

**LAW OF GEORGIA  
ON  
CULTURAL HERITAGE  
PROTECTION**

**2008**

Ministry of Culture, Monument Protection and Sport of Georgia  
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for Georgian Art History and Heritage Preservation



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# TITLE 1

## GENERAL PROVISIONS

### CHAPTER 1

#### GENERAL PROVISIONS

The purpose of the Law, the scope of its application and the terms used therein.

#### **Article 1. Purpose of the Law**

The purpose of the present Law is to protect Georgia's cultural heritage and regulate legal relations arising in this field.

#### **Article 2. Scope of Application of the Law**

1. The present Law applies to the entire heritage on the territory of Georgia.
2. Georgia takes care of Georgian cultural heritage located abroad.
3. The procedures for the regulation of cultural heritage, the export and import of cultural heritage properties as well as for professional licensing are regulated under a separate legal act.

#### **Article 3. Terms Used in the Law**

The terms used in the present Law are defined in the following way:

- a) authenticity – genuineness of a property, its structural element, the surrounding environment, the context, the function and/or features thereof, as well as the contemporaneity of their creation or formation;
- b) archaeological object – a remain and a cultural stratum created by a human hand or as a result of human impact on nature, which bears a trace of human influence, and is partially or fully uncovered 100 years ago or earlier;
- c) archaeological works – scientific activity aimed at uncovering and study of archaeological objects; a full cycle of tracing, excavation, restoration/conservation and scientific study of an archaeological object;
- d) archaeological exploration – determination, either visually or through test pits, of the presence of an archaeological object, and the stratigraphy and chronology thereof;
- e) archaeological excavations – earth and underwater work performed with the aim of uncovering or scientific study of archaeological objects;
- f) comprehensive inventory – unity of activities aimed at the uncovering of immovable cultural heritage properties, and at obtaining information on these properties and their surrounding environment;

- g) historical built-up area – built-up area formed hundred years ago or earlier, which has a historical and cultural value;
- h) historical environment - unity of artistic, architectural, spatial, landscape and socio-economic contexts formed 100 years ago or earlier;
- i) cultural heritage listed property (listed property)
  - i.a) immovable or moveable cultural heritage property (a moveable or immovable object as defined under Georgia's Civil Code), which has been granted a listed property status under the procedure prescribed by the present Law;
  - i.b) complex object – unity of physically, functionally, historically and territorially interrelated cultural heritage properties, which is topographically definable and which has been granted a listed property status under the procedure prescribed by the present Law;
- j) cultural heritage protection zone (protection zone) – area, which surrounds immovable cultural heritage properties or/and is within the site of their location or influence, to which a special regulatory regime is applied and the purpose of which is to protect cultural heritage located therein from undesirable impact;
- k) cultural heritage:
  - k.a) tangible – architectural, artistic, urban, rural, archaeological, anthropological, ethnographic, monumental and technology related immovable or moveable properties and documentary materials of artistic, aesthetic, historical and memorial interest, as well as gardens, parks, objects of landscape architecture, historic settlements and historical environment associated with the history, development, folklore, beliefs and traditions of the country, and past or present civilizations, all of which have been created by humans or as a result of human impact on nature;
  - k.b) intangible – traditions of orally transmitted lore and forms of expression, including a language as a carrier of tangible cultural heritage, performing arts, customs, traditions, traditional art related knowledge and skills, as well as instruments, objects, artefacts and cultural areas associated with them, which are recognized by the public, groups and in certain cases, by individuals, as part of their cultural heritage;
- l) cultural heritage protection – unity of legal, scientific-research, rehabilitation, awareness building and educational activities aimed at the preservation of cultural heritage in its diversity and securing its sustainable development;
- m) cultural assets – any immovable or moveable object created in any his-



- torical epoch through a creative process with any material and means, which has artistic, aesthetic, ethnological, archaeological, historical, religious, memorial, scientific, technical or technological value;
- n) cultural stratum – earth strata or water covered area (bed), which contains a trace of human habitation and activity;
  - o) urban fabric – unity of urban structures, including street networks, squares, gardens, buildings, courtyards and infrastructure;
  - p) moveable fragment of an immovable listed property – an essential part of a moveable listed property in past or in present, which is separated from a listed property and is recognized as an object of separate protection under the present Law, or a part the separation of which, in the interests of a listed property, is possible without damaging a listed property;
  - q) area of an immovable listed property – a plot of land registered with an immovable listed property under the legislation of Georgia, in the absence of such – the area taken up by an immovable listed property;
  - r) relocation of an immovable listed property – changing the location of an immovable listed property without changing its essential properties, by means of fragmenting a listed property and its subsequent restoration or its transfer through different means;
  - s) background buildings – organic part of a built-up area, which forms an artistic and architectural context of listed properties and contributes to the maintenance and presentation of the dominant role of listed properties;
  - t) re-cultivation – re-covering ground with an earth layer upon completing archaeological works with the aim of conserving a site investigated or/and restoring it;
  - u) cleaning of a listed property – removal of an organic or non-organic cover, strata or additives accumulated naturally or as a result of human influence without causing any alteration of a listed property (in the case of an immovable listed property – without removing the existing ground surface);
  - v) adaptation of a listed property – such alteration of a listed property that is required by its rehabilitation or compatible re-use and which does not diminish its aesthetic, historical and other importance and is methodologically justified;
  - w) conservation of a listed property – unity of measures implemented with the aim of preserving a listed property in its current shape or preventing irrevocable alterations. Preventive conservation of a listed property, entailing only initial, urgent and temporary measures before

- the rehabilitation of a listed property, is also admissible. The methodology of preventive conservation shall envisage the removal of the used material and facilities without damaging a listed property;
- x) maintenance of a listed property – a unity of measures aimed at the protection of a listed property (in the case of an immovable listed property – also including the area taken up by it) from damage and destruction, implemented as prescribed by the legislation of Georgia and the present Law in particular;
  - y) reintegration of a listed property – reintegration of damaged fragments to their original shape with the surviving authentic material and elements and by using technologies contemporary with the creation of a listed property or by modern technologies;
  - z) reconstruction of a listed property – rebuilding, to their original shape, of an entirely or partly destroyed or fragmented listed property or its fragment with new or old materials or by using both, on the basis of detailed scientific studies and precise sketches;
  - aa) restoration of a listed property – giving a listed property the shape it had at the time of building through restoration or reconstruction (including by removing later accretions);
  - ab) listed property status – legal status of a property, which presupposes the application of a regulatory regime to a listed property as prescribed by the legislation of Georgia;
  - ac) damage of a listed property – alteration of a listed property or its part, which causes the deterioration of a listed property or affects the interpretation thereof;
  - ad) destruction of a listed property – obliteration of a listed property, also such influence on a listed property or its part that leads to the loss of those features for which it was granted a listed property status;
  - ae) exploration of a listed property – implementation of measures by using proper methodology, physical intervention or visual observation with the aim of gaining information about a listed property.

## TITLE II

# REGISTRATION, PROTECTION AND MANAGEMENT OF CULTURAL HERITAGE

### CHAPTER II

## CULTURAL HERITAGE PROTECTION SYSTEM

#### **Article 4. Cultural Heritage Protection Bodies**

1. State protection of cultural heritage shall be exercised by the Ministry of Culture, Monument Protection and Sport of Georgia (hereinafter referred to as the Ministry), the Ministry of Justice of Georgia, local self-governing entities, as well as state bodies, and legal entities of public and private law within the authority prescribed by the legislation of Georgia; on the territories of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara, by respective bodies of Abkhazia and Adjara respectively.
2. State and local self-governing bodies for cultural heritage protection shall exercise their authority as prescribed by article 7, article 8 and article 9 of the Constitutional Agreement between the Georgian State and the Autocephalic Orthodox Church of Georgia.

#### **Article 5. Competences of the Ministry in the field of Cultural Heritage**

1. Within the competences prescribed by the legislation of Georgia, the Ministry shall:
  - a) ensure the supervision of cultural heritage protection, elaborate and implement state policy for cultural heritage protection and development;
  - b) elaborate and issue normative and independent legal acts in the field of cultural heritage protection;
  - c) lead and coordinate the uncovering, protection and promotion of cultural heritage on the territory of Georgia, as well as regular inspection of the condition thereof;
  - d) ensure appraisal and state registration of uncovered cultural heritage and establish rules applicable thereto;
  - e) supervise intervention and archaeological works on a listed property and set up committees responsible for the acceptance of works;
  - f) produce a comprehensive inventory of historic areas, draft regulations for cultural heritage protection areas and for measures implemented therein and present them for adoption to respective state bodies as prescribed by the legislation of Georgia;

- g) create a unified information system and database of cultural heritage;
  - h) develop and implement task-oriented and state programmes aiming to uncover, protect and promote cultural heritage, and conduct state procurement;
  - i) together with relevant bodies and as prescribed by the legislation of Georgia, suspend all kinds of activities that can endanger cultural heritage;
  - j) cooperate with other state bodies and legal entities of public and private law to reveal, react and prevent administrative violations relating to cultural heritage, as well as draw up protocols on administrative violations within its competence;
  - k) ensure identification, documental recording (audio, video and written), preservation and protection of intangible cultural heritage;
  - l) ensure the protection of cultural heritage during military actions or states of emergency in compliance with international legal regulations;
  - m) exercise other functions as prescribed by the legislation of Georgia.
2. The Minister of Culture, Monument Protection and Sport (hereinafter referred to as the Minister) is authorized to delegate the authority of issuing individual legal acts assigned to the competence of the Ministry under the present Law to its regional body or a structural entity through a legal act.
  3. The Minister is authorized to assign the authority of issuing acts designated in paragraph 2 of the present article through an administrative agreement to a legal entity of public law subordinated to the Ministry, in accordance with the procedure prescribed by the legislation of Georgia. The scope, procedure of implementation and conditions of competences delegated to other administrative bodies in the field of cultural heritage protection shall be determined under a respective administrative agreement.
  4. An advisory body – Cultural Heritage Protection Board (hereinafter referred to as the Board) – is set up at the Ministry in accordance with the procedure prescribed by the legislation of Georgia.
  5. The Board shall be staffed with experts of the field and public figures. The procedure of operation and the competences of the Board shall be defined under the decree of the Board approved by the Minister.
  6. The Board shall consider the issues relating to:
    - a) the granting and cancellation of a listed property status, as well as the definition and alteration of a listed property grade;
    - b) a scientific and methodological framework for works planned for

- a) a listed property and other cultural heritage properties;
  - c) draft urban planning documents required by the legislation of Georgia, as well as the granting a status to historic settlements and its cancellation;
  - d) the establishment of cultural heritage protection zones and issuance of respective administrative and legal acts within the competence of the Ministry;
  - e) the nomination of listed properties for their inscription on the World Heritage List established under the 1972 Convention for the Protection of World Cultural and Natural Heritage;
  - f) state projects and programmes to be implemented in the field of cultural heritage;
  - g) other matters assigned to the Board's competence under its own decree.
7. The decisions adopted by the Board shall have a power of recommendation to the Minister.

#### **Article 6. Competence of the Ministry of Justice in the Field of Cultural Heritage Protection**

1. Within the competence prescribed by the legislation of Georgia, the Ministry of Justice (the Georgian National Archives, which is a legal entity of public law, subordinated to the Ministry of Justice) shall:
- a) expose and describe documents containing information concerning cultural heritage and related issues preserved in the National Archives Depository as prescribed under the present Law and Georgia's Law on the Depository of the National Archives and National Archives; bear the responsibility for their maintenance and ensure their rehabilitation;
  - b) provide the Ministry with the information on the cultural heritage revealed and other aspects of cultural heritage;
  - c) cooperate with other state bodies, and legal entities of public and private law within its competence.
2. Other functions of the Ministry of Justice of Georgia and other bodies under its management are defined under Georgia's Law on the Depository of the National Archives and National Archives and other legal acts.

#### **Article 7. Competences of the Autonomous Republics of Abkhazia and Adjara in the Field of Cultural Heritage Protection**

Within the competence prescribed under the legislation of Georgia and the competence delegated by the Ministry, competent bodies of the autonomous

republics of Abkhazia and Adjara shall:

- a) ensure the uncovering and description of cultural heritage on their territory and regular inspection of its condition, care about its maintenance, study and rehabilitation in accordance with the procedures prescribed by the present Law;
- b) notify the Ministry about the discovery and uncovering of cultural heritage and its condition;
- c) with the aim of providing information and technical support in the field of cultural heritage, cooperate with the Ministry, other state bodies and legal entities of public and private law;
- d) implement other activities in the field of cultural heritage as prescribed by the legislation of Georgia.

## **Article 8. Museum-Reserve**

1. A museum-reserve is a legal entity of public law, which is founded through a Presidential decree on the proposal of the Ministry. Listed properties in the state's full or shared ownership, as well as archaeological objects and other assets shall be transferred to a museum-reserve in accordance with the procedure prescribed by the legislation of Georgia. State control of a museum-reserve shall be exercised by the Ministry.
2. The purpose of a museum-reserve is to preserve, exhibit, promote and study immovable and moveable properties of cultural heritage which are in full or shared ownership of the state.
3. An area of operation may be assigned to a museum-reserve under the decree of the President of Georgia, within which it shall exercise regular inspection and study of listed properties and of other cultural heritage properties.
4. Other issues pertaining to the operation of a museum-reserve shall be determined under the legislation of Georgia, including by the present Law and a decree of a museum-reserve.
5. The following shall be the varieties of a museum-reserve:
  - a) architectural;
  - b) archaeological (archaeological park)
  - c) ethnographic;
  - d) historical.
6. A museum-reserve may be composite and combine more than one variety defined in paragraph 5 of this article.

## **Article 9. Rights and Obligations of Individuals and Legal Entities in the Field of Cultural Heritage Protection**

1. Individuals and legal entities are obliged to:
  - a) protect and take care of cultural heritage;
  - b) immediately notify the Ministry and other respective state bodies on the instances of the discovery and uncovering of cultural heritage and any circumstances endangering cultural heritage;
  - c) support a museum-reserve in conducting the inspection of the cultural heritage in their ownership or use on the territory of a museum-reserve;
2. Other rights and obligation of individuals and legal entities shall be defined by the legislation of Georgia.

### **CHAPTER III**

## **INITIAL (TEMPORARY) PROTECTION REGIME APPLIED TO THE UNCOVERED OR DISCOVERED CULTURAL HERITAGE**

1. If an individual or a legal entity uncovers or discovers cultural heritage, or makes substantiated assumptions about its presence within the period of intervention the continuation of which may damage, destroy or endanger the cultural heritage, an individual or a legal entity implementing activities is obliged to immediately cease the activity and, not later than within 7 days, notify in writing the Ministry on the uncovering or discovery of the cultural heritage or on the substantiated assumption made about it, as well as on the suspension of the activities.
2. The Ministry is obliged to verify not later than within 2 weeks from the date of receiving the notification the fact of uncovering (discovery) of cultural heritage and notify the individual or a legal entity in question on the result in writing. If the Ministry misses the aforementioned deadline, the person is authorized to resume work.
3. In the event of the presence of relevant grounds, the Minister shall provide for the state registration of the uncovered (discovered) cultural heritage in accordance with the procedure prescribed by the present Law, on which the Ministry shall immediately inform the interested person as well as local self-governing bodies.
4. If cultural heritage is uncovered through archaeological works, the timeframe of administrative proceedings prescribed under paragraph 2 of this article shall be counted from the date of the completion of works authorized through a relevant permit.

5. The principles and procedures prescribed by article 22, article 23 and article 25 shall apply to registered and protected cultural heritage in Georgia's state museums and museum-reserves.

## **CHAPTER IV**

### **TYPES AND CONDITIONS OF ARCHAEOLOGICAL WORKS**

#### **Article 11. Types of Archaeological Works**

Only the archaeological works and works prescribed for a listed property under the present Law can be conducted on an archaeological object. The following are the types of archaeological works:

- a) field archaeological works – search for an archaeological object, application of exploration trenches, excavation, recording, primary expert examination aimed at its identification and conservation;
- b) laboratory archaeological works – scientific description, restoration, conservation, photo and graphical recording, multidisciplinary study, historical interpretation and preparation for publishing of an archaeological find.

#### **Article 12. Terms and Conditions for Conducting Archaeological Excavations**

1. With the aim of in-situ preservation of archaeological heritage and allowing its study by future generations with more advanced technologies, excavation of an archaeological object shall be permitted only if it is necessary for solving scientific issues and if archaeological heritage is threatened by the damage or destruction resulting from construction, agricultural, industrial and other kinds of activities or by natural processes.
2. Upon the completion of archaeological works it is inadmissible to leave an unearthed archaeological object and an archaeological find without conservation and re-cultivation; archaeological objects and archaeological material uncovered during execution of works shall be duly protected by the entity implementing works (respective permit-holder) from damage, destruction and loss, as well as from external conditions and other undesirable influence.
3. If, in the course of archaeological works, an item (items) of high material value is (are) uncovered, and if due to methodological, climatic, technical or other circumstances it is impossible to ensure the urgent recovery and transportation thereof to a safe place, the person imple-



menting works shall immediately apply to the respective territorial unit of the Ministry of Internal Affairs of Georgia. This body shall be responsible for the protection of an item (items) and the transportation thereof to a safe place.

4. A moveable archaeological find must normally be stored in the nearest museum-reserve, museum or other respective scientific institution.

### **Article 13. Dismantling of an Immoveable Archaeological Object**

The dismantling of an archaeological object shall be possible only with the consent of the Ministry when and if the object is excavated and fully studied and there is no sufficient grounds for granting it with a listed property status.

### **Article 14. Conditions for Implementing Large-Scale Land Development**

1. The decision on open-cast mining and mining operations, as well as on the construction of objects of special importance, as defined under the legislation of Georgia, shall be adopted by the body prescribed by the legislation of Georgia, on the basis of a positive opinion of the Ministry.
2. The opinion of the Ministry, indicated in paragraph 1 of this article, shall be grounded on an archaeological study, the implementation of which shall be ensured by a person interested in land development.
3. A person interested in land development shall present to the Ministry documentation on the archaeological study of the area. The study shall entail the following:
  - a) historical, bibliographical and archival investigation – tracing and analysis of museum and archival material (historical maps and master plans, historical cadastre and structure plans); historical and bibliographical research containing references to relevant sources; tracing and decoding of photographs kept in archives, as well as of space and aerial photography; comparative analysis of the photo recordings showing the current condition with the archival material;
  - b) field research and preliminary chamber studies: a layout of trial pits and drawings (scale 1:25, 1:20) indicating stratigraphy.
4. In the event of uncovering an archaeological object in the research area, the conclusive section of the archaeological study shall include:
  - a) comprehensive field study of archaeological strata and objects in the research area by using contemporary methodology, plotting of the

- area assigned for excavation, a layout plan of archaeological objects uncovered in the course of archaeological study and sketches of separate objects, stratigraphic sections of uncovered buildings and cultural strata, a report on the findings of an archaeological field study, definition of the essence and dating of revealed archaeological strata and objects, their photo and graphical recording, analysis of the material obtained as a result of a study and elaboration of conclusions, text writing and preparation of illustrations;
- b) the recommendations resulting from an archaeological study relating to the conservation of objects uncovered and a planning solution applicable to the design area.

## CHAPTER V REGISTRATION AND CLASSIFICATION OF CULTURAL HERITAGE, GRANTING AND CANCELING A STATUS

### **Article 15. Granting a Status of Cultural Heritage Listed Property to a Property**

1. The status of a cultural heritage listed property shall be granted to a property based on its historical or cultural value associated with its age, uniqueness or authenticity.
2. In the event of the presence of the grounds indicated in paragraph 1 of this article, a listed property status may also be granted to a unity of physically, functionally, historically or geographically interrelated cultural heritage properties, which is a topographically definable unit. In such event, procedures prescribed under the present Law for moveable and immoveable listed properties shall apply to its moveable and immoveable parts.
3. A property shall be granted a cultural heritage listed property status on the proposal of the Board and through an individual administrative legal act issued by the Minister.
4. In the event of the failure of comprehensive definition of the essence of a property, and also, if the data related to its historical or cultural value need further verification, the Minister shall still be entitled to inscribe the property on the list of cultural heritage properties. From the moment of the inscription, the legal regulation established under Chapter VI and Chapter IX of the present Law shall apply to it.
5. A property can be inscribed on the list of cultural heritage properties for the period of 6 months. The period can be extended only once, not more than 6 months.
6. With the aim of adopting a decision on granting a listed property sta-

- tus to a property inscribed on the cultural heritage list maintained by the Ministry, and for producing an opinion required for establishing its type, significance, condition, historical or cultural value and grade, the Ministry shall present to the Board the data on the property in question.
7. If the required studies reveal that there is no grounds established by this Law for granting a listed property status to a property inscribed on the cultural heritage list, on the basis of the opinion of the Board, the Minister is authorized to remove the property from the list of cultural heritage properties before the deadline prescribed in paragraph 5 of this article.
  8. The Minister's legal act on the inscription of a property on or the removal thereof from the list of cultural heritage properties, and on granting or cancellation of a listed property status shall enter into force from the moment of its publication according to the legislation of Georgia.
  9. The data on granting or cancellation of a listed property status shall be incorporated into the state register of listed properties and placed on the Ministry's website within a month from the entry into force of the legal act.

#### **Article 16. State Registration of Cultural Heritage Properties and Registration Certificates**

1. A state register of listed properties, a list of cultural heritage properties, a registration card and a listed property certificate shall be created for the registration and identification of immovable and moveable properties. A list of intangible cultural heritage properties and a state register shall be set up for the registration and identification of intangible cultural heritage properties.
2. The state register of listed properties and the list of cultural heritage properties shall be maintained by the Ministry.
3. A registration card shall serve as an annex to a legal act of the Minister on granting a listed property status to a property or inscribing a property on the list of cultural heritage properties and a document containing general information essential for the identification of a property inscribed on the list of cultural heritage properties.
4. After the inscription on the state register of cultural heritage properties, the Ministry is authorized to draw up a listed property certificate. A listed property certificate is a document adopted through the Minister's legal act, which contains scientific and research information on the listed property.
5. Registration documents shall be updated to reflect newly obtained records or changed circumstances.

6. The forms of registration documents and the rules of their completion shall be defined under the Minister's normative act.

### **Article 17. Cancellation of a Listed Property Status**

Cancellation of a listed property status shall be admissible only on the basis of a relevant opinion of the Board and if the listed property in question has obliterated or damaged to such a degree that has lost its historical or cultural value and cannot be restored, or if, judging by scientific (methodological) criteria it has lost features for which it had been granted a listed property status.

### **Article 18. Grade of a Listed Property**

1. An immovable listed property shall be granted a grade of national significance by the President of Georgia on the proposal of the Ministry, if it has particular artistic or aesthetic value or is associated with a key historical event, person, stage of national development and outstanding national values.
2. An immovable listed property of national significance shall be nominated for the inscription on the World Heritage List by the President of Georgia on the proposal of the Minister or on his/her own initiative.

### **Article 19. Classification of Listed Properties**

1. Listed properties are classified into types according to their typology, and historical, cultural, artistic, aesthetic, memorial, spiritual, scientific and other values.
2. The following are the types of a listed property:
  - a) archaeological;
  - b) architectural;
  - c) engineering;
  - d) urban;
  - e) parking/gardening art and landscape architecture;
  - f) palaeographical;
  - g) of listed property fine arts;
  - h) memorial;
  - i) ethnographic;
  - j) of fine arts;
  - k) documental.
3. The type of a listed property shall be defined according to the scientific criteria established in the respective field.

## **Article 20. Marking of Immoveable Listed Properties**

An immoveable listed property shall be marked with a plate, the form and the procedure of the application of which shall be defined by a Minister's decree.

## **Article 21. Consideration of Immoveable Listed Properties in the Land Cadastre and Urban Planning Documentation**

The incorporation of immoveable listed properties and their territories in the land cadastre and other urban planning documents prescribed by the legislation of Georgia shall be mandatory.

# **CHAPTER VI LISTED PROPERTY PROTECTION**

## **Article 22. Main Principle of Listed Property Protection**

The main principle of listed property protection implies the preservation of those features and characteristics, and in the case of immoveable listed properties – of the environment, which determine the historical, cultural, memorial, ethnological, artistic, aesthetic, scientific and other values of a listed property.

## **Article 23. Admissible Use of a Listed Property**

Only such use of a listed property shall be deemed admissible that does not damage or endanger it, does not diminish its cultural or historical value, does not cause any change to its authentic elements and does not affect its interpretation.

## **Article 24. Prohibition of Unauthorized Work on a Listed Property**

Implementation of any work without a permit prescribed by the legislation of Georgia, including by the present Law, shall be prohibited.

## **Article 25. Types and Varieties of Works Applicable to a Listed Property**

1. The following are the types of works that can be applied to a listed property:
  - a) studies – scientific, explorative and practical works carried out with a view to obtaining information on a listed property, including its condition, existing damages and causes thereof, and elaboration of recommendations concerning rehabilitation measures;
  - b) rehabilitation works – unity of works implemented with a view to improving the condition of a listed property in accordance with the procedure established by the legislation of Georgia, including the present Law.

2. The following varieties of work can be applied to an immovable listed property with a view to the study or rehabilitation thereof:
  - a) exploration;
  - b) cleaning;
  - c) conservation;
  - d) reintegration;
  - e) reconstruction;
  - f) adaptation.
3. The following varieties of work can be applied to a moveable listed property with a view to the study or rehabilitation thereof:
  - a) exploration;
  - b) cleaning;
  - c) conservation;
  - d) reintegration.
4. Archaeological works can also be conducted on an archaeological listed property or an uncovered fragment of a different variety of listed property.
5. Conservation, cleaning and restoration works prescribed by the present Law for listed properties can also be conducted on an archaeological listed property within the scope of archaeological works.
6. Restoration of lost forms, fragments and elements of a listed property is possible only within the scope of listed property reintegration or reconstruction, on the basis of design documentation supported by precise scientific data.
7. A property inscribed on the list of cultural heritage properties may be subject only to exploratory, cleaning, archaeological and preventive conservation work, the aim of which is to conduct full expert examination of a property and prevent damage or destruction of elements of historical or cultural significance not yet uncovered.
8. Methodology and procedure of the implementation of works applicable to a listed property shall be established under a normative act of the Minister.

#### **Article 26. Dismantling, Alternation, Relocation and Fragmentation of a Listed Property**

1. Dismantling of an immovable listed property or its part is admissible only within the scope of work (rehabilitation) allowed under the present Law and on condition of restoring a listed property if and when it is in the interests of a listed property or if the current condition of a listed property poses threat to human life or health and it is impossible to prevent the threat.

2. Alteration of an immovable listed property is admissible only in the interests of a listed property unless it causes damage to a listed property or reduces its historic and cultural value.
3. Relocation of an immovable listed property or its part is admissible only:
  - a) when a listed property faces a danger of irrevocable damage or destruction due to *force majeure*;
  - b) when the displacement of a listed property is in public interests, unless it concerns a listed property of national significance;
4. An immovable listed property may be relocated only into such environment that is best compatible with the original settings, and through reconstruction by using authentic material, on condition of its restoration.
5. An immovable listed property shall retain its status during and after its replacement.
6. Alternation or fragmentation of a listed property is prohibited unless it is essential for the preservation or rehabilitation of a listed property.

#### **Article 27. A Complex Object Conservation Plan**

1. With a view to ensuring the protection of a complex object, regulation of rehabilitation works applicable thereto, and the use and development of a listed property, the Ministry is obliged to elaborate as a conservation plan of a complex object (hereinafter referred to as a Conservation Plan), which shall serve as a comprehensive guiding document for the rehabilitation and development of a listed property.
2. A Conservation Plan is a Minister's normative act that includes scientific, methodological and practical instructions in respect with the works applicable to a listed property, defines a list and the scope of admissible or recommended works, establishes basic regulations for the study, rehabilitation and development of a listed property, as well as separate procedures for its maintenance and use.
3. Consideration of the requirements set forth in a Conservation Plan shall be mandatory when adopting legal acts relating to a listed property.

#### **Article 28. Rights and Responsibilities of a Listed Property Owner (Legal User)**

1. A listed property owner (legal user) is obliged to:
  - a) within a month from the date of receiving a notice, submit to the Ministry, in the form approved by the Ministry, information on the current condition of a listed property and sign an agreement with the Ministry on the maintenance of a listed property, which shall secure the protection of a listed property from damage and

- destruction and the preservation of historical and cultural values thereof;
- b) immediately inform the Ministry and a local self-governing body on the condition of a listed property, its state of preservation or the change of settings;
  - c) assist competent bodies and specialists in inspecting a listed property and studying the condition thereof, present information available to him/her on a listed property on their request unless it is an official, commercial or other kind of secret established under the legislation;
  - d) prevent any unlawful influence on a listed property, including the alteration, fragmentation, dismantling or accretion of parts and fragments of a listed property;
  - e) in the event of the alienation of a listed property, give prior notice to the Ministry and inform a listed property buyer in advance on the status of a listed property;
  - f) ensure public access to a listed property in accordance with the procedure prescribed by the legislation of Georgia;
  - g) exercise other duties established by the legislation of Georgia.
2. Listed property owner (legal user) is authorized to:
- a) use a listed property in compliance with the requirements of the present Law and collect revenue;
  - b) enjoy tax and other incentives established by the legislation of Georgia;
  - c) request scientific, methodological and legal advice from state bodies for cultural heritage protection without remuneration in regard with a listed property in his/her ownership (use).

**Article 29. Procedure for the Study and Inspection of a Listed Property (Property) and Conditions of their Implementation without the Consent of an Owner (Legal User)**

1. A list of listed properties of public interest as well the procedure of ensuring public access to such listed properties by an owner (legal user) is established under a decree of the President of Georgia. The procedure of the public access to the listed properties covered by article 7, article 8 and article 9 of the Agreement between the Georgian State and the Georgian Autocephalic Orthodox Church shall be agreed in advance with the owner (legal user); in the event of a conflict, religious rights shall prevail over the right of the public access to listed properties.



2. If there is a justified necessity of inspecting a listed property (property) or a justified assumption that a property is part of cultural heritage and the listed property (property) owner (legal user) impedes competent authorities in conducting expert examination and study, also if the owner (legal user) of a listed property violates the procedures established under the legislation of Georgia for the inspection of and the public access to a listed property (property), the access to the listed property (property) by a state body responsible for cultural heritage protection shall be possible without the consent of the owner (legal user) on the basis of a court ruling.
3. The responsibility for the violation of the procedure of the inspection of and access to a listed property is laid down in the legislation of Georgia.

### **Article 30. Responsibility of Listed Property Owner (Legal User)**

1. The Ministry shall issue a written warning to the owner of a listed property (legal user) defining the measures to be taken for the maintenance of a listed property, the conditions for the implementation of specific activities and the reasonable timeframe thereof if the listed property owner (legal user):
  - a) violates the terms of an agreement on the listed property maintenance concluded with the Ministry;
  - b) violates the terms of a permit issued by the Ministry or implements any kind of works without a permit required by this Law.
2. The union of owners (legal users) of an apartment or non-residential premises of a house granted with a listed property status is deemed as a condominium under the Civil Code of Georgia. The warning envisaged under paragraph 1 of this article shall be filed to a respective condominium and the responsibility for its ignorance shall be borne by the condominium as prescribed by the legislation of Georgia.
3. Upon the expiration of the timeframe indicated in paragraph 1 of this article, the violator shall be required to pay a fine in the event of the non-fulfillment or improper fulfillment of the conditions indicated in the permit.
4. In the event of non-fulfillment or improper fulfillment of the conditions indicated in the warning notice by a listed property owner (legal user) within 6 months from paying the fine, the listed property owner (legal user) shall pay every six months a fine three times as much as the original fine.
5. If the owner (legal user) of listed property fails to fulfill the conditions established by the Ministry and a listed property requires immediate

intervention, also if the owner (legal user) of a listed property cannot be established or traced, the Ministry is authorized, without the consent of the owner (legal user) to conduct rehabilitation works on the listed property itself or through third parties. In the event of the presence of such circumstances, the decision on conducting works without the consent of the owner (legal user) of a listed property shall be taken only by the court.

6. While exercising the competences laid down in paragraph 5 of this article, the expenditures incurred by the state structures of the Ministry or by a contractor identified by them for the immediate rehabilitation of a listed property, which is caused by the violation of the conditions of a maintenance agreement concluded with the Ministry, shall be borne by the owner (legal user) of a listed property.
7. If the owner (legal user) of a listed property fails to cover the costs of the rehabilitation work on his/her own will, the Ministry is authorized to apply to the court requesting that the costs identified in paragraph 5 of this article be covered by the owner (legal user) of a listed property.
8. This article and article 32 of the present Law shall not apply to the properties covered under paragraph 1 of article 7 of the Agreement between the Georgian State and the Georgian Autocephalic Orthodox Church.

### **Article 31. Responsibility for the Damage and Destruction of a Listed Property**

Such deliberate activity on a listed property that causes its irrevocable damage or destruction will result in the criminal responsibility of a person according to the legislation of Georgia.

## **CHAPTER VII**

### **PROPERTY RIGHT ON CULTURAL HERITAGE PROPERTIES**

### **Article 32. Alienation of State-owned Cultural Heritage or its Transfer with a Right of its Possession and Use**

1. The alienation and the transfer with a right to the proprietorship and use of a state-owned listed property, cultural property, and a plot of land located within the borders of an archaeological protection zone shall be possible with the consent of the Ministry and on condition of their maintenance determined in advance by the Ministry as prescribed by the legislation of Georgia.

2. The alienation of a state-owned listed property inscribed on the World Heritage List shall be prohibited. The transfer of such listed property in use shall be admissible only with a right to its proprietorship and use and on condition that it will be maintained and protected.
3. The alienation of a national archival document (moveable listed property) owned by the state or a local self-governing body shall be prohibited.
4. The procedure prescribed by paragraph 1 and paragraph 2 of this article shall not apply to housing stock, as well as non-living area in residential buildings and structures.

### **Article 33. Arising of Property Right on Moveable Archaeological Objects**

1. A moveable archaeological object discovered during archaeological works conducted under a permit of archaeological works, as well as during unauthorized archaeological works shall be the property of the state.
2. The issues relating to the property rights in respect with archaeological objects discovered during activities other than those envisaged by paragraph 1 of this article (accidental discovery) shall be regulated in accordance with the procedure prescribed by the Civil Code of Georgia.
3. In the event of accidental discovery, a discoverer is obliged to immediately notify the Ministry in compliance with the procedure prescribed by Chapter III of the present Law.
4. The state has pre-emption right in respect with archaeological objects.

## **CHAPTER VIII CULTURAL HERITAGE PROTECTION ZONES AND REGIMES APPLIED THERETO**

### **Article 34. Structure of Cultural Heritage Zones and the Procedure of their Designation**

1. The structure of cultural heritage protection zones shall comprise an individual protection zone of a listed property and general protection zones.
2. An individual protection zone of a listed property contains the following areas:
  - a) a physical protection area of a listed property;
  - b) a visual protection area of a listed property.
3. The following are general protection zones:
  - a) a historical built-up area protection zone;
  - b) a built-up area regulation zone;

- c) a historical landscape protection zone;
  - d) an archaeological protection zone.
4. An individual protection zone of a listed property shall be designated automatically from the moment of granting an immoveable cultural heritage property with a listed property status. In the event of a justified necessity, an individual protection zone of a listed property or the area therein may be expanded through a Minister's order. If a structure envisaged by the Agreement between the Georgian State and the Georgian Autocephalic Orthodox Church is involved, a Minister's order on the expansion of an individual protection zone of a listed property or an area therein shall be agreed with the Autocephalic Apostolic Orthodox Church of Georgia.
  5. General protection zones shall be designated in agreement with local self-governing bodies, on the Minister's proposal and under the decree of the Government of Georgia.
  6. The decree of the Government of Georgia on the designation of a general protection zone, also a Minister's order on the designation or expansion of an individual protection zone of a listed property shall be published in accordance with the procedure prescribed by the General Administrative Code of Georgia.
  7. One area may become part of several protection zones, of which only one can be a general protection zone.
  8. If one area becomes part of several protection zones, a restrictive norm shall be selected from protection zone regimes in each specific case.
  9. The methodology of designating protection zones, and the procedures of the development of corresponding graphical and textual material shall be established through the decree of the Government of Georgia.

### **Article 35. Goals and Objectives of Designating Protection Zones**

1. The designation of protection zones has the following goals: protection of cultural heritage, including listed properties, urban fabric and isolated buildings and structures of cultural value, a historical built-up area, a network of streets, a planning structure, a historical landscape and archaeological objects located therein from undesirable impact; preservation of natural, historical, aesthetic and ecological environment within its borders, its authentic elements, historical views and panoramas, as well as socio-economic and cultural context, which will facilitate the protection and sustainable development of a listed property and its environment and preservation of the role of a listed property as a testimony of past.

2. The activities planned within the protection zones shall be implemented so as to ensure the preservation of favourable geological and hydro-geological conditions, to meet sanitation, seismic and fire-prevention standards, and to prevent undesirable impact on listed properties and historical environment. When implementing the mentioned activities in this sphere standards and regulations established by international law and legislation of Georgia shall be followed.
3. The installation of large-scale billboards, electricity and telephone pylons, television aerials and other large-scale superstructure engineering and technological equipment within the space of active visual interpretation of listed properties in protected zones shall be prohibited.
4. The construction of such industrial, transportation, storing and other objects which may induce fire and produce great shipping and transport volumes, and pollute air and water basins shall be prohibited.
5. Public amenities shall be planned so as to ensure that they are in harmony with a historical environment. An urban planning policy and management principles in protected areas shall be oriented at purposeful and planned reduction of the volume of transport and development of pedestrian infrastructure.
6. Dismantling of buildings and other architectural properties in a protected zone shall be admissible only:
  - a) during construction work permitted under a respective regime;
  - b) in the event of an immediate necessity when the threat of the collapse of a listed property can be confirmed;
  - c) if a property to be dismantled has a status of an inappropriate structure or if the dismantling is in the interests of a protection zone.
7. The specific goals and objectives of the designation of separate protection zones shall be determined under a respective regime of a protection zone.

**Article 36. Designation of an Individual Protection Zone of a Listed Property, Areas Therein and a Regime Applicable Thereto**

1. An individual protection zone of a listed property shall be the area around an immovable listed property, which contains physical and visual protection areas and is designated for the purposes of physical and visual protection of a listed property.
2. The area of physical protection of a listed property shall be the area around an immovable listed property, in which any activity may inflict physical damages on a listed property or its surrounding area. A physical protection area shall be as follows - the height of a listed property

- multiplied by two, the low limit of the radius being 50 metres.
3. Any activity in the area of physical protection that may damage or create a threat of damage to a listed property or worsen the interpretation or the use thereof shall be prohibited, including:
    - a) such activities that may cause significant land vibration or deformation;
    - b) storage of chemical, easily inflammable and explosive materials;
    - c) the erection of such structures, which do not serve the protection of a listed property and the environment thereof;
    - d) planting of such species and in such manner that may inflict damage on a listed property.
  4. The area of visual protection of a listed property shall be the area beyond the area of physical protection, the change of which may have an impact on a historical environment or/and high-quality interpretation of a listed property. An area of visual protection shall be determined as follows:
    - a) 300 metre radius for listed properties;
    - b) 500 metre radius for listed properties of national significance;
    - c) 1000 metre radius for listed properties inscribed on the World Heritage List.
  5. If a listed property is located within a city, the distance indicated in sub-paragraphs a and b of paragraph 4 of this article shall be divided by two.
  6. Activities in an area of visual protection that may inflict damages on a historical environment of a listed property and impair the optimal vision and high-quality interpretation thereof or diminish its significance shall be prohibited.
  7. For the purposes of establishing the areas indicated in this article, the highest elevation of a building shall be taken as its height, while the distance from a listed property to the boundaries of a protection area shall be counted from the external contour of a listed property in the direction of a radius drawn from the centre of the listed property.

### **Article 37. Designation of a Protection Zone of Historical Built-up Area and the Regime Thereof**

1. The area of a protection zone of a historical built-up area shall be the area in which listed properties and other properties of immovable cultural heritage are concentrated in large numbers, as well as an authentic network of streets, built-up area, planning structure and morphology.
2. The purpose of the designation of a protection zone of a historical built-up area is to preserve historically formed spatial-architectural en-

- environment of listed properties preserved therein, to ensure protection and preservation of the historic part of a city as a historically formed organism (a planning structure, a morphology, a building scale and character, a silhouette, an outward appearance, a landscape, etc), as well as to regulate rehabilitation, construction and other works, to improve the urban environment, restore the degraded urban fabric to its historical appearance to the maximum degree possible and make use of the economic and cultural potential of a historical built-up area.
3. While developing urban planning and construction documents for a historical built-up area protection zone the possibility of the preservation of the planning of a historical environment, a built-up area and of landscape, as well as of the reintegration of the missing elements thereof shall be taken into account.
  4. In a historical built-up area protection zone construction shall be allowed only if a:
    - a) building project is to replace a building or an engineering structure, which is in a critical state of preservation and has no historical and artistic value;
    - b) construction activity is deemed to improve degraded urban fabric (infill empty spots formed as a result of the destruction in a historical built-up area, replace such buildings lacking any value that are set among valuable buildings, free the space in a historical environment from buildings distorting a historical environment, restore a historical environment to its original appearance, etc).
  5. The configuration, proportions and the planning structure must be in conformity with the historically formed type around the project site. A building must merge harmoniously with traditional forms and environment and shall not distort the appearance of a historical built-up area and the morphology, scale and landscape thereof.
  6. The development of such areas within a historical built-up area protection zone that had not been developed historically shall be prohibited.
  7. In the areas where scientific studies have proved the existence of architectural properties of high historical and cultural value of not more than 50 years ago, construction shall be allowed only on the basis of a design, which shall be produced upon conducting due research and be similar to the original building design to the extent possible.
  8. The alteration, expansion, adding or reduction of elevations or other modifications shall be allowed only on the basis of a planning and scientific justification and on condition that the historical exterior appearance will be maintained to the extent possible.

### **Article 38. Designation of a Built-up Area Regulation Zone and a Regime Thereof**

1. A built-up area regulation zone shall be an area which preserves fragments of or/and single listed properties of a historical built-up area, network of streets and a planning structure, other immovable properties of cultural value and background buildings. A built-up area regulation zone may also be a buffer zone of another cultural heritage protection zone.
2. The goal of designating a built-up area regulation zone is to ensure harmonious merge between historical and modern built-up areas.
3. In a built-up area regulation zone provisions must be made to secure the enhancement and restoration of a historical spatial dominant, as well as the preservation of architectural and spatial environment of listed properties and other immovable properties, and a historical planning structure or the fragments thereof.
4. Apart from authorized construction activities in a historic built-up area protection zone and in a built-up area regulation zone, the implementation of such construction that does not contradict the requirements laid down in this article and in article 35 of the present Law shall also be allowed.
5. To ensure the better presentation of listed properties and harmonious merge of historical and modern built-up areas the most favourable vantage points shall be identified in a built-up area regulation zone, the possibility of viewing panoramas and separate listed properties shall be preserved by regulating new constructions and removing properties inappropriate for a historical environment.

### **Article 39. Designation of Historical Landscape Protection Zone and a Regime Thereof**

1. A historical landscape protection zone shall be such natural, agricultural or urban area of historical, cultural and aesthetic value, the formation of which in the course of its historical development partially or fully resulted from a human activity or which forms a historical natural environment of listed properties.
2. The goal of designating a historical landscape protection zone is to preserve protection zones of immovable listed properties of cultural heritage and of cultural heritage, as well as a historical environment of sites associated with historical events, oral narratives and folklore, and to restore the exterior appearance thereof.
3. In a historical landscape protection zone it shall be mandatory to preserve natural topography and reservoirs, remove such buildings, structures and plants that are devoid of any cultural value and disturb the



landscape, as well as to protect and regulate vegetative cover, ensure forest and greenery restoration, and to protect meadows and other areas from landslide and flooding.

4. In a historical landscape protection zone allowed shall be only:
  - a) the following construction works:
    - a. a) exploration and rehabilitation of buildings and structures of cultural or historical value;
    - a. b) in the event of justified necessity, construction of structures functionally related to the goals and objectives laid down in paragraph 2 and paragraph 3 of this article, or of temporary structures of public interest or linear structures of state interest, which do not cause a significant modification of historical topography and landscape and do not impede the interpretation of cultural heritage protected within a zone and visual protection areas.
  - b) an economic activity that does not contradict the goals and objectives laid down in paragraph 1 and paragraph 2 of this article.

#### **Article 40. Designation of a Archaeological Protection Zone and a Regime thereof**

1. An archaeological protection zone shall be an area within which cultural strata and/or archaeological objects have been uncovered, found or explored.
2. The goal of establishing an archaeological protection zone is to ensure the protection of archaeological listed properties, cultural strata, uncovered, found or explored archaeological objects and their surrounding areas.
3. Any activity that may damage and cause the destruction of cultural heritage protected in a zone or impede its interpretation and implementation of a high-quality scientific study shall be prohibited, including:
  - a) earthwork, except agriculture and archaeology related earthwork;
  - b) dropping of any construction, domestic, industrial and household wastes, as well as spoil accumulated during archaeological excavations.
5. If proved that in an archaeological protection zone certain types of activities, including, traffic, certain agricultural works or pedestrian movement may cause the threat of damage or destruction to archaeological objects or cultural strata, on the proposal of the Ministry, the Government of Georgia is authorized to restrict or ban such activities within the borders of a zone. In such case, an information board shall be placed in a visible area within a zone, and in the case of restricting or banning traffic, a respective sign shall be placed to indicate the restriction or ban of such activity within a zone.

#### **Article 41. Procedure of Obtaining Consent on Urban Planning Documentation Applicable to Cultural Heritage Protection Zones and Implementing Construction Activity Therein**

1. Urban planning documentation applicable to cultural heritage protection zones shall be adopted by a body prescribed by the legislation of Georgia with the consent of the Ministry, in accordance with the procedure prescribed by legislation.
2. Permits for building and reconstruction work in cultural heritage protection zones shall be issued by a body prescribed by the legislation of Georgia with the consent of the Ministry, in accordance with the procedure prescribed by legislation.
3. For the implementation of building and reconstruction projects within cultural heritage protection zones in Tbilisi (except for immovable cultural listed properties, a building permit for which shall be issued by the Ministry), the issuance of building conditions shall be reviewed by an advisory body comprised of the representatives of the Tbilisi City Hall and of the Ministry in accordance with the procedure prescribed by the legislation of Georgia.

#### **Article 42. Building Planning in Historical Built-Up Area Protection Zones and Built-up Area Regulation Zones, a Reference Plan and a Built-Up Area Regulation Plan**

1. A building regulation plan applicable to a historical built-up area protection and built-up area regulation zones shall be adopted by a body prescribed by the legislation of Georgia with the consent of the Ministry.
2. A building regulation plan applicable to a historical built-up area protection and built-up area regulation zones shall be developed on the basis of a safeguard plan (historical-cultural reference plan), the principles of which shall be envisaged while drawing up spatial-territorial planning documentation.
3. A reference plan is a comprehensive scientific-research instrument developed through a multidisciplinary approach, which includes information and analysis concerning cultural heritage protection zones and listed properties and historically formed environments therein and provides recommendations on urban planning and planning regulations required necessary for their protection.
4. A reference plan consists of informative, analytical and conclusive sections.
5. The informative section of a reference plan provides an integrated database produced on the basis of a comprehensive inventory carried out to establish the condition of an area and contains the following parts:

- a) a reference to a respective protection zone (zones)
  - b) a layout plan of an area;
  - c) a plan of the boundaries of an area, including coordinates;
  - d) a topographical plan of an area;
  - e) archival and bibliographical records;
  - f) information required by an immovable listed property registration card on listed properties and other cultural heritage properties in an area, as well as basic data concerning all the buildings and structures located in an area:
  - g) thematic maps and graphical material containing the following information:
    - g.a) listed properties and other cultural heritage properties in an area;
    - g.b) background buildings and inappropriate structures;
    - g.c) morphology and planning structure of a built-up area;
    - g.d) functional use of buildings and structures;
    - g.e) number of storeys of buildings and structures;
    - g.f) physical condition of buildings and structures;
    - g.g) age of buildings and structures;
    - g.h) architectural and artistic value of buildings and structures;
    - g.i) urban and natural spatial dominants in an area;
    - g.j) vantage points for the interpretation of important panoramas and prospects;
    - g.k) boundaries of a historical landscape;
    - g.l) greeneries, squares, gardens and parks in an area;
    - g.m) classification of network of streets and roads;
    - g.n) main longitudinal and cross sections of the area, developed schematic views of important streets, including basic elevations;
    - g.o) photographic recordings of properties of historical and cultural value, and of urban and natural panoramas.
6. The analytical section of a reference plan contains the following parts:
- a) general description of a historical environment;
    - a.a) definition of the relevance of the area to the global context;
    - a.b) assessment and analysis of historically formed architectural and natural space dominants;
  - b) historical and cultural analysis;
    - b.a) analysis of the chronological development of street networks and built-up areas;
    - b.b) analysis of historically formed types of built-up areas and

- their main characteristics;
  - b.c) analysis of traditional building materials and techniques;
  - b.d) assessment and analysis of historical functions.
  - c) general assessment and analysis of the physical condition of a built-up area, analysis and assessment of historical and cultural value of buildings and structures and identification of historically and culturally homogenous quarters;
  - d) designation of conservation and development areas.
7. The conclusive section of a reference plan contains the following parts:
- a) main provisions and development principles relating to the protection and rehabilitation of cultural heritage located within protection zones;
  - b) graphical part of a reference plan (synthetic map)
8. A building regulation plan for historic built-up area protection and built-up area regulation zones, in addition to containing sections envisaged by the Law of Georgia on the Fundamentals of Spatial Organization and Urban Planning, shall include the following sections:
- a) requirements for cultural heritage protection and rehabilitation, and on intervention on properties designated for rehabilitation (listed properties and other cultural heritage properties, background buildings, public space, etc) in particular;
  - b) requirements for the development and new construction;
    - b.a) identification of conservation and development areas (by indicating buildings to be removed and preserved);
    - b.b) allowable parameters of new constructions (scale, height, spatial and planning configuration, façade rhythm and fenestration);
    - b.c) requirements on public space improvement.
9. If a protection zone, for which building regulation plan is elaborated, contains non-homogenous quarters or areas, regulations of a building regulation plan shall be developed individually for each quarter, micro-quarter or area.

#### **Article 43. Historical and Architectural Study**

1. In the event of the absence of a building regulation plan for cultural heritage protection zones, adopted in accordance with the procedure prescribed by this Law, documentation for each building project shall be drawn up on the basis of a historical and architectural study. The scale, planning structure and architecture of a design project shall be determined based on such study. Only properties defined under paragraph

- 3 of this article shall be an exception.
2. The historical and cultural study must be ensured by a permit seeker. The area of historical and cultural study shall include a project site and the area surrounding it, at least twice its length/width from the project site towards relevant direction. Documentation of historical and cultural study shall contain graphical and textual sections:
    - a) the place of a construction area in the city structure and the description of its condition (graphical and textual material);
    - b) a topographic map of the area to be studied by indicating the boundaries of a construction site and listed properties located in the area to be studied (scale 1:1500 and 1:200);
    - c) historical retrospective of the area to be studied, chronology and stages of development (graphical, textual and photo material);
    - d) developed photo views of the buildings located on the construction site, by indicating listed properties (photos) located on the construction site and in the area;
    - e) analysis of built-up areas in the area to be studied (graphical and textual material), which shall include:
      - e.a) the description of a structure, morphology and scale of built-up areas, of buildings and structures and open spaces, and characteristics of their layout pattern in the overall structure of built-up areas;
      - e.b) spatial and architectural assessment of listed properties, visual dominants, a landscape and a built-up area and identification of their spatial interrelation.
  3. The conclusive part of a historical and architectural section shall contain recommendations prepared based on a respective study for spatial-planning and compositional solutions of the building project planned in the project area.
  4. A historical-architectural study shall not be mandatory in respect with the following properties and building activities:
    - a) minor architectural forms, namely:
      - a.a) structures, the volume of which does not exceed 50 cubic metres, such as pavilions, sheds, kiosks, stalls, garages, and public transport stops;
      - a.b) children's playgrounds and small sports grounds, the area of which does not exceed 50 square metres, and park amusements;
      - a.c) free-standing informational and advertising billboards and structures or those installed onto buildings;
      - a.d) benches, lighting elements, and parts of small public gardens, alleys and other small-size greenery zones and infrastructure fa-

cilities, boards, litter bins, street clocks, street name and number signs, rails, gates, shop windows, facilities marking settlement entrances, elements of architectural installations of memorial plaques and sculptures, pillars of drinking fountains and fountains the area of which does not exceed 25 square metres;

- b) minor modifications to the existing buildings the total area of which does not exceed 50 square metres: roof replacement by maintaining the existing dimensions, adding maximum 50 cubic metre volume space, installation or blocking up a door or a window opening, adding or removing a balcony.

#### **Article 44. Prevention of Activities Disturbing Cultural Heritage or Creating such a Threat**

1. In the event of disclosing any such activity in a protection zone or outside its borders, which is not admitted by a protection zone regime and which disturbs cultural heritage or creates such threat, the Ministry shall apply to competent state bodies with a request to restrict, suspend or terminate such activity.

#### **Article 45. Granting a Status of an Inappropriate Building or Structure in Protection Zones**

1. In protection zones, in addition to the cases determined under Georgia's Law on the Fundamentals of Spatial Organization and Urban Planning, the status of an inappropriate building and structure shall also be granted to a building, structure, enterprise, workshop, warehouse, as well as any other site producing shipping and traffic volumes, polluting soil, air and reservoirs, which disturbs historical environment, impedes the interpretation thereof and causes practical and aesthetic damage to the cultural heritage preserved in zones.
2. In drawing up and adopting urban planning documentation, as well as in adopting building and planning decisions, the bodies identified by the legislation of Georgia are obliged to provide for the possibility of the removal or modification of inappropriate buildings and structures.

#### **Article 46. Cultural Heritage Rehabilitation Area**

1. With a view to supporting and promoting cultural heritage, it shall be possible under the decree of the Government of Georgia, on the proposal of the Ministry and on the initiative of local self-government bodies to designate a cultural heritage rehabilitation area within a general protection zone on the basis of a development programme for the

- rehabilitation area.
2. The following shall be the grounds of designating a cultural heritage rehabilitation area:
    - a) high concentration of listed properties and other cultural heritage properties;
    - b) spatial and architectural environment of high historical and cultural value;
    - c) poor physical condition of a historical built-up area, and an authentic historical built-up area and environment facing the threat of degradation;
  3. The state and local self-governing bodies shall be responsible for the implementation and supervision of rehabilitation area development programme.
  4. The cultural heritage rehabilitation area development programme presented to the Government of Georgia for the adoption shall contain:
    - a) comprehensive assessment of the situation in a rehabilitation area;
    - b) assessment of historical, artistic and architectural value of buildings in a rehabilitation area;
    - c) study and assessment of listed properties located in a rehabilitation area;
    - d) analysis of economic and social situation, and of the potential tourism, economic and social development in a rehabilitation area;
    - e) conditions for the rehabilitation of cultural heritage in a rehabilitation area;
    - f) conditions for the improvement of urban fabric in a rehabilitation area;
    - g) projects for the rehabilitation of listed properties, other cultural heritage properties, buildings and structures in a rehabilitation area;
    - h) projects for the rehabilitation of main underground and superstructure networks and engineering infrastructure in a rehabilitation area;
    - i) projects for the rehabilitation of infrastructure and public spaces in a rehabilitation;
    - j) cost-estimates of a rehabilitation area development programme;
    - k) the timeframe of the rehabilitation area development programme;
    - l) tools for building public awareness and involving the public in the implementation of a rehabilitation area development programme.
  5. A rehabilitation area development programme has the following sources of funding:
    - a) funds allocated from the state budget;
    - b) funds allocated from the budget of a local self-governing body;
    - c) grants provided by international organizations;
    - d) donations;
    - e) dues and fees imposed on the infrastructure in a cultural heritage

- rehabilitation area;
  - f) funds not prohibited by the legislation of Georgia.
6. Dues and fees imposed on the infrastructure in a cultural heritage rehabilitation area shall be determined by law and shall be effective throughout the validity period of the rehabilitation area development programme.

## CHAPTER IX.

### LEGAL GROUNDS FOR CONDUCTING WORKS APPLICABLE TO CULTURAL HERITAGE AND FOR ARCHAEOLOGICAL WORKS, PERMIT ISSUANCE PROCEDURES AND PERMIT CONDITIONS

#### **Article 47. Legal Grounds for Conducting Works Applicable to Cultural Heritage and for Archaeological Works, Permit Issuance Procedures**

1. Legal ground for conducting such works on a listed property as laid down in article 25 of the present Law is a permit of works for a cultural heritage listed property, except for cases provided for under paragraph 2 and paragraph 10 of this article.
2. If a listed property is also a property of special significance, a building permit for properties of special significance shall be issued for conducting works as prescribed by the legislation of Georgia.
3. A permit for conducting works applicable to a cultural heritage listed property shall be for rehabilitation work, and in the event of an immoveable listed property – for studies, if the works involve physical intervention.
4. Only a single permit shall be issued for the works to be conducted on a listed property as laid down in paragraph 2 of this article; implementation of works on a listed property does not require additional permits.
5. Legal ground for conducting archaeological works is a permit for archaeological works, except for archaeological works to be conducted on a listed property and cases provided for in paragraph 10 of this article. A permit for archaeological works shall be issued only for such field work that involves physical intervention on an archaeological object.
6. Permits for works applicable to a cultural heritage listed property and archaeological works shall be issued by the Ministry or a competent body identified by the Government of Georgia on the proposal of the Ministry. A permit shall be issued for the period required for the completion of works envisaged by design documentation, considering the scope and complexity of work, and external circumstances, as well as a schedule of works presented by a permit seeker.



7. A seeker of a permit for conducting works on a cultural heritage listed property may be a listed property owner or his/her authorized representative, while a seeker of a permit for archaeological works may be an owner of a respective plot of land or his/her authorized representative, except for cases provided for in article 54 of the present Law.
8. If works applicable to a listed property or archaeological works are to be conducted by a state body, a procedure envisaged by the present Law shall be followed, but a permit certificate shall not be issued.
9. Only a person qualified in this field is authorized to conduct works applicable to a listed property or archaeological works. The procedure of certification for works applicable to a listed property and archaeological works shall be established by the legislation of Georgia.
10. Permits envisaged by this article shall not be issued in the event of the presence of a court ruling on conducting these works.
11. A permit certificate for works applicable to a listed property and archaeological works shall include the identity of a permit holder, the date of a respective application and registration number, the scope of works and timing. Forms of permit certificates shall be approved by the normative act of the Minister.
12. Other procedures for issuing permits defined in this chapter and permit issuing conditions shall be regulated by Georgia's Law on Licensing and Permits.

**Article 48. Application for Obtaining a Permit for Conducting Works Applicable to a Cultural Heritage Listed Property or for Archaeological Works**

1. An application for conducting works applicable to a cultural heritage listed property or for archaeological works shall contain an exact reference to the varieties and scope of works planned by a permit seeker.
2. An application and supporting document shall be submitted to a permit issuing authority in two copies, one of which, duly confirmed, shall be presented to a permit seeker upon adopting a decision.
3. Apart from the documents envisaged by Georgia's Law on Licensing and Permits, an application shall be supported by:
  - a) design documentation of the works as envisaged by the present law, except for in the cases provided for in article 51 of the present Law;
  - b) in the case of an immovable property – a certificate or a cadastre plan of a respective property or area, and if a permit seeker is not an owner of a respective property or area - a certificate of authorization;
  - c) if an immovable property is in a state ownership – a certificate confirming the state ownership of an immovable property. In

- such event, a competent state body shall also take part in administrative proceedings, and shall issue a consent or a justified refusal for works indicated in the application in accordance with the procedure prescribed by Georgia's Law on Licensing and Permits.
4. In respect with a permit for archaeological works, an application shall also be supported with a letter of consent from a museum, institution or other competent body on the placement and storage of archaeological materials uncovered as a result of archaeological works.
  5. If archaeological works are to be conducted on a listed property simultaneously with other works or independently, an application for a permit for conducting works applicable to a cultural heritage listed property shall be supported with design documentation for archaeological works as prescribed by the present Law.

#### **Article 49. Composition of Design Documentation for Works Applicable to a Listed Property**

1. A project for the study and rehabilitation of a moveable listed property, as well as a moveable fragment of an immoveable listed property (apart from listed works of paleographical and monumental art) shall contain the following sections:
  - a) an executive summary (a detailed description of a problem and solutions, and the justification of a selected methodology);
  - b) survey of the existing condition of a listed property, including photo recording and materials produced as a result of visual observation, respective analysis;
  - c) a work plan, its justification by indicating a process; a schedule of works;
  - d) description of anticipated results.
2. A project for the study and rehabilitation of an immoveable listed property shall contain the following sections:
  - a) an executive summary. An executive summary shall contain justification of the necessity of physical intervention on a listed property for the research purposes and the consistence of research with the requirements of the legislation of Georgia. An executive summary shall indicate:
    - a.a) an exact name of a listed property, its location and exact address;
    - a.b) varieties and scope of works, selected methodology;
    - a.c) the consistence of works with a conservation plan if a complex object is concerned and a conservation plan approved in accordance with the legislation of Georgia is present and a project

- envisages the study of its part only;
- b) a layout plan of a project property (scale 1:1000 or 1:2000) with place coordinates obtained from the global satellite system (later GPS coordinates);
  - c) the most recent photos of general views of project properties;
  - d) a work plan, its justification by indicating the process; a schedule of works;
  - e) description of anticipated results.
3. An immoveable listed property rehabilitation project shall be designed following a proper study. Except cases provided for in paragraph 4 of this article it shall contain the following sections:
- a) an executive summary (a detailed description of a problem and its solutions, justification of the methodology selected);
  - b) a layout plan of the location of the project property (scale 1:1000 or 1:2000);
  - c) photos reflecting a project property and its general views, a developed view of the part of the property covered by the project and its adjacent structures; in case of damages – photos showing local damages, archival photos and photomontage of works envisaged by the project;
  - d) sketches of a listed property (sketch-map, drawings (scale 1:1000 or 1:2000));
  - e) results of art historian study (analysis of a bibliographic survey, in situ analysis, a list of bibliography and archival materials studied);
  - f) in the event of conducting archaeological study during research – the results of an archaeological study (a plan of the area divided in squares, a layout plan and sketches of listed properties uncovered during archaeological study, a plan of boreholes approved by an archaeologist's signature, sketches and drawings (scale 1:25, 1:20), a verbal description, results of an archaeological study);
  - g) engineering-geological study (a layout plan of boreholes, approved by an archaeologist's signature, laboratory analysis, lithographic sections and recommendations);
  - h) biochemical analysis of the existing building materials (layout plan of samples collected, laboratory analysis and recommendations), study on the compatibility of materials to be used during works with the materials of the listed property;
  - i) in the event of probing – a layout plan of probing, sketch maps, drawings (scale 1:25, 1:20);
  - j) layout plans of architectural details, sketch maps, drawings (scale

- 1:25, 1:20);
- k) layout plan of structural details, sketch maps, drawings (scale 1:25, 1:20) and verbal description;
  - l) demonstration material (plans, facades, sections (scale 1:50, 1:100, 1:200), fragments and details (scale 1:20, 1:10), photomontage and project justification;
  - m) detailed design (architectural drawings, patterns (scale 1:100, 1:50, 1:1), structural design drawings and calculations);
  - n) a work plan, its justification by indicating a process cycle; a schedule of works;
  - o) a project of organisation of works;
  - p) description of anticipated results.
4. A project of minor rehabilitation works (facade painting; installation of boards and screens; repair, replacement and installation of engineering infrastructure, roof and drain pipe, without changing supporting structural parts; alteration of certain architectural details, including openings, staircases, balconies and decorative elements; interior restoration, painting and repair works, as well as listed property cleaning works) shall contain the following sections:
- a) an executive summary (a detailed description of the problem and its solutions, justification of the selected methodology);
  - b) a layout plan of the location of a project property (scale 1:1000 or 1:2000)
  - c) the latest photo recordings of general views of a building project;
  - d) graphical material concerning the works marked with respective elevations;
  - e) sketches of the part of a listed property considered;
  - f) art historian study with the justification of planned works;
  - g) a work plan and a schedule of works;
  - h) photomontage of the works envisaged under the project.
5. If the works planned for a listed property also involve a fragment of paleographic or listed property art, a detailed project for works applicable to a listed property shall be supported with documents indicated in paragraph 6 of this article.
6. A rehabilitation project for a listed property of paleographic or listed property art consists of the following sections:
- a) an executive summary (a detailed description of the problems and ways of its solutions, justification of the selected methodology);
  - b) when an immovable listed property is concerned – a layout plan of the location of the building project (scale 1:1000 or 1:2000)

- with GPS coordinates;
- c) the most recent photo materials with general views of a building project, photo recordings of damaged elements and fragments;
- d) sketches of a building project, a layout plan of damages (scale 1:50, 1:25). separate details (scale 1:1); models;
- e) biochemical analysis of a building project (a layout plan of samples collected, results of laboratory analysis);
- f) an art historian study of a building project;
- g) expert opinion on the compatibility of the material to be used for works with the material of a listed property;
- h) a work plan, its justification by indicating the project cycle; a schedule of works;
- i) description of anticipated results.

#### **Article 50. Composition of Project Documentation for Archaeological Works**

A project of archaeological works shall contain the following sections:

- a) an executive summary. An executive summary shall contain justification of the need of the execution of works and their compliance with the legislation of Georgia, as well as indicate types and scope of works. An executive summary shall contain:
  - a.a) the exact name of an archaeological object (if such exists);
  - a.b) its location and exact address;
  - a.c) if, depending on the scope of works and an archaeological object, the project envisages the study or rehabilitation of only a fragment of an object – the compliance of the works with the concept of the object study, rehabilitation and development (in the event of the presence of a conservation plan – also with the conservation plan);
  - a.d) indication that the conservation and re-cultivation, as well as placement and proper storage of archaeological objects and materials uncovered through planned works will be ensured;
  - a.e) a report on the anticipated results of the works;
- b) a layout plan of the area to be studied (scale 1:1500 and 1:500) with GPS coordinates;
- c) survey, including photo and visual recording materials of the area to be studied and properties located therein, in the event of preliminary exploratory work – the results of the exploratory work;
- d) tracing of historical, bibliographical and archival materials of the area to be studied with references to respective sources, namely museum and archival materials (historical maps and master plans, historical cadastre and building plans, photo materials showing the project area stored in

- archives and aerial photography if such exist), comparing of primary information obtained in the area to be studied with archival records;
- e) a project of organisation of works and a schedule thereof by showing sectors and sequence of works, in the event of a long (multi-year) expedition – indication of the interim and total duration of works.

### **Article 51. Types of Works and Archaeological Works to be Conducted in the Events of Emergency and the Composition of Project Documentation**

1. If a listed property or an archaeological object is endangered with an irrevocable damage or destruction by natural and external factors or force majeure and if, due to such circumstances, there is an urgent necessity for conducting archaeological works or studies or preventive conservation on a listed property, but a full package of project documentation cannot be prepared within the prescribed timeframe, a permit can be issued on the basis of an incomplete package of project documentation.
2. In the event of emergency defined in paragraph 1 of this article it is admissible to conduct only archaeological works or studies or preventive conservation. In such case, a package of project documentation shall contain the following sections:
  - a) an executive summary. An executive summary shall indicate an exact name of a listed property or an archaeological object (in the case of an immoveable listed property – the main place of storage), and in the event of the absence of an exact name of an archaeological object – the name of its location and exact address. An executive summary shall provide the justification of:
    - a.a) the urgent necessity of conducting works and impossibility of preparing a full package of project documentation under the existing circumstances;
    - a.b) type and scope of works conducted, technologies and methodology to be used and their compatibility with the requirements of the legislation of Georgia;
    - a.c) in the event of preventive conservation – tentative period of the effectiveness of preventive conservation. The types of following activities and tentative timeframes of their implementation;
  - b) detailed photo materials reflecting an object and the damages thereof;
  - c) in the case of an immoveable listed property – a layout plan of the area to be studied in an appropriate scale and with exact coordinates.
  - d) in the event of archaeological works – provision for the conservation and re-cultivation of archaeological objects and materials, their

- places and proper storage in appropriate depositories;
- e) a schedule of works (in the case of an archaeological object - by indicating sectors and sequence of works);
- f) report on the anticipated results of the works.

**Article 52. Submission of Reports on the Execution of Works by a Permit Holder and the State Control over the Fulfillment of Permit Conditions**

1. In the course of works, a permit seeker defined by the present Law shall submit an interim report of works, and after the completion of works a final report of works and grant access of the representatives of a permit issuing entity to inspect the works on site.
2. The decision on the periodicity of the submission of reports by a permit holder defined by the present Law shall be taken by the Ministry and it shall be indicated in a permit certificate.
3. A report on works shall cover issues relating to the progress of works, quality thereof, such circumstances or external factors created or uncovered that had not been envisaged under the project, as well as issues relating to cultural heritage or information associated therewith and objects uncovered or discovered in the course of works.
4. If rehabilitation works applicable to an immoveable listed property envisaged replacement or installation of engineering infrastructure, technological equipment and/or lines, the final report of works shall be supported by:
  - a) reports on the testing of lifts and escalators in public and residential buildings and structures, and in the case of industrial sites – reports on the testing of installed technological equipment and/or lines, approved by a relevant competent authority;
  - b) confirmation of linking to external infrastructure in conformity with project documentation;
5. Upon the completion of a respective phase of works, and on the basis of interim and final reports, the representatives of the Ministry shall produce a certificate of acceptance of the works conducted during a given phase, one copy of which shall be submitted to a permit holder as prescribed by the legislation of Georgia. A certificate shall indicate the compliance of the works conducted with project documentation.
6. A permit holder is obliged, when and if requested, to present a permit certificate and/or relevant project documentation to a controlling or supervising body designated by the legislation of Georgia within the shortest timeframe and allow the access to the site for inspection.
7. The permit conditions of works applicable to a listed property and archaeological works shall be deemed fulfilled only upon the imple-

- mentation of works envisaged by project documentation and complete fulfillment of conditions, and following the submission of reports determined by this article, after which an administrative legal act shall be issued by the Minister concerning the acceptance of works.
8. The acceptance of works may be rejected in the event of:
    - a) the failure to submit documents determined by this article;
    - b) impeding the inspection of the site by representatives of a permit issuing entity;
    - c) non-fulfillment of permit conditions, including non-compliance of the works conducted with the project documentation.
  9. A permit holder is responsible for fulfilling permit conditions, except the cases defined in paragraph 10 of this article.
  10. The responsibility for the violation of permit conditions related to professional activity as determined by Minister's orders on the Procedure of Conducting Works Applicable to a Listed Property and Archaeological Works and On the Approval of a Form of a Permit Certificate of Works Applicable to a Listed Property and Archaeological Works shall be borne by a culprit.

#### **Article 53. Revision of Permit Conditions for Works Applicable to a Listed Property and Archaeological Works**

1. If in the course of works on a listed property or an archaeological object on the basis of a permit determined by the present Law the necessity of making revisions to permit conditions (project documentation, timing of works and submission of reports, scope of works and/or other matters, which require the issuance of a new permit), a permit holder is obliged to apply to the Ministry with a request to revise permit conditions.
2. An application for the revision of permit conditions shall be supported by documents reflecting revisions.
3. Permit conditions shall be changed through a separate administrative legal act. If the revision of permit conditions requires the change of the data entered into a permit certificate, a new permit certificate shall be issued and an old one shall become void. In such case, no charges shall be applied to a new permit certificate.

#### **Article 54. Revocation of Permits for Works Applicable to a Cultural Heritage Listed Property and Archaeological Works, Responsibility for the Violation of Permit Conditions**

1. The implementation of works on a listed property by a person without mandatory qualification shall serve as grounds for fining a culprit, as



- well as revoking a permit envisaged the present Law.
2. Other grounds and procedure for the revocation of works applicable to a cultural heritage listed property and archaeological works shall be determined under Georgia's Law on Licensing and Permits.
  3. The responsibility for the violation of permit conditions by a holder of a permit for works applicable to a cultural heritage listed property or for archaeological works shall be determined under the legislation of Georgia.

#### **Article 55. Implementation of Archaeological Works Applicable to a Listed Property and Works without an Owner's (User's) Consent**

1. The Ministry or another state and local self-governing body is authorized to conduct rehabilitation, research or archaeological work on a listed property or an archaeological object or to commission these works to another entity without the consent of an owner (user) if:
  - a) there are grounds envisaged by paragraph 5 of article 30;
  - b) an archaeological object or a plot of land on which it is located is not in a state ownership or is transferred to another entity with a right of possession or use, and an owner (user) is against conducting rehabilitation, research or archaeological works and there are grounds envisaged by paragraph 1 of article 12 of the present Law.
2. An entity designated by paragraph 1 of this article is obliged to fully reimburse to the owner (user) the damages inflicted by works determined by paragraph 1b) of this article.
3. In the event of the presence of the circumstances envisaged by paragraph 1 of this article, the decision on conducting works without the consent of an owner (user) shall be taken by the court, on the basis of which the Ministry shall issue a relevant permit. The court shall consider an application within the timeframe established by the Civil Code of Practice of Georgia and in line with the established procedure. Court ruling shall be carried out immediately through the procedure of enforcing a decision. The costs incurred by the court for judicial procedure envisaged by paragraph 1b) of this article shall be reimbursed by a person seeking a permit for conducting works.
4. An application on granting the right of works shall be presented to the court. Apart from the information required by the legislation of Georgia, an application shall contain:
  - a) a reference to the varieties of works and the timeframes thereof;
  - b) justification of the necessity of conducting works and relevant circumstances;
  - c) in the event of the probability of inflicting damages on an owner

- (user) as determined by paragraph 1b) of this article – indication of the amount to be reimbursed and the payment period;
- d) in the event envisaged by paragraph 5 of article 30 of the present Law – indication of the amount spent on emergency rehabilitation of a listed property to be reimbursed by a listed property owner (user) to the implementer of works and the payment period;
5. Apart from the documents determined by the legislation of Georgia, an application shall also be supported with project documentation required by the present Law. If preliminary study is required for elaborating a project for rehabilitation (archaeological) works, an application shall be supported with a project of studies, the implementation of which shall be possible through an interim ruling of the court. The court shall establish to an interested party the timeframe for conducting a study and preparing a project for rehabilitation (archaeological) works, during which judicial procedure shall be suspended. In the event of the presence of objective circumstances, an interested party shall apply to the court with an application on the extension of the deadline. When presenting a project of rehabilitation (archaeological) works, also following the expiration of the established deadline the judicial procedure shall be resumed in accordance with the procedure prescribed by the legislation of Georgia. A project of works shall be agreed with the Ministry before its presentation to the court.
6. The court ruling on the implementation of works shall contain:
- a) a reference to the varieties of works, a respective project and the implementation thereof;
- b) in the event envisaged by paragraph 1b) of this article, when there is a probability of inflicting damage on an owner (user) – indication of the amount to be reimbursed and the payment period;
- c) in the event envisaged by paragraph 5 of article 30 of the present Law – indication of the amount expended by a listed property owner (user) for emergency works required for the implementation of works and the payment period.
7. If an archaeological object or a listed property requires urgent intervention (due to the impact of external factors, or if its irrevocable damage or destruction is expected before the court ruling), the court is authorized to issue an interim decision, on the basis of which the Ministry shall immediately issue a permit for works. In such case, the final ruling of the court shall indicate the damages inflicted due to works, the amount of compensation and the payment period.

## **CHAPTER X**

### **FINANCING CULTURAL HERITAGE PROTECTION**

#### **Article 56. Financing Cultural Heritage Protection**

1. Cultural heritage protection is financed:
  - a) from the state budget;
  - b) from the budgets of local self-government entities;
  - c) grants provided by international organisations;
  - d) donations;
  - e) dues and fees imposed on the infrastructure in cultural heritage rehabilitation area;
  - f) other sources not prohibited by the legislation of Georgia.

#### **Article 57. State Incentives**

1. The state establishes tax and other incentives in the field of cultural heritage protection.
2. Tax and other incentives in the field of cultural heritage protection are regulated by a respective legal act.

## **CHAPTER XI**

### **RESPONSIBILITY FOR VIOLATING THE LAW**

The responsibility for the violation of the present Law as well as the procedures of conducting archaeological works and works on a listed property is defined by the legislation of Georgia.

### TITLE III

## TRANSITIONAL AND FINAL PROVISIONS

#### **Article 59. Normative Acts to be Adopted (Issued) upon the Implementation of the Present Law**

1. The following normative acts shall be adopted (issued) in relation with the entry into force of the present Law:
  - a) Minister's Order on the Procedure of Conducting Archaeological Works and Works Applicable to a Listed Property;
  - b) Minister's Order on Approving Forms of Listed property Registration Documentation and Rules of their Filling;
  - c) Minister's Order on Approving Forms of Permit Certificates for Works Applicable to a Listed Property and Archaeological Works;
  - d) Minister's order on the Form and Procedure of Application of a Notation Board of an Immoveable Listed Property;
  - e) Minister's order on the Adoption of the Charter of the Cultural Heritage Protection Board;
  - f) Minister's order on the Adoption of the List of Properties of Intangible Cultural Heritage and the Form of a Register;
  - g) Minister's Order on the Approval of an Agreement to be Concluded between the Ministry and the Listed property Owner (Legal User) and the Type of Information to be Presented to the Ministry;
  - h) Decree of the President of Georgia on the Listed Properties of Public Interest and the Procedure of Ensuring the Public Access Thereto by an Owner (Legal User);
  - i) Resolution of the Government of Georgia on the Procedure of the Designation of Cultural Heritage Protection Zones;
  - j) Law of Georgia on Professional Certification in the Field of Cultural Heritage.
2. The Ministry of Culture, Monument Protection and Sport shall, in accordance with the present Law, ensure prior to 1 January 2010 the re-registration in the state register of listed properties and properties with listed property features inscribed before the entry into force of the present Law.
3. The legal acts concerning the inscription of cultural heritage listed properties on the state register of immoveable listed properties, granting a grade of national significance, the approval of the list of properties with listed property features and designation of protection zones of cultural heritage listed properties prior to the registration as required by the present Law shall be deemed as issued in compliance with the present Law.

## CHAPTER XIII

### **Article 60. Normative Acts Losing Validity upon the Entry into Force of the Present Law**

Upon the entry into force of the present Law, the Law On Cultural Heritage Protection dated 25 June 1999 (*Sakartvelos Sakanonmdablo Matsne*, #3 (40), 1999, article 167) shall lose validity.

### **Article 79 Entry into Force**

1. The present Law, except for paragraph 9 of article 47, paragraph 10 of article 52 and paragraph 1 of article 54 shall enter into force on the fifteenth day from its promulgation.
2. Paragraph 9 of article 47, paragraph 10 of article 52 and paragraph 1 of article 54 of the present Law shall become effective upon the entry into force of Georgia's Law on Professional Licensing in the Field of Cultural Heritage.

President of Georgia

Mikhail Saakashvili

Tbilisi

8 May 2007





