Amendments to permit conditions on conducting treatment and archaeological works on cultural properties**

1. If, in the process of conducting works on cultural properties or archaeological sites on the basis of a permit determined by this Law, the need to make amendments to appropriate permit conditions arises (project documentation, terms for executing works and submitting reports, volume of works and/or other matters, which do not create the basis for the issuance of a new permit), the permit holder is obliged to apply to the Ministry with a request to make amendments to the permit conditions.

2. An application to make amendments to permit conditions shall include appropriate documents reflecting the given amendments.

3. The grounds for making amendments to permit conditions shall be an individual administrative legislative act of the Minister. If the amendments made to permit conditions envisage amendments to data included in the certificate of permission, a new certificate shall be issued and the previous certificate shall be invalidated. In such a case the fees for obtaining a new certificate of permission shall not be payable.

### **Article 54 - Revocation of permits to conduct treatment and archaeological works on cultural properties, and liability for violation of permit conditions**

1. Conducting treatment on cultural property by a person who has no appropriate mandatory professional qualifications as determined by the legislation of Georgia, shall serve as a basis for imposing a fine on the offender as well as the basis for revoking an appropriate permit as determined by this Law.

2. Other bases and procedures for the revocation of permits to conduct treatment and archaeological works on cultural property shall be defined by the Law of Georgia on Licences and Permits.

3. Liability for the violation of permit conditions under this Law by a person who has obtained a permit to conduct treatment and archaeological works on cultural property shall be defined by the legislation of Georgia.

### **Article 55 - Conducting archaeological works and treatment on cultural property without the consent of the owner (holder) of the property**

1. The Ministry, and other state or local self-government bodies, are entitled to conduct rehabilitation, research or archaeological works on cultural properties or archaeological sites without the consent of the owner (holder) of the property and to hire other persons to conduct the given works, if:





a) the grounds under paragraph 5 of Article 30 of this Law exist;

b) an archaeological site, or a land plot to which it is attached, is not state property or it has been transferred to other persons with the right to own and use, and the owner (holder) is against conducting rehabilitation, research or archaeological works on the given archaeological site, and the grounds under Article 12(1) of this Law exist.

2. The body provided for in paragraph 1 of this article shall fully compensate the owner (holder) for any damage inflicted as a result of conducting the treatment under paragraph 1 of this article.

3. Where the circumstances under paragraph 1 of this article exist, a decision on conducting treatment without the consent of the owner (holder) shall be made by the court, based on which the Ministry shall issue an appropriate permit. The court shall review the application within the time period and in accordance with the procedures established by the Civil Procedure Code of Georgia. The court decision shall be enforced immediately in accordance with the procedures for the enforcement of an enforceable decision. The fees of the court proceedings shall be covered by the person concerned in obtaining the permit to conduct treatment.

4. An application for the right to conduct treatment shall be submitted to the court. The application shall include the following parts, in addition to those determined by the legislation of Georgia:

a) a statement of specifications of the treatment to be performed and the time limits for their completion;

b) a justification of the need to conduct the treatment and a statement of appropriate circumstances;

c) in the case specified by paragraph 2 of this article, and where there is a probability of inflicting damage to the property of the owner (holder), a statement of the amount of compensation and the terms of payment;

d) in the case determined by paragraph 5 of Article 30 of this Law, a statement of expenses incurred as a result of the emergency rehabilitation works and the terms of compensation of expenses by the owner (holder) of the property to the person conducting the works .

5. In addition to the documents determined by the legislation of Georgia, the application shall also include project documents provided for by this Law. If there is a need to conduct preliminary research works in order to prepare the project of rehabilitation (archaeological) works, the application shall include the project of research works which may be carried out on the basis of an interim court decision. The court shall prescribe the time period for the preparation of the project to conduct research and rehabilitation (archaeological) works, during which the court proceedings shall be suspended. In the presence of factual circumstances, the interested party is entitled to apply with a request to the court for an extension to the given time period. Court proceedings shall be resumed upon the submission of the project of rehabilitation (archaeological) works, and upon the expiry of the prescribed time period in accordance with the procedures established by the legislation of Georgia. The project shall be agreed with the Ministry before its submission to the court.

6. The court decision on conducting treatment on the cultural property shall contain the following:

a) a statement of the specifications of the works to be performed, an appropriate project and the time period for their completion;

b) in the case determined by paragraph 2 of this article, and where there is a probability of inflicting damage to the property of the owner (holder), a statement of the amount of compensation and the terms of its payment;

c) in the case determined by paragraph 5 of Article 30 of this Law, a statement of expenses incurred as a result of emergency rehabilitation works and the terms of compensation of those expenses by the owner (holder) of the property to the person conducting the works .

7. Where urgent intervention and treatment is in the interests of an archaeological site or a cultural property (where there is a probability that irreparable damage or deterioration of an archaeological site or a cultural property is inevitable, as a result of the impact of external factors , before the final court decision is made), the court is entitled to render an interim decision on the basis of which the Ministry shall immediately issue a permit for appropriate treatment. In this case, the final court decision shall include the statement of damage as a result of treatment, and the amount of compensation and the terms of payment.

## **Article 55<sup>1</sup>**(Deleted)

*Law of Georgia No 528 of 21 November 2008 - LHGI, No 34, 04. 12.2008, Art 212*

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013*

## **Chapter X - Financing of Cultural Heritage Protection**

### **Article 56 - Financing of cultural heritage protection**

Cultural heritage protection shall be financed from:

a) the state budget;

b) the budget of local self-government units;

b<sup>1</sup> ) the budget of the Autonomous Republic of Ajara;



- c) the owner's (holder's) funds;
- d) grants provided by international organisations;
- e) donations;
- f) infrastructure charges within the cultural heritage rehabilitation area;
- g) funds which are permitted under the legislation of Georgia.

*Law of Georgia No 5553 of 20 December 2011– website, 28.12.2011*

#### **Article 57 - State Allowances**

1. The state shall establish tax exemptions and other allowances in the field of cultural heritage protection.
2. Tax exemptions and other allowances in the field of cultural heritage protection are determined by the legislation of an appropriate field.

### **Chapter XI - Liability for Violation of this Law**

#### **Article 58 - Liability for violation of this Law**

The liability for the violation of this Law and the procedures for conducting archaeological works and treatment on cultural properties shall be established by the legislation of Georgia.

### **Section III - Transitional and Final Provisions**

#### **Chapter XII - Transitional Provisions**

#### **Article 59 - Normative acts to be adopted (issued) with regard to the entry of this Law into force**

1. The following normative acts shall be adopted (issued) with regard to the entry of this Law into force:
  - a) Order of the Minister on the Procedures for Conducting Archaeological Works and Treatments on Cultural Properties;
  - b) Order of the Minister on the Approval of Cultural Property Registration Document Forms and the Procedures for Completing such Forms;
  - c) Order of the Minister on the Approval of the Forms of Certificates of Permission to Conduct Archaeological Works and Treatments on Cultural Properties;
  - d) Order of the Minister on Commemorative Plaque Forms of Cultural Properties and the Procedures for their Use;
  - e) Order of the Minister on the Approval of the Regulation of the Council of Cultural Heritage Protection;
  - f) Order of the Minister on the Approval of the List of Objects of Material Cultural Heritage and the Form of the Register;
  - g) Order of the Minister on the Approval of the Form of Agreement to be Concluded between the Ministry and the Owner (Holder) of Cultural Property and of the Format of Information to be Submitted to the Ministry by the Owner (Holder) of Cultural Property;
  - h) Edict of the President of Georgia on the Approval of the List of Cultural Properties of Special Public Interest and the Procedures for Granting Public Access to them by the Owner (holder) of Cultural Property;
  - i) Ordinance of the Government of Georgia on the Procedures for Establishing Buffer Zones for the Protection of Cultural Heritage;
  - j) Law of Georgia on Regulating Professional Activities in the Field of Cultural Heritage.
2. The Ministry of Culture and Monument Protection of Georgia shall, before 1 January 2018, and prior to the entry into force of this Law, ensure the re-registration of all cultural properties included in the state registry of cultural properties and in the list of objects commemorated as cultural property as provided for in this Law .
3. The legal acts on the registration of cultural properties in the registry of immovable cultural properties, on granting them the category of national importance, on approving the list of objects commemorated as cultural properties and on establishing buffer zones for the protection of cultural property, which have been issued before the entry into force of this Law, shall be deemed promulgated in accordance with this Law before the re-registration of such cultural properties.



4. (Deleted - 06.9.2013, No.1075).

*Law of Georgia No 528 of 21 November 2008 - SSM I, No 34, 4. 12.2008, Art. 212*

*Law of Georgia No 3740 of 26 October 2010 - LGH I, No 62, 5.11.2010, Art. 383*

*Law of Georgia No 1075 of 6 September 2013 - website, 25.9.2013*

## **Chapter XIII - Final Provisions**

### **Article 60 - The normative act repealed as from the entry into force of this Law**

The Law of Georgia of 25 June 1999 on Cultural Heritage Protection (The Legislative Herald of Georgia, No 33(40), 1999, Art.167) shall be deemed repealed upon the entry into force of this Law. .

### **Article 61 - Entry into force of this Law**

1. This Law, except for Articles 47(9), 52(10) and 54(1), shall enter into force on the 15th day of its promulgation.

2. Articles 47(9), 52(10) and 54(1) of this Law shall enter into force upon the entry into force of the Law of Georgia on Procedures for the Regulation of Professional Activities in the Field of Cultural Heritage.

**The President of Georgia**

**Mikheil Saakashvili**

**Tbilisi**

**8 May 2007**

**№4708-III**

