



The Law of Ukraine

On Protection of Cultural Heritage

(“Vidomosti of Verkhovna Rada” (VVR)*, 2000, N 39, page 333)

*(With changes introduced according to the Land Code of Ukraine
N 2768-III (2768-14) of October 25, 2001, VVR, 2002, N3-4 , page 27
- to come into force since 01.01.2002*

by the Laws of Ukraine

N2921-III (2921-14) of January 10, 2002, VVR 2002, N16, page 114

N 2245-IV (2245-15) of December 16, 2004, VVR, 2005, N 5 page 114

N 997-V (997-16) of April 27, 2007, VVR, 2007, N33 page 440)

The Law regulates legal, organizational, social and economic relations in the sphere of protection of cultural heritage for its saving, use of objects of cultural heritage in public life, protection of traditional nature of environment for the sake of present and future generations.

The objects of cultural heritage, which are located in the territory of Ukraine, are protected by the state.

The protection of objects of cultural heritage is among foreground tasks of state bodies and local government bodies.

(Preamble in Law version N 2245-IV (2245-15) of December 16, 2004)

Part I

GENERAL PROVISIONS

Article 1. Definitions

This Law contains such definitions:

Cultural heritage - system of objects of cultural heritage inherited by humanity from previous generations;

object of cultural heritage - a prominent place, a construction (creation), a complex (ensemble), their parts, related movable items, and also territories or water objects, other natural, natural-and-anthropological or created by people

* “Vidomosti of Verkhovna Rada” – the official bulletin of the Parliament of Ukraine

objects, irrespectively of safe keeping condition, that preserved until our time its values from archaeological, aesthetic, ethnological, historical, architectural, creative, scientific or art point of views and have saved their authenticity;

immovable object of cultural heritage - object of cultural heritage, which cant be removed to other place without loss of its value from archaeological, aesthetic, ethnological, historical, architectural, creative, scientific or art views and with preservation of its authenticity;

movable items, related to immovable objects of cultural heritage - elements, group of elements of objects of cultural heritage, which can be separated from it, but form the unified integrity with it, and separation of which would result in loss of archaeological, aesthetic, ethnological, historical, architectural, creative, scientific or cultural value of object;

monument - object of cultural heritage, which has been included to the State register of immovable monuments of Ukraine;

protection of cultural heritage - system of legal, organizational, financial, material and technical, city building, informational and other measures on registration (discovery, scientific research, classification, state registration), prevention of destruction or harm, providing of protection, preservation, keeping, appropriate usage, conservation, restoration, repair, rehabilitation, adoption of cultural heritage objects and musefication;

item of protection of object of cultural heritage - characteristic quality of object of cultural heritage, that constitutes its historical and cultural value, on basis of which this object is considered as monument;

monument protection zones (further-protection zones) - fixed around monument protection zone, building up regulation zone, zone of secured landscape, zone of protection of archaeological and cultural stratum, in the borders of which special regime of their usage is functioning;

historical settlement - populated locality, which has preserved entirely or partly its historical area and is included to the List of historical settlements of Ukraine;

historical area of settlement - part of settlement, which has preserved objects of cultural heritage and related housing estate planning and shape of building up, which come from the previous evolution periods, are typical for some cultures or evolution periods;

traditional character of surroundings - historically inherited appearance and three-dimensional configuration of historical settlement;

discovery of object of cultural heritage - system of scientific-and-research, prediscovery measures with the purpose of existence determination and cultural value of cultural heritage object;

exploration – scientific-and-research, scientific-and-practical activity, aimed at receiving new information about objects of cultural heritage, historical populated settlements, traditional character of surroundings, which is typical for some cultures or evolution periods;

conservation – system of scientifically argued measures, which enable the objects of cultural heritage protection from future ruin and secure preservation of their authenticity with minimal interference in their existent shape;

musefication – system of scientifically argued measures on brining objects of cultural heritage to conformity with condition, suitable for excursion visiting;

adaptation – system of scientific-and-research, design, exploration and manufacturing works on arrangement of conditions for present use of object of cultural heritage without changing qualities peculiar to it, which are the subject of protection of object of cultural heritage, including restoration of elements, which constitute historical and cultural value;

rehabilitation – system of scientifically argued measures concerning renovation of cultural and functional qualities of cultural heritage objects;

maintenance – system of design, research and manufacturing works, aimed at improvement of technical condition and keeping object of cultural heritage in conditions of operational requirements without changing qualities, which are the subject of protection of cultural heritage object;

restoration – system of scientifically argued measures concerning strengthening (conservation) of physical condition, disclosure of the most typical features, renovation of lost or damaged elements of objects of cultural heritage, securing their authenticity;

change of object of cultural heritage – actions, that result or may result in partial or total disappearance of item of protection of cultural heritage.

(Article 1 in Law version N 2245-IV (2245-15) of 16.12.2004)

Article 2. Classification of objects of cultural heritage

1. The objects of cultural heritage shall be classified (by types) into the following types:

constructions (works) – works of architectural and engineering art, works of monumental sculpture and monumental painting, archaeological objects, caves with existing evidence of human vital activity, buildings or their inside, that have preserved authentic evidence of remarkable historical events, life and activity of known persons;

complexes (ensembles) – topographically defined aggregates of separate or joint objects of cultural heritage;

remarkable places – zones or landscapes, natural-anthropogenic creations, that have brought to our time value from archaeological, aesthetic, ethnological, historical, architectural, creative, scientific or art views.

2. The objects of cultural heritage shall be classified (subdivide) (by kinds) into the following kinds:

archaeological – remains of human vital activity (immovable objects of cultural heritage: cities, mounds, remains of ancient settlements, areas, fortifications, military camps, manufactures, irrigation constructions, roads, burial grounds, religion places and religion constructions, their remains or ruins, megaliths, caves, rock paintings, lots of historical cultural layer, fields of ancient battles, as well as related movable items), which are situated under the earth surface and under water and are irrefutable source of information about origin and development of civilization;

historical – buildings, constructions, their complexes (ensembles), separate burials and necropolises, places of mass burials of the dead and the dead (lost) military personnel (including foreigners), that were lost in wars, because of deportation and political repressions in the territory of Ukraine, places of operations, places of ships wrecks, sea and river boats, including those with remains of military equipment, weapons, ammunition etc., remarkable places, connected with important historical events, with life and activity of famous persons, culture and way of life of nations;

monumental arts – works of fine arts: separate, as well as connected with architectural, archaeological or other monuments or with created by them complexes (ensembles);

objects of architecture and city-building - separate architectural constructions, and connected with them works of monumental, decorative and fine arts, which are characterized by signs of some culture, epoch, some styles, traditions or authors; scientific and natural complexes (ensembles), historical centers, streets, blocks, squares, remains of ancient planning and built-up area, which are bearer of some housing ideas;

objects of garden park arts – connection of park cultivation with natural or created by people landscapes;

landscapes – natural territories, which have the historical value;

objects of science and technology – unique industrial, manufacturing, research-and-production, engineering, engineering and transport, extracted objects, which determine the level of science and technology development of some epoch, some scientific schools or industrial branches. (Article 2 in Law version N 2245-IV (2245-15) of 16.12.2004)

Part II

MANAGEMENT OF PROTECTION OF CULTURAL HERITAGE

Article 3. Administration in the sphere of protection of cultural heritage

1. State management in the sphere of protection of cultural heritage shall be conducted by the Cabinet of Ministers of Ukraine and specially authorized cultural heritage protection bodies.

Specially authorized bodies for protection of cultural heritage (later – cultural heritage protection bodies) include:

central body of executive power in the sphere of cultural heritage protection;

cultural heritage protection body of the Council of Ministers of the Autonomous Republic of Crimea;

cultural heritage protection bodies of oblasts, Kyiv and Sevastopol city state administrations;

cultural heritage protection bodies of district state administrations;

cultural heritage protection bodies of local self-government.

2. On the territory of prohibited area and area of imperative removal, which underwent surface radioactive contamination in consequence of Chornobyl catastrophe, and in the conditions of appearance of other extraordinary situations of man-caused and natural character cultural heritage protection management is realized by Zone Administration and the central body of executive power responsible for the extraordinary situations issues and business of population protection from consequences of Chornobyl catastrophe according to the Law of Ukraine “About legal regime of the territory, which happened to be under radioactive pollution in consequence of Chornobyl catastrophe” (791a-12) and this Law.

3. The bodies of local self-government for protection of cultural heritage of settlements, included to the List of historical settlements of Ukraine, are created by the bodies of local self-government in agreement with the central body of executive power in the sphere of cultural heritage protection.

4. The body for protection of cultural heritage of the Council of Ministers of the Autonomous Republic of Crimea, the bodies for protection of cultural heritage of oblast, Kyiv and Sevastopol city, district state administrations are responsible to corresponding bodies of executive power and the central body of executive power in the sphere of cultural heritage protection in accordance with legislation.

5. The bodies of local self-government for protection of cultural heritage on the issues, stated in the subparagraph 5 of the paragraph “b”, the first part of the Article 31 and in the subparagraph 10 of the paragraph “b” of the Article 32 of the Law of Ukraine “On local government of Ukraine” (280/97-VR), are responsible to corresponding bodies of executive power.

6. Decisions (directions, permissions, instructions, resolutions) of the bodies of cultural heritage protection, adopted in the terms of their reference, are legally binding for juridical and natural persons.

7. Decisions (directions, permissions, instructions, resolutions) of the central body of executive power in the sphere of cultural heritage protection, adopted in the terms of its reference, are imperative for the bodies of cultural heritage protection.

8. Decisions of the bodies of cultural heritage protection, which conflict with the Constitution of Ukraine (254k/96-VR), other acts of legislation, decisions of the Constitutional Court of Ukraine and acts of ministries, other central bodies of executive power, can be canceled by the central body of executive power in the sphere of cultural heritage protection.

(Article 3 in Law version N 2245-IV (2245-15) of 16.12.2004)

Article 4. Terms of reference of Cabinet of Ministers of Ukraine in the sphere of cultural heritage protection

The Cabinet’s of Ministers of Ukraine terms of reference in the sphere of protection of cultural heritage cover:

realization of state policy;

realization of state control;

including of the objects of cultural heritage of national importance to the State register of immovable monuments of Ukraine and making alterations in it concerning monuments of national importance;

securing of monument registration nominations in the List of world heritage of relevant international institutions;

giving the permission for relocation, (removal) of the monument of national importance;

approval of the List of historical settlements of Ukraine and alterations made in it;

proclamation of ensembles and complexes of monuments the reserves or museum-reserves;

approval of rules and policy of monetary evaluation of monument.
(Article 4 in Law version N 2245-IV (2245-15) of 16.12.2004)

Article 5. Terms of reference of the central body of executive power in the sphere of cultural heritage protection

Terms of reference of the central body of executive power in the sphere of cultural heritage protection cover:

1) follow-up action of this Law, other cultural heritage protection legal documents;

2) implementation of state policy on cultural heritage protection;

3) working out, approval and agreement of legal documents, working out and agreement of state programs of cultural heritage protection;

4) keeping a record of State register of immovable monuments of Ukraine, coordination and follow-up of data recording of immovable objects of cultural heritage;

5) coordination of work of discovering, researching and documentation of cultural heritage objects, keeping a record of these objects list;

6) presenting proposals to the Cabinet of Ministers of Ukraine on including of objects of cultural heritage of national importance to the State register of immovable monuments of Ukraine and on introducing amendments into it concerning monuments of national importance;

- 7) including of objects of cultural heritage of local importance to the State register of immovable monuments of Ukraine and introducing amendments in it concerning monuments of local importance;
- 8) presenting proposals to the Cabinet of Ministers of Ukraine on relocation, (removal) of the monument of national importance;
- 9) giving the permission for relocation, (removal) of the monument of local importance;
- 10) providing access for juridical and natural persons to the information, that is contained in State register of immovable monuments of Ukraine;
- 11) presenting proposals to the Cabinet of Ministers of Ukraine on approval the List of historical settlements of Ukraine and on making alterations in it ;
- 12) proclamation topographically defined territories or water objects, which contain objects of cultural heritage or where their presence is possible, as protected archaeological territories;
- 13) securing of publication of State register of immovable monuments of Ukraine and introducing amendments in it;
- 14) defining the borders of national importance monuments territories and approval their protection zones, protected archaeological territories, historical areas of settlements;
- 15) approval of state norms and rules on cultural heritage protection, and concerning monuments of architecture and city-planning, – together with central body of executive power, responsible for house-building, city-planning and architecture;
- 16) monitoring of works on research, conservation, rehabilitation, restoration, maintenance, adaptation and musefication of monuments and other works on monuments. This authority can be delegated to other bodies of cultural heritage protection according to the Law;
- 17) establishment of the procedure of national importance monuments use, their territories, protection zones, protected archaeological territories, historical areas of settlements;
- 18) scientific-and-methodology management administration in the sphere of cultural heritage protection, approval of policy and rules of researching the objects of cultural heritage;

19) approval of programs and projects of city-planning, architectural and landscape transformations, building, amelioration, road, and land work on monuments of national importance, their territories, in protection zones, in protected archaeological territories, in historical areas of settlements, and also programs and projects, implementation of which can influence the objects of cultural heritage. This authority can be delegated to bodies of cultural heritage protection of lower level according to the Law;

20) setting of proper protection measures concerning monuments of national importance and their territories in case of the threat of their destruction or damage in consequence of natural factors or performed work;

21) prohibition of any activity of juridical or natural persons, which causes a threat to object of cultural heritage or breaks the legislation in the sphere of cultural heritage protection;

22) giving the permissions for work on monuments on national importance, their territories and in protected zones, in protected archaeological territories, in historical areas of settlements;

23) issuing directions and instructions concerning protection of monuments of national importance, break of work on these monuments, their territories and in protected zones, in protected archaeological territories, in historical areas of settlements, if this job is performed without programs and projects approved or coordinated with relevant cultural heritage protection bodies, without permissions provided for by this Law or with violation of them;

24) giving permissions for renewal of land work;

25) approval of disposition or transfer of national importance monuments by their owners or bodies, authorized by them, to other persons possession, use or management;

26) management of reserves, museum-reserves, which are of state property according to the Law;

27) approval of agreements for protection of national importance monuments;

28) approval of projects for allocation and providing with land areas, including those, which are of agriculture needs, assent of change of land owner or land user in the territory of monuments and their protection zones, in the protected archeological territories, in the historical settlements areas. This authority can be delegated to the cultural heritage protection bodies of lower level according to the Law;

29) approval of rules for installation and maintenance of protection plaques, protection signs, other information inscriptions, markings on monuments or in the borders of their territories, approval of their samples;

30) administration of financial penalties for violation of this Law;

31) composition and investment of state order, entering with this purpose into a contracts on discovering, research, conservation, restoration, rehabilitation, musefication, maintenance, adaptation of monuments and other measures on cultural heritage protection;

32) exercise of other authority according to the Law.
(Article 5 in Law version N 2245-IV (2245-15) of 16.12.2004)

Article 6. Terms of reference of other bodies of cultural heritage protection

1. Terms of reference of Autonomous Republic of Crimea, cultural heritage protection bodies of oblasts, Kyiv, Sebastopol city state administrations according to their authority cover:

- 1) follow-up action of this Law, other cultural heritage protection legal documents;
- 2) presenting proposals to the central body of executive power in the sphere of cultural heritage protection on including of objects of cultural heritage to the State register of immovable monuments of Ukraine and on making alterations in it;
- 3) providing access for juridical and natural persons to the information, that is contained in extracts from State register of immovable monuments of Ukraine, and providing with other information concerning programs and projects of any alterations in monuments protection zones and historical areas of settlements;
- 4) defining the borders of local importance monuments territories and approval their protection zones;
- 5) establishment of the procedure of local importance monuments use, their territories, protection zones;
- 6) securing cultural heritage objects against the threat of devastation, destruction or damage;
- 7) management of production and composition of scientific documentation with description and fixation of culture heritage objects and their transfer

to the central body of executive power in the sphere of cultural heritage protection, and in the case of receiving permission for their removal (relocation), – extraction of components from them, which constitute cultural value, with the purpose of safe keeping;

- 8) management of working out and assent of appropriate cultural heritage protection programs;
- 9) approval of certain programs and projects of city building, architecture and landscape transformations, construction, amelioration, roads and land work (digging), realization of which may influence the state of local importance monuments, their territories and protection zones, and fulfillment of other authority, delegated by the central body of executive power in the sphere of cultural heritage protection according to the Law;
- 10) approval of projects for allocation and providing with land areas, including those, which are of agriculture needs, assent of change of land owner or land user in the frame of authority delegated by the central body of executive power in the sphere of cultural heritage protection;
- 11) administration of costumers duty, entering with this purpose into a contracts on discovering, research, conservation, restoration, rehabilitation, musefication, maintenance, adaptation of cultural heritage objects and other measures on cultural heritage protection;
- 12) setting of proper protection measures concerning monuments of local importance and their territories in case of the threat of their destruction or damage in consequence of natural factors or any performed work;
- 13) giving the permissions for work on monuments on local importance (except archeology monuments), their territories and in protected zones, registration of permissions for archaeological exploring, diggings;
- 14) issuing of directions and instructions concerning protection of monuments of local importance, break of work on monuments, their territories and in protected zones, if this job is performed without programs and projects, approved or coordinated with relevant cultural heritage protection body, without permissions provided for by this Law or with violation of them;
- 15) giving relevant permissions for renewal of land work (digging);
- 16) approval of disposition or transfer of local importance monuments by their owners or bodies, authorized by them, to other persons possession, use or management;

- 17) making monuments protection contracts;
- 18) management of reserves, museum-reserves, which are of state and municipal property according to the Law;
- 19) presenting proposals to the central body of executive power in the sphere of cultural heritage protection on including of certain territory into the List of historical settlements of Ukraine;
- 20) administration of financial penalties for violation of this Law;
- 21) legislative administration of production, installation and maintenance of protection plaques, protection signs, other information inscriptions, markings on monuments or in the borders of their territories;
- 22) informing of central body of executive power in the sphere of cultural heritage protection about damage, destruction, threat or possible threat of damage, destruction of monuments, which are located in their territories. This authority can be delegated to the state district administration bodies of cultural heritage protection, cultural heritage protection bodies of local government in accordance with assent of central body of executive power in the sphere of cultural heritage protection and according to the Law;
- 23) administration of other authority according to the Law.

2. Terms of reference of district administration bodies of cultural heritage protection, cultural heritage protection bodies of local government according to their authority cover:

- 1) securing of implementation of this Law, other cultural heritage protection legal documents in the appropriate territory;
- 2) presenting proposals to the cultural heritage protection body of higher level on including of objects of cultural heritage to the State register of immovable monuments of Ukraine and on introducing amendments in it and on including appropriate territory to the List of historical settlements of Ukraine;
- 3) providing access for juridical and natural persons to the information, that is contained in extracts from State register of immovable monuments of Ukraine, and providing with information concerning programs and projects of any alterations in monuments protection zones and historical areas of settlements;

- 4) securing of the procedure of local importance monuments use, their territories, protection zones;
- 5) securing cultural heritage objects against the threat of devastation, destruction or damage;
- 6) management of working out of appropriate cultural heritage protection programs;
- 7) providing with conclusions concerning appropriate programs and projects of city building, architecture and landscape transformations, construction, amelioration, roads and land work (digging), on local importance monuments and their protection zones, in protected archeology territories, historical areas of settlements, and also concerning programs and projects, realization of which may influence the state of cultural heritage objects;
- 8) management of proper protection measures concerning monuments of local importance and their territories in case of the threat of their destruction or damage in consequence of natural factors or any performed work;
- 9) issuing of directions and instructions concerning protection of monuments of local importance, break of work on these monuments, their territories and in protected zones, if this job is performed without programs and projects, approved or coordinated with relevant cultural heritage protection body, without permissions provided for by this Law or with violation of them;
- 10) providing with conclusions concerning disposition or transfer of local importance monuments by their owners or bodies, authorized by them, to other persons possession, use or management;
- 11) entering into protection contracts in the frame of authority, delegated by cultural heritage protection body of higher level according to the Law;
- 12) legislative administration of production, installation and maintenance of protection plaques, protection signs, other information inscriptions, markings on monuments or in the borders of their territories;
- 13) preparation of proposals and projects of directions concerning the work on conservation, restoration, rehabilitation, musefication, maintenance and adaptation of cultural heritage objects, appropriate

use of monuments and presenting these proposals for consideration by relevant body of executive power;

- 14) popularization of the cause of cultural heritage protection in the relevant territory, management of scientific-and-methodological, exposition-and-exhibition work and publishing activities in this sphere;
- 15) administration of costumers duty, entering with this purpose into a contracts on discovering, research, conservation, restoration, rehabilitation, musefication, maintenance, adaptation of cultural heritage objects and other measures on cultural heritage protection;
- 16) preparation of proposals for programs of socio-economic development of relevant territory and for projects of local budget and their presentation for consideration by appropriate body of executive power;
- 17) providing with conclusions concerning allocation of land areas, including those, which are of agriculture needs, assent of change of land owner, land user in the frame of authority defined by the higher body of cultural heritage protection;
- 18) informing of cultural heritage protection bodies of higher level about damage, destruction, threat or possible threat of damage, destruction of monuments, which are located in their territories;
- 19) participation in management of training, retraining, raising the level of skill of employees in the sphere of cultural heritage protection;
- 20) management of research of cultural heritage objects which require salvage operations;
- 21) administration of financial penalties for violation of this Law;
- 22) administration of other authority according to the Law.

3. Heads of oblast, Kyiv and Sebastopol cities district state administrations and heads of villages, towns and cities designate chiefs of relevant bodies of cultural heritage protection and discharge them from the office in accordance with assent of cultural heritage protection body of higher level according to the Law.

(Article 6 in Law version N 2245-IV (2245-15) of 16.12.2004)

Article 7. Scientific-and-methodological councils, advisory councils on cultural heritage protection

1. For consideration of scientific recommendations and proposals concerning main directions of development of cultural heritage protection, main programs and projects on cultural heritage protection discussions central body of executive power in the sphere of cultural heritage protection, body of cultural heritage protection of Council of ministers of Autonomous Republic of Crimea establish scientific-and-methodological councils from among leading scientists and careerists-and-experts.

Composition of scientific and methodological councils and regulations on them is approved by the central body of executive power in the sphere of cultural heritage protection and body of cultural heritage protection of Autonomous Republic of Crimea respectively. Expenses for the work of these councils will be covered by above mentioned bodies of cultural heritage protection.

2. For agreed solving of issues concerning cultural heritage protection in the territories of oblasts, Kyiv and Sebastopol cities, other settlements cultural heritage protection bodies of oblasts Kyiv and Sebastopol cities, district state administrations may establish advisory councils from among leading scientists and highly skilled careerists-and-experts.

Advisory councils function according to standard regulations, which are approved by the central body of executive power in the sphere of cultural heritage protection.

Composition of advisory council is approved by the head of corresponding cultural heritage protection body. Expenses for the work of these councils will be covered by above mentioned bodies of cultural heritage protection.

Article 8. Participation of careerists and population in cultural heritage protection

1. Cultural heritage protection bodies may involve work careerists, experienced in cultural heritage protection sphere, according to their consent and citizens as public supervisors for monitoring the state of preservation and use of monuments, their territories and protection zones, protected archaeological territories, historical areas of settlements.

2. Cultural heritage protection bodies may award involved careerists and citizens as public supervisors, and compensate their expenses, connected with performance of missions on cultural heritage protection at the expense of funds, allocated for financing cultural heritage protection according to the procedure, approved by the central body of executive power in the sphere of cultural heritage protection.

Article 9. Access to cultural heritage objects

Right of absolute access to cultural heritage objects aimed at inspection, comprehension of the state of preservation, type and way of use, restoration job, receiving of appropriate data, scientific study have the persons authorized for above mentioned by the cultural heritage protection bodies.

Owner of cultural heritage object or body, authorized by him, person, which has got the rights of possession, use or management, performer of restoration job have to give access to cultural heritage objects and their territory to persons, authorized by cultural heritage protection bodies for performing their duties.

Article 10. Cultural heritage protection activity promotion of bodies of executive power and bodies of local governing

Bodies of executive power and bodies of local governing promote:

activity of Ukrainian society of history and cultural monuments protection, other public, scientific-and-research, design organizations, institutions and enterprises of different forms of property concerning cultural heritage protection;

producers of building materials and products, specialized organizations (trade shops) and workshops concerning the job on monuments maintenance, restoration, rehabilitation;

training of cultural heritage protection professionals.

Article 11. Participation of enterprises, institutions of science, education and culture, public organizations, citizens in cultural heritage protection

Enterprises of all forms of property, institutions of science, education and culture, public organizations, citizens assist cultural heritage protection bodies in their work on cultural heritage protection, may take under their patronage the objects of cultural heritage for securing their protection, co-operate with the state in administration the measures on cultural heritage objects protection and propagation of knowledge about them, take part in popularization of cultural heritage among the population, promote familiarization of children and youth with it, involve citizen in cultural heritage protection.

Ukrainian society of history and cultural monuments protection promotes involving of wide sections of the population into participation in cultural heritage protection, realizes popularization of cultural heritage and legislation on its protection, public control of its preservation, use, conservation, restoration, rehabilitation, musefication and maintenance, promote the work of cultural heritage protection bodies.

Independent groups of experts on the initiative of citizens associations of cultural heritage protection bodies as well as other bodies of executive power and local governing bodies may make an examination on cultural heritage protection issues at their own expenses or on a voluntary basis.

Conclusions of the examination may be taken into account by the bodies of executive power and bodies of local governing while taking appropriate decisions according to the Law.

(Article 11 in Law version N 2245-IV (2245-15) of 16.12.2004)

Article 12. Excursion visiting of monuments

Cultural heritage protection bodies provide as far as possible free access to the monuments for their excursion visiting, if they are considered as fit for this. Owner of the monument or body, authorized by him, person, which has got the rights of possession, use or management are obliged to arrange such access with the consent of cultural heritage bodies. The procedure of the access is defined by protection contracts.

Part III

STATE REGISTRATION OF CULTURAL HERITAGE OBJECTS

Article 13. State Register of immovable monuments of Ukraine

1. Cultural heritage objects regardless of their forms of property according to their archaeological, aesthetic, ethnological, historical, creative, scientific or art value are to be registered by including to the State register of immovable monuments of Ukraine (Register) according to categories of national and local importance monuments. Cabinet of Ministers of Ukraine establishes the procedure of category defining. After inclusion to the Register the object and all its component parts gain the status of monument.

(Part I Article 13 as amended and added by the Law N 2245-IV (2245-15) of 16.12.2004)

2. Objects, which are modern copies of existing monuments or construction (creations), created according to ancient projects or scientific reconstructions, including replicated copies, are not the subject to state registration.

Article 14. Inclusion of cultural heritage object to the Register and introducing amendments into it

1. Inclusion of cultural heritage object to the Register and introducing amendments into it (exclusion from the Register, changing of monument category) are made according to category of monument:

a) monuments of national importance - by the regulation of Cabinet of Ministers of Ukraine at the submission of central body of executive power in the sphere of cultural heritage protection;

b) monuments of local importance – by the decision of central body of executive power in the sphere of cultural heritage protection at the submission of appropriate bodies of executive power or at the submission of Ukrainian society of history and culture monuments protection, other public organizations, charter assignments of which contain the issues of cultural heritage protection, during one month since the day of receiving the submission.

2. Object of cultural heritage, including that one, which is just discovered, up to the moment of taking decision concerning its inclusion to the Register is to be protected according to requirements of this Law, about what appropriate cultural heritage protection body informs the owner of the object or body, authorized by him in written form.

Central body of executive power in the sphere of cultural heritage protection establishes procedure of cultural heritage objects discovering.

3. Central body of executive power in the sphere of cultural heritage protection issues certificate of culture heritage object registration as monument to owner of monument or to the body, authorized by him. This authority can be delegated to other bodies of cultural heritage protection according to the Law.

4. Central body of executive power in the sphere of cultural heritage protection issues extracts from the Register to the body of cultural heritage protection of the Council of Ministers of the Autonomous Republic of Crimea, to the bodies of cultural heritage protection of oblasts, Kyiv and Sevastopol city, district state administrations, to the bodies of cultural heritage protection of local government concerning monuments situated in their territories.

(Article 14 in Law version N 2245-IV (2245-15) of 16.12.2004)

Article 15. Exclusion of monument from the Register

Exclusion of monument from the Register is realized only in the case:

if monument is destroyed;

if monument of archaeology, which is not discovered in overground volumetric forms, researched at the whole area and through absolute depth of culture layer, and at the same time objects of cultural heritage, which are to be conserved or museficated at its place and to be in use later on, are not discovered;

if monument has lost the subject of protection.
(Article 15 in Law version N 2245-IV (2245-15) of 16.12.2004)

Article 16. Informing about the objects of cultural heritage, included to the Register

1. Informing about the objects of cultural heritage, included to the Register, is realized in the way of:

publishing of the Register and amendments introduced into it;

installation of protection plaques, protection signs, other information inscriptions, markings on monuments or in the borders of their territories irrespectively of the property forms.

2. Central body of executive power in the sphere of cultural heritage protection secure the publishing of the Register and amendments introduced into it in the specialized periodical.

Part IV

CHARACTERISTICS OF MONUMENTS OWNERSHIP RIGHT REALIZATION

Article 17. Subjects of monuments ownership right

Monument, except a monument of archaeology, may be of state, municipal or private property. Subjects of monument ownership right are determined according to the Law.

All monuments of archaeology, also those, which are situated under the water, including movable objects, connected with them, are the state property. Such movable objects are to be included to the state part of Museum fund of Ukraine, are to be registered and to be preserved in accordance with procedure, established by the legislation.

The right of ownership for treasures, considered as a monument, is determined in an order set by the Civil Code of Ukraine (435-15).

(Article 17 is complimented according to the Law N 997-V (997-16) of 27.04.2007)

Category of monument, date and number of the decision about its state registration are necessarily fixed in the document, which confirms monument ownership right.

Lands, on which monuments are situated, are of the state property or to be withdrawn (purchased) into the state property in accordance with procedure,

established by the Law, except the lands, on which the monuments of archaeology – fields of ancient battles are situated.

(Article 17 in Law version N 2245-IV (2245-15) of 16.12.2004)

Article 18. Ownership right realization concerning cultural heritage objects, which are monuments

1. Cultural heritage objects, which are monuments (except monuments, expropriation or assignment of which are limited by the legislation acts of Ukraine) may be expropriated, and also assigned by the owner or by the body, authorized by him to other juridical or natural person for possession, use or management on the understanding that there is an approval of appropriate body of cultural heritage protection.

(Paragraph I of part I, Article 18 with amendments introduced according to the Law N2245-IV (2245-15) of 16.12.2004)

The procedure of approvals is determined by the central body of executive power in the sphere of cultural heritage protection.

The list of monuments, privatization of which is forbidden, is approved by Verhovna Rada (parliament) of Ukraine.

The national importance monument of state or municipal property, which needs to have special procedure of protection, may be assigned for use with approval of the central body of executive power in the sphere of cultural heritage protection.

2. Person, which has got the right of possession, use or management of monument, except lessee of state or municipal flat (house), is forbidden to assign the monument to other person for possession, use or management.

Article 19. Pecuniary valuation of monument

Each monument has pecuniary value, which is calculated in monetary unit of Ukraine. Monuments are the subject to pecuniary valuation according to norms and methods, approved by Cabinet of Ministers of Ukraine.

Article 20. Monuments first option

1. In the case of sale of monument (except the monument, which is not to be privatized) owner or body, authorized by him should inform appropriate body of cultural heritage protection about that with marked price and other terms of sale.

(Part I of Article 20 in Law version N2245-IV (2245-15) of 16.12.2004)

2. Central body of executive power in the sphere of cultural heritage protection has the right of first option concerning monument of national importance. The body of cultural heritage protection of the Council of Ministers of the Autonomous Republic of Crimea, the bodies of cultural heritage protection of oblasts, Kyiv and Sevastopol city, district state administrations and the bodies of cultural heritage protection of local government have the right of first option concerning monument of local importance. In the case of refusal to realize this right or absence of its realization during one month since the day of notification receiving, owner or body, authorized by him has the right to sale the monument. (*Paragraph I of part II, Article 20 in Law version N2245-IV (2245-15) of 16.12.2004*)

Monuments first option is not used, when the buyers of private property monument are children, wife and parents or, when they absent, - brothers, sisters and also grandparents from the side of father as well as from the side of mother and nephews and nieces of the seller.

Article 21. Compulsory expropriation or redemption of monuments

1. If monument is under the threat of damage or destruction in a result of activity or inactivity of its owner the state body of cultural heritage protection gives appropriate notice to the owner of the monument.

2. If the owner of monument does not take the measures to save it, in particular, in view of impossibility of creation required conditions, the court may pass a resolution about redemption of monument according to a suit of the state body of cultural heritage protection.

3. In the case of absolute necessity to secure the safe keeping conditions of monument, the suit about its redemption may be brought without a caution.

4. Redeemed monument passes into the ownership of the state.

The price of a redemption is determined by the agreement of the sides, and in the case of disagreement, - by the court.

(*Article 21 in the Law version N 997-V (997-16) of 27.04.2007*)

Part V

SECURING OF MONUMENTS PROTECTION

Article 22. Prohibition of demolition, change, substitution of monuments and their removal (relocation) procedure

Demolition, change, substitution removal (relocation) of Monuments, their parts, movable and immovable property related to them to other places is forbidden.

Removal (relocation) of monument to other place is admitted as an exception in the cases of impossibility to save the monument on its place provided that complex of scientific research on study and fixation of the monument (taking measurements, photo fixation etc.) would be realized.

Financing all the measures on study, fixation, removal (relocation) of monuments, which are the subject to removal (relocation) according to this Law, is realized at the expense of customer of the job, which caused the necessity of removal (relocation) of monuments. If the necessity of removal (relocation) of monuments is caused by force majeure, study and fixation of monument is realized at the expense of the state budget of Ukraine.

(Article 22 in the Law version N 2245-IV (2245-15) of 16.12.2004)

Article 23. Protection contracts

All the owners of the monuments and their components or the bodies authorized by them, irrespectively of the monuments property forms, should conclude the protection contract with appropriate body of cultural heritage protection.

The procedure of protection contracts conclusion and their standard forms are approved by the Cabinet of Ministers of Ukraine.

The absence of protection contract does not dispense the person from obligations, envisaged by this Law.

Article 24. Safe keeping and use of monuments

1. The owner or body authorized by him, user should maintain the monument in a proper condition, repair in good time, protect from damage, destruction, demolition according to this Law and protection contract.

2. The use of monument should be realized according to usage modes, determined by cultural heritage protection bodies, in a way, that requires the least changes and supplements of the monument and secures the preservation of its authenticity, spacial composition, and also elements of equipment, arrangement, decoration etc.

Usage modes of monuments are determined by:

central body of executive power in the sphere of cultural heritage protection concerning the monuments of national importance;

body of cultural heritage protection of the Council of ministers of Autonomous Republic of Crimea, cultural heritage protection bodies of oblasts, Kyiv and Sebastopol city state administrations concerning the monuments of local importance. (Paragraph four of part two of article 24 with supplements, introduced in accordance with the Law N 2245-IV (2245-15) of 16.12.2004)

3. It is forbidden to change the function of a monument, its components, to make inscription, marks on it its territory and in its protection zone without permission of appropriate cultural heritage protection body. (Part 3 of Article 24 in the Law version N2245-IV (2245-15) of 16.12.2004)

4. In case of threat for preservation of monument its owner or body authorized by him, a person which has got the right of possession, use or management are obliged to inform promptly about this cultural heritage protection body of oblasts, Kyiv and Sebastopol cities, district state administrations and the body of local government on the territory of which a monument is located.

5. Placement of advertisement on the monuments of national importance in the protection zones of these monuments, historical areas of settlements is allowed with approval of central body of executive power in the sphere of cultural heritage protection. This authority can be delegated to other cultural heritage protection bodies according to the Law.

Placement of advertisement on the monuments of local importance, in the borders of protection zones of these monuments is allowed with approval of cultural heritage protection body of the Council of ministers of Autonomous Republic of Crimea or cultural heritage protection bodies of oblasts, Kyiv and Sebastopol city state administrations. This authority can be delegated to cultural heritage protection bodies of lower level according to the Law.

(Part 5 of Article 24 in the Law version N 2245-IV (2245-15) of 16.12.2004)

Article 25. Granting the objects of cultural heritage, which are monuments, in use of juridical and natural persons

1. Granting the objects of cultural heritage, which are monuments, in use of juridical and natural persons with scientific, cultural and educational, tourist and other purposes, is realized by appropriate cultural heritage protection bodies on the terms determined by them.

2. Juridical and natural persons, in the use of which are the monuments, are responsible for their preservation and are obliged to observe the requirements of cultural heritage protection bodies.

3. Juridical and natural persons should secure the preservation of the monuments at the lands, which they use and conclude protection contracts with cultural heritage protection bodies.

Article 26. Conservation, restoration, rehabilitation, musefication, maintenance and adaptation of monuments

1. Conservation, restoration, rehabilitation, musefication, maintenance and adaptation of national importance monuments are realized only in the presence of written permission of central body of executive power in the sphere of cultural heritage protection according to scientific and design documentation approved by it.

Conservation, restoration, rehabilitation, musefication, maintenance and adaptation of local importance monuments are realized in the presence of written permission of cultural heritage protection body of the Council of ministers of Autonomous Republic of Crimea, cultural heritage protection bodies of oblasts, Kyiv and Sebastopol city state administrations, according to their terms of reference, on the base of scientific and design documentation approved by them.

2. Working out the projects and realization of job on conservation, restoration, rehabilitation, musefication, maintenance and adaptation of monuments is realized in the presence of license in designer and performer of the job, issued according to the procedure determined by the Law. Working out of the projects precedes the conducting of necessary scientific and research works, including archaeological and geological.

3. Works on cultural heritage objects preservation are conducted according to restoration norms and rules, approved by the central body of executive power in the sphere of cultural heritage protection. Construction norms and rules are used in case of conducting the job on preservation of cultural heritage object only in cases, which do not contradict the interests of preservation of this object.

(Article 26 in the Law version N2245-IV (2245-15) of 16.12.2004)

Article 27. Securing the measures on the protection of monuments

1. In case of threat of damage distraction or demolition of monument, the owner or body authorized by him, person, which has got the right of possession, use or management are obliged to bring this monument to the proper condition (to change the kind or way of its use, to conduct the job on its conservation, restoration, rehabilitation, musefication, maintenance and adaptation).

2. If the owner or body authorized by him, person, which has got the right of possession, use or management, do not realize the measures envisaged by the

part 1 of this Article, appropriate body of cultural heritage protection may oblige them to realize these measures, having issued appropriate direction.

3. In case if the owner or body authorized by him, person, which has got the right of possession, use or management, are unable to realize the direction of the cultural heritage protection body concerning protection of monument, cultural heritage protection body may take necessary measures by its own (fully or partly), having financed them at the expense of special funds for the financing of cultural heritage protection.

Article 28. Requirements of fireproof, sanitary, ecological protection and other interested bodies

Requirements of fireproof, sanitary, ecological protection and other interested bodies concerning the conditions of maintenance and use of monuments cannot cause changes of monuments and should not worsen their esthetic, historical, creative, scientific or art value.

Article 29. Responsibilities of natural and juridical persons, activity of which may have negative impact to the monuments condition

Natural or juridical person, activity of which negatively influence the monuments condition (creates the threat of demolition, distraction, damage, disfigurement of monument), are obliged to take measures, approved by the appropriate cultural heritage protection body, to prevent such threat and to maintain monument in proper condition at their own expenses.

Article 30. Prohibition of the activity, which causes the threat to the monuments

Cultural heritage protection bodies are obliged to prohibit any activity of juridical or natural persons, which causes the threat to monument or violates the legislation, state standards, norms and rules in the sphere of cultural heritage protection.

Instructions of cultural heritage protection bodies are obligatory for realization by all juridical and natural persons.

Bodies of local government, in the territory of which cultural heritage bodies are not established, are obliged to prohibit any activity of juridical and natural persons, that causes a threat to monument, to inform promptly appropriate cultural heritage protection body of local body of executive power about this.

Bodies of local government are obliged to inform appropriate bodies of cultural heritage protection about inactivity of the owner or body authorized by

him, person, which has got the right of possession, use or management, which causes the threat to monument.

Part VI

PROTECTION OF TRADITIONAL CHARACTER OF ENVIRONMENT AND CULTURAL HERITAGE OBJECTS

Article 31. Protected archaeological territories

1. Topographically determined territories or water objects, in which objects of cultural heritage are located or their presence is possible, may be proclaimed as protected archaeological territories for the limited or unlimited period by the decision of central body of executive power in the sphere of cultural heritage protection according to the submission of appropriate body of cultural heritage protection and according to the procedure, determined by the Cabinet of Ministers of Ukraine.

(Paragraph 1 of part 1 of Article 31 in the Law version N 2245-IV (2245-15) of 16.12.2004)

Legal regime of protected archaeological territory is determined by the central body of executive power in the sphere of cultural heritage protection.

2. (Paragraph 1 of Part 2 of Article 31 is excluded according to the Law N 2245-IV (2245-15) of 16.12.2004)

Information which concerns the objects of cultural heritage of such territories or water objects, may be recognized as confidential by the central body of executive power in the sphere of cultural heritage protection. Persons, which have access to such information, in connection with performing their service duties, are obliged to save its confidentiality.

Article 32. Protection zones of monuments, historic areas of settlements

1. With the purpose of protection of traditional character of environment of some monuments, complexes (ensembles), protection zones of monuments: buffer zones, regulation zones of building up, protected landscapes zones, archaeological cultural stratum protection zones, should be fixed around them.

Borders and modes of use of buffer zones of monuments are determined by appropriate scientific and design documentation and are to be approved by appropriate body of cultural heritage protection.

The procedure of determination and approval of the bodies and the modes of use of monuments protection zones and introducing supplements to them is

determined by the central body of executive power in the sphere of cultural heritage protection.

(Part 1 of Article 32 in the Law version N 2245-IV (2245-15) of 16.12.2004)

2. With the purpose of protection of traditional character of environment of settlements they are to be included into the List of Historical Settlements of Ukraine.

The Register of Historical Settlements of Ukraine is to be approved by the Cabinet of Ministers of Ukraine according to the submission of central body of executive power in the sphere of cultural heritage protection.

Borders and modes of use of historical areas of settlements, limitation of agricultural activity in the territories of historical areas of settlements are determined according to the procedure approved by the Cabinet of Ministers of Ukraine, appropriate scientific and design documentation, which is approved by the central body of executive power in the sphere of cultural heritage protection or cultural heritage protection bodies authorized by it.

3. City building, architectural or landscape transformations, construction, amelioration, road, land job in the protected archaeological territories, in the bodies of protection monuments zones, historical areas of settlements, included to the Register of Historical Settlements of Ukraine, are forbidden without permission of appropriate body of cultural heritage protection.

(Part 3 of Article 32 in the Law version N 2245-IV (2245-15) of 16.12.2004)

Article 33. Preserves

Ensembles and complexes of monuments, which constitute exceptional archaeological, esthetic, ethnographical, historical, creative, scientific or art value, may be proclaimed by the decision of the Cabinet of Ministers of Ukraine as State historical and cultural (historical and architectural, architectural and historical, historical and monument, historical and archaeological, historical and ethnographical) preserves or museums-preserves, protection of which is realized according to this Law and other laws.

The procedure of creation of historical and cultural preserves and museums-preserves as well as standard provisions about them are to be approved by the Cabinet of Ministers of Ukraine.

(Article 33 in the Law version N 2245-IV (2245-15) of 16.12.2004)

Article 34. Status of territories, related to the cultural heritage protection

Territories of monuments, buffer zones, preserves, museums-preserves, protected archaeological territories belong to the lands of historical and cultural

function, are to be included to the state land cadastres, plans of land use, drafts of land planning, other design and planning and city building documentation.

(Part 1 of Article 34 with supplements, introduced due to the Law N 2245-IV (2245-15) of 16.12.2004)

Fixation of buffer zones of monuments and approval of borders of historical areas of settlements can not be the argument for the compulsory withdrawal from the grounds possession (use) of juridical and natural persons, on terms of observance of the rules of use of historical function lands by the land owners and land users.

Article 35. Licenses for conducting archaeological explorations, diggings, other land job

1. Conducting archaeological explorations, diggings, other land job in the territory of monument, protected archaeological territory, in buffer zones, in historical areas of settlements and also research of remains of human life activity, which are located under the earth surface, under the water, are conducted according to license of the central body of executive power in the sphere of cultural heritage protection, that is issued for the performer of the job – natural person, and on the terms of registration of this license in the proper cultural heritage protection body.

Licenses for conducting archaeological explorations, diggings are issued on the terms of observance of the cultural heritage protection requirements by the job performer and on the terms of his possession of necessary qualification document, issued by the qualification council. The procedure of license issuing is determined by the Cabinet of Ministers of Ukraine.

Qualification documents are issued by qualification council – independent body, formed of board, responsible for professional level of job performer. The procedure of composing and activity of qualification council is approved by the Cabinet of Ministers of Ukraine. Appropriate experts of scientific institutions, higher educational institutions, public organizations form the composition of qualification council.

Licenses for conducting land (underwater) job in the territory of battle places, places of battleships destructions, sea and river vessels, places of burial of dead and dead (lost) military, servicemen (including foreigners), which were killed in the wars in the consequence of deportation and political repressions at the territory of Ukraine, are issued according to programs, approved by appropriate cultural heritage protection body.

2. Performer of archaeological explorations, diggings is obliged:

to secure preservation of discovered objects of cultural heritage during the research;

in due time to present a report on the research to the bodies, which issued license and qualification document;

to pass all the founded during the research subjects, connected with immovable objects of cultural heritage (anthropogenic, anthropologic, paleozoologic, paleobotanic and other objects, which have cultural value), for permanent preservation to the institution, determined in the license for including to the state part of museum reserves of Ukraine;

to pass field documentation and report on conducted job to archive subdivision of state scientific institution, according to the procedure, determined by the legislation;

to secure proper conservation of cultural heritage objects, which have cultural value, ordering the territory after the completion of job and in case of necessity – to take part in the preparation of mentioned objects for exposure, and connected with them materials – for their state registration as monuments.

3. Appropriate cultural heritage protection body may appoint its authorized representatives for supervision over archaeological diggings. Performer of archaeological diggings is obliged to promote the supervision over diggings by representatives of cultural heritage protection bodies.

4. Use of metal sensors or any other search equipment or appropriate technology at the objects of cultural heritage is allowed only in presence of license for their use and is the subject to registration in appropriate cultural heritage protection body.

5. Land owner or user (including lessee) in the borders of monument territory, protected archaeological territory, buffer zones, in historical areas of settlements, according to the direction of cultural heritage protection body is obliged not to prevent to job performer, which has the license for conducting archaeological explorations, diggings at this lot of land.

Owner or user (including lessee) of land lot, in which archaeological explorations, diggings are conducted, has the right for the total compensation of the received damage, in connection with conduction of such job.

(Article 35 in the Law version N 2245-IV (2245-15) of 16.12.2004)

Article 36. Suspense of land job in case of discovering or finds of archaeological or historical quality

1. If during the conducting of any land job archaeological or historical finds are discovered, the performer of job is obliged to stop their further conducting and during 24 hours to inform about this appropriate cultural heritage protection body and body of local government in the territory of which land job is conducted.

2. Land job may be renewed only according the written permission of appropriate cultural heritage protection body after completing of archaeological research of appropriate territory.

Article 37. Cultural heritage objects protection

Construction, amelioration, road and other job, which may cause destruction, demolition or damage of cultural heritage objects is conducted only after the completed research of these objects at the expense of customers of mentioned job.

Just discovered cultural heritage objects until the solving the issue of their registration as monuments are to be protected according to the requirements of this Law and are to be included into the List of cultural heritage objects approved by the decision of appropriate cultural heritage protection body.

(Part 2 of Article 37 in the Law version N 2245-IV (2245-15) of 16.12.2004)

With purpose of archaeological objects protection, including those which may be discovered, granting of land lots is realized according to the approval of appropriate cultural heritage protection bodies due to the Law.

(Part 3 of Article 37 in the Law version N 2245-IV (2245-15) of 16.12.2004)

Part VII

FINANCING OF CULTURAL HERITAGE PROTECTION

Article 38. Sources of cultural heritage protection financing

Financing of cultural heritage protection is realized at the expense of main and special funds of State budget of Ukraine, budget of Autonomous Republic of Crimea, local budgets.

Sources of financing of measures in the sphere of cultural heritage protection, may be money of the owners of monuments or bodies authorized by them, or persons, which has got the right of possession, use or management of monument, money of job customers, envisaged by Article 22 and 37 of this Law, charitable contributions, including foreign currency, for cultural heritage protection and other sources not forbidden by the existing legislation.

Article 39. Financial duties of subjects of monuments ownership right

Owner of monument or body authorized by him, person which has got the right of its possession, use or management, secures preservation, maintenance in proper condition, conservation, restoration, rehabilitation, musefication and repair of monument at his own expense if other is not envisaged by appropriate contract or law.

Article 40. Special resources for financing of cultural heritage protection

1. Special resources for financing of cultural heritage protection are the resources of special funds of State budget of Ukraine, budget of Autonomous Republic of Crimea, local budgets. The procedure of forming and use of this resources is determined by the Law of Ukraine about State budget of Ukraine for the corresponding year and by the Supreme Council of Autonomous Republic of Crimea and by the village, town and city councils.

2. Money, received from advertisement taxation (from placement of external and internal advertisement at monuments and in the borders of their buffer zones), and also from the collection of taxation for the right of use of local symbology, connected with monuments, are used only for financing of cultural heritage protection according to local budgets, approved in accordance with established procedure.

(Part 2 of Article 40 in the Law version N 2245-IV (2245-15) of 16.12.2004)

3. Money for financing of cultural heritage protection are not the subject for withdrawal.

4. Cultural heritage protection bodies are the administrators of the special resources for financing of cultural heritage protection.

Article 41. Use of special resources for financing of cultural heritage protection

1. Special resources for financing of cultural heritage protection may be used for:

conservation, restoration, rehabilitation, musefication restoration, rehabilitation, musefication, maintenance, preservation, defending, registration, protection, popularization of cultural heritage objects;

scientific research in the sphere of cultural heritage protection;

working out and realization or assistance in working out and realization of programs and projects on cultural heritage protection;

maintenance of documentation, automatic information system of databank concerning the objects of cultural heritage;

measures on spreading the information about cultural heritage protection;

training, improving the qualification and retraining of personal in the sphere of cultural heritage protection;

assistance to citizens associations, national minorities in cultural heritage protection;

international cooperation in the sphere of cultural heritage protection;

other measures on cultural heritage protection, which do not contradict existing legislation.

2. It is forbidden to spent money, allocated for financing of cultural heritage protection, for mediation in the realization of measures in the sphere of cultural heritage protection and construction (creation) of new buildings, constructions (creations).

(Part 2 of Article 41 in the Law version N 2245-IV (2245-15) of 16.12.2004)

Article 42. Privileged taxation in the sphere of cultural heritage protection

The State is realizing privileged taxation in the sphere of cultural heritage protection.

Part VIII

RESPONSIBILITY FOR VIOLATION OF CULTURAL HERITAGE PROTECTION LEGISLATION

Article 43. Responsibility for damage, destruction or demolition of monuments

1. Illegal actions (damage, destruction, demolition), done by natural person, which caused essential changes of monuments, their territories, protected archaeological territories, and also their parts, entail criminal responsibility according to the Law.

2. Unauthorized renewal of land job or their continuation after discovering of finds of archaeological quality entails criminal responsibility according to the Law.

Article 44. Responsibility of juridical persons for violation of cultural heritage protection legislation

Appropriate cultural heritage protection body imposes on juridical person, which is an owner or body, authorized by him, or customer of the job, following financial penalties:

for conducting any illegal job, which may damage or damaged monument, its territory, protected archaeological territory, buffer zones, historical areas of settlements, - at the rate from one thousand to ten thousand free of tax minimal incomes of citizens;

for non-observance the requirements on protection, preservation, maintenance, use, restoration, rehabilitation of monuments including those requirements, which envisaged by protection contracts, deliberate reduction to the condition of destruction - at the rate from one thousand to ten thousand free of tax minimal incomes of citizens;

for non-presenting, out-of-date presenting or presenting manifestly inadequate information about objects of cultural heritage, discovered in the process of land, road, amelioration and any other job - at the rate from one hundred to one thousand free of tax minimal incomes of citizens.

The decision of cultural heritage protection body on enforcement of financial penalties may be appealed to the court.

Financial penalties, enforced by cultural heritage protection body are to be seized in accordance with the procedure, established by the Law.

(Article 44 in the Law version N 2245-IV (2245-15) of 16.12.2004)

Article 45. Procedure of financial penalties enforcement for violation of cultural heritage protection legislation

Financial penalties, envisaged by the Article 44 of this Law are to be imposed by the head and deputy heads of central body of executive power in the sphere of cultural heritage protection by the head and deputy heads of cultural heritage protection body of the Council of ministers of Autonomous Republic of Crimea, by the head of cultural heritage protection body of oblasts, Kyiv and Sebastopol city, district state administrations, by the head of cultural heritage protection body of local government after the consideration of documents, which prove the fact of criminal violation.

Person, authorized by the cultural heritage protection body, draws up a statement of the criminal violation, mentioned in Article 44 of this Law. Head of juridical person, concerning of which the statement has been drawn, during three days since receiving of the statement may present written explanations to it. The statement together with other documents, related to the case, during ten days

period since the moment of the statement drawing are to be sent to the official, which has the right to impose financial penalties.

The decision on financial penalties imposing is to be made during ten days after receiving of documents, mentioned in part 2 of this Article. The decision on financial penalties imposing is to be drawn up in the form of resolution, which are to be sent to juridical person on which financial penalties are imposed.

Money, received as the penalties, envisaged by the Article 44 of this Law, are to be included to the special fund of appropriate budget.
(Article 45 with amendments, added in accordance with Law N 2921-III (2921-14) of 10.01. 2002, in the Law version N 2245-IV (2245-15) of 16.12.2004)

Article 46. Administrative responsibility for non-compliance with the legal requirements of the officials of cultural heritage bodies and for violations of requirements of this Law

1. For non-compliance with the legal directions or instructions other legal requirements of the officials of cultural heritage bodies on elimination of violation of cultural heritage protection legislation, and also escaping of protection contracts conclusion, for changing of the way of monument use, conducting of repair, restoration or rehabilitation job at the monument, archaeological explorations, diggings, at the territory of monument, protected archaeological territory in buffer zones of monuments, historical areas of settlements, at the cultural heritage objects, committed without appropriate permission of cultural heritage protection body, if these actions do not entail criminal responsibility, guilty persons are to be called to administrative responsibility according to the Law.

2. *(Part 2 of Article 46 is excluded according to the Law N 2245-IV (2245-15) of 16.12.2004)*

3. *(Part 3 of Article 46 is excluded according to the Law N 2245-IV (2245-15) of 16.12.2004)*

4. Legal cases procedure concerning administrative violations is realized according to the Code of Ukraine about administrative violations.

Article 47. Damage compensation

1. Enforcement of financial penalties, administrative fines or criminal sanction does not free the guilty person from obligation to compensate the damage, inflicted to the owner of monument or to the body, authorized by him, to the person, which has got the right of possession, use or management of monument, protected archaeological territory.

2. Damage, inflicted to the owner of monument or to the body, authorized by him, to the person, which has got the right of possession, use or management of monument, protected archaeological territory, are to be compensated according to the Law.

3. Juridical and natural persons, which inflicted a damage to monuments, their territories (by unlawful constructing inclusively), should renew monuments and their territories, and if renewal is impossible – compensate the damage according to the Law.

Part IX

INTERNATIONAL TREATIES IN THE SPHERE OF CULTURAL HERITAGE PROTECTION

Article 48. International treaties

If the international treaty, approval for mandatory enforcement of which has been given by Verhovna Rada of Ukraine, determines other rules, than those, which are provided by the cultural heritage protection legislation of Ukraine, the rules of the international treaty of Ukraine are used.

Article 49. Submission on the inclusion of monuments to the List of world heritage

Submission on the inclusion of monuments to the List of world heritage is performed by Cabinet of Ministers of Ukraine according to the recommendation of central body of executive power in the sphere of cultural heritage protection and Ukrainian national committee of the International Council on Monuments and Sites.

Part X

FINAL PROVISIONS

1. This Law shall come into force since the day of its publication, except items 2-4 of paragraph 4, part X, which shall come into force since 1 January 2001.

2. Cabinet of Ministers of Ukraine during six months since the day of taking effect by this Law:

to submit to Verhovna Rada of Ukraine its proposals concerning the bringing the laws of Ukraine in correspondence with the Law of Ukraine “On protection of cultural heritage”;

to work out and to bring its legal acts in correspondence with this Law;

according to the terms of reference to provide adoption of legal acts, provided by this Law;

to provide the revision and cancellation by the ministries and other central bodies of executive power of Ukraine their legal acts, which contradict this Law.

3. Objects, included to the lists (enumerations) of monuments of history and culture according to the Law of Ukrainian SSR “About protection and use of monuments of history and culture”, are recognized as monuments according to this Law.

4. To introduce following amendments into some legislative acts of Ukraine:

(Sub-item

1) of item 4 of Part X becomes invalid since 01.01.2002 according to the Code N 2768-III (2768-14) of 25.10.2001) 1) part 9 of Article 34 of Land Code of Ukraine (561-12) (Vidomosti of Verhovna Rada of Ukraine, 1992, N 25, page 354) after words “by sanitary bodies” to add words “by cultural heritage protection body”;

2) in the Law of Ukraine “About taxation system” (1251-12) (Vidomosti of Verhovna Rada of Ukraine, 1991, N 39, page 510; 1997, N 16, page 119):

to part 2 of Article 15 to add item 15 of the following content:

“15) excursion-tourist collection”;

in the part 3 of Article 15 words “which is established” to replace by the words “and excursion-tourist collection, which are established”;

3) in the Law of Ukraine “About income taxation of enterprises” (334/94-BP) (Vidomosti of Verhovna Rada of Ukraine, 1997, N 27, page 181):

to item 5.2 of Article 5 to add sub-item 5.2.13 of the following content:

“5.2.13. Money or the price of property, transferred (passed) free to the institutions of science, education, culture, preserves, museum-preserves and also non-profitable institutions and organizations in cases, determined by the item 7.11 of Article 7 of this Law, but not more than 10% of taxable income of privies accounting period for the special use with the purpose of cultural heritage protection”;

to paragraph “b” of sub-item 7.11.1 of item 7.11 of Article 7 to add the words “by preserves, museum-preserves”;

to item 7.13 of Article 7 to add sub-item 7.13.4 of the following content:

“7.13.4. ...is taxed at the rate of 50% of existing tax rate on income of taxpayers, incomes from conducting scientific-and-research and restoration job in the sphere of cultural heritage protection”;

4) in the Decree of Cabinet Ministers of Ukraine of May 20 1993 N 56-93 “About local taxes and collections” (56-93) (*Vidomosti of Verhovna Rada of Ukraine, 1993, N 30, page 336, N 32, page 340; 1995, N 30, page 229*):

to Article 1 to add paragraph of the following content:

“excursion-tourist collection”;

to add to the Decree Article 17-2 of the following content:

“**Article 17-2.** Excursion-tourist collection

Payers of excursion-tourist collection are the subjects of tourist activity, which use monuments with the purpose of their excursion visiting.

Maximum rate of excursion-tourist collection should not exceed 10% of income of subjects of tourist activity”.

5. To recognize as those, which became invalid:

The Law of Ukrainian SSR “About protection and use of monuments of history and culture” (3600-09) (*Vidomosti of Verhovna Rada of USSR, 1978, N 30, page 426; 1984, N 7, page 145*);

Decree of Verhovna Rada of Ukrainian SSR of 13 July 1978 “About the procedure of consummation of the Law of Ukrainian SSR “About protection and use of monuments of history and culture”” (3601-09) (*Vidomosti of Verhovna Rada of USSR, 1978, N 30, page 427*).

President of Ukraine
Kyiv
June 8, 2000
N 1805-III

L. KUCHMA