



REPUBLIC OF LITHUANIA

LAW

ON THE AMENDMENT OF THE LAW ON CONSTRUCTION

19 March 1996 No. I-1240

Vilnius

(as amended 8 November 2001 No. IX-583)

Article 1. Revised Version of the Law of the Republic of Lithuania on Construction

The Law of the Republic of Lithuania on Construction shall be amended to read as follows:



” REPUBLIC OF LITHUANIA

LAW

ON CONSTRUCTION

SECTION ONE GENERAL PROVISIONS

SECTION ONE GENERAL PROVISIONS

Article 1. The Purpose and Scope of the Law

Article 1. The Purpose and Scope of the Law

1. This Law shall establish the essential requirements for all construction works which are being built, reconstructed and repaired in the Republic of

Lithuania, the procedure for technical regulation of construction, construction investigation, design of construction works, construction, reconstruction, repair of new construction works, acceptance of them as fit for use, demolition of such construction works, as well as the procedure of supervision over the above activities, the principles of activities of the participants in the construction, public administration entities, owners (or users) of engineering and utility networks and traffic routes, other legal and natural persons in this field.

2. This Law shall not apply when establishing:

- 1) requirements for construction works designated for the use of natural resources (as defined in the Underground Law), with the exception for the requirements established in paragraph 1 of Article 4 of this Law;
- 2) requirements regarding archaeological and immovable cultural heritage properties investigation as laid down in the Law on Protection of Immovable Cultural Properties, with the exception of the requirements established in paragraph 1 of Article 4 and paragraph 1 of Article 13 of this Law.

Article 2. Main Definitions Used in this Law

Article 2. Main Definitions Used in this Law

1. “Architecture of a construction works” means a form of internal space and the outside of a construction works as a work of art, arrangement of parts of a construction works, an artistic expression their forms and interrelation of all elements of a construction works.

2. “Construction works” means everything that results from construction operations using construction products and is steadily fixed to the ground. Such shall include buildings (dwelling, industrial, commercial, office, health care, educational, recreational, agricultural buildings and others) and engineering works or mixed-type construction works (buildings attached to engineering works), annexes, superstructures and their parts, constructions of equipment, technological engineering systems and engineering systems of a construction work. The definition “steadily fixed to the ground” shall mean that structures constructions of a construction works are embedded in the ground (bottom of seas, lakes, rivers or other water bodies) or lean on the ground (bottom of water bodies).

3. “Construction works of exceptional significance” means a construction works in which dangerous substances are used or stored (not exceeding the set

limits of their amount); a construction works in which potentially dangerous equipment are situated or potentially dangerous works are performed; a construction works of complex structure and complex technologies (according to features of complexity and technical parameters set by normative technical construction documents); a building used for public needs in which more than 100 people are present at a time; immovable cultural heritage properties. A list of construction works assigned to the category of construction works of exceptional significance shall be approved by an institution authorised by the Government.

4. "Temporary construction works" means a construction works intended to be used not longer than 3 years, produced made in a factory or made of assembled structures which may be disassembled or carried somewhere else and which is without foundations, but leans on the ground: a kiosk, a street trading, entertainment or exhibition pavilion, an exhibition showpiece, tent coating or pneumatic cover, a trailer, a container, a various-purpose platform with an artificial cover, a construction works intended for needs of builders, researchers or purposes of other limited activities. A temporary construction works and the rights to it shall not be recorded in the real property register;

5. "Incomplete construction works" means a construction works which, because of incomplete construction operations, cannot be used for its proper purpose and is recognised as being fit for use.

6. "Simple construction works" means a building of simple structures, the sum total of areas of all storeys, basement (semi-basement), superstructures, attic of which and areas of the annexes related by the purpose of use, calculated within the outside surfaces of the outside walls shall not exceed 80 m²; an engineering works of simple structures. Characteristics and technical parameters of simple constructions of a building and an engineering works shall be established by normative technical construction documents.

7. "Building" means a construction works with the roof which contains one or more rooms or other premises, situated within the walls and partitions and used for living or agricultural, commercial, cultural, transportation and other activities.

8. "Public building" means a hotel or other establishment providing short-term accommodation; an office building; a building used for retail or wholesale trade; an airport, railway, bus station building; a building used for public performances; a building of an educational or health and care institution; a building for public worship and other religious activities.

9. "Engineering works" means traffic routes, engineering and utility networks, canals, as well as all other construction works which are not buildings.

10. "Engineering and utility networks" means public or local water, sewage, heat, gas, oil or other fuel, technology pipelines, electricity-supply, energy and distance communication (telecommunication) lines together with their supply sources and equipment laid within the construction plot of a construction works (except the inside of the construction works) and outside its boundaries.

11. "Traffic routes" means places of traffic of the transport of all kinds (biotransport, railway, road, sea, air, internal waters, electric traction) and pedestrians (roads, streets).

12. "Immovable cultural heritage properties" means construction works which are of importance for the public because of their cultural value and protected in accordance with the procedure established by the Law on Protection of Immovable Cultural Properties.

13. "Construction" means activities the purpose of which is to construct (assemble, lay) a new construction works, reconstruct or repair the existing construction works. This definition shall also include construction operations pertaining to the maintenance of immovable cultural heritage properties or construction of construction works on their territory.

14. "Management of construction of a construction works" means a type of organisation of construction of a construction works when construction and works of other main spheres of technical construction activities related to the construction are organised by a manager of construction of a construction works on the basis of a contract of agency between the principal - builder (client) and the agent - manager of construction of a construction works.

15. "Construction operations" means all operations carried out when building or demolishing a construction works (land digging, plastering, concrete work, installation work, foundations and roof erection, joinery work, exterior and interior finish, setting in motion and adjustment of equipment). Construction operations shall be divided into general works (earthworks, building and installation works of structures) and special works (other construction operations). Types of special works shall be established in normative technical construction documents.

16. "Self-dependent construction" means a type of organising construction when construction operations are carried out and a construction works, fit for use, is created at builder's (client's) own risk, without concluding a

contract, using the builder's (client's) manpower, construction products, equipment owned by the builder (client).

17. "Construction of a new construction works" means a type of construction the purpose of which is to build a new construction works (to lay new engineering and utility networks, traffic routes) on a construction plot which locates or does not locate construction works; to build an overground or underground annex of an existing construction works without taking into consideration whether they are or are not related by their purpose (except construction of annexes which is identified as the reconstruction of a construction works according to paragraph 18 of this Article); to rebuild the former construction works (which has fallen down, has been destroyed, has been torn down); to restore the immovable cultural heritage property which has fallen down, has been destroyed or has been lost.

18. "Reconstruction of a construction works" means a type of construction with the aim to change essentially the existing construction works, to create its new quality: to build new storeys (superstructures) or demolish a part of the existing storeys (without exceeding dimensions of the land area occupied by the construction works, except the case of an annex indicated in this paragraph); to attach to the construction works (or to build it between the neighbouring construction works) an annex - an accessory building (which is related to the construction works it is attached to according to the purpose of use), the sum of the areas of all storeys, as well as the basement (semi-basement), superstructures, the attic of which would not exceed 10 per cent the sum of the areas of the construction works, calculated in the same manner; to essentially change the look of the facades of a construction works (by changing exterior finish - its structures, materials, by installing new structure elements - balconies, doors, windows, architectural details, by changing their dimensions, the type, arrangement or removing them); to replace any load-bearing structures (to remove unnecessary ones) with structures of a different type; to change essentially a plan of premises of a building by rearranging load-bearing structures; to carry out thermoinsulation works of walls, roof of a construction works; to do major repairs of a construction works, specified in paragraph 20 of this Article, if such repairs are done together with the reconstruction of a construction works; to remodel joint engineering systems of a construction works by changing their type, output; to reconstruct technological equipment and technological engineering systems, engineering and utility networks and traffic routes as it is laid down in normative documents pertaining to the safety and purpose of a construction works; to adapt a construction works to a new purpose when the requirements for a new purpose of a construction works, set by normative technical construction documents and normative documents pertaining to the safety and purpose of a construction works are stricter than those set for the former

purpose and when such requirements cannot be met when doing simple or major repairs.

19. "Repair of a construction works" means a type of construction aimed at partly or totally restoring the properties of a construction works or a part thereof set by normative technical construction documents, which have got worse because of the exploitation of a construction works, or at improving the said properties. Repairs of a construction works shall be divided into major and simple repairs of a construction works.

20. "Major repairs of a construction works" means repairs of a construction works when: worn load-bearing structures of a construction works (except load-bearing walls, carcass and foundations which are only reinforced) are replaced with load-bearing structures which have the same or durable and better properties of use, or the existing load-bearing structures are reinforced; the look of the facades of a construction works are partly changed (by changing a part of facade elements or by installing new additional elements – balconies, doors, windows, architectural details, by replacing worn exterior finish of a construction works with exterior finish of the same or different type); replacing worn joint engineering systems of a construction works or their parts with the systems (elements) of the same type without exceeding their output; installing separate engineering systems of a construction works; doing major repairs of technological equipment and technological engineering systems, engineering and utility networks and traffic routes specified in normative documents pertaining to the safety and purpose of a construction works.

21. "Simple repairs of a construction works" means repairs of a construction works when: repairs of internal and external structures of a construction works and other elements of a construction works – by eliminating defects of such elements without changing and reinforcing load-bearing structures of the construction works, but changing and reinforcing other structures and elements of the construction works; changing the location of partitions; slightly changing the facade of a construction works (exterior finish is renewed, loggias, balconies of separate apartments of the residential house are glazed in, windows, doors, extraction vents of apartments or other premises are changed without changing the dimensions of each of them more than 10 per cent), replacing separate engineering systems of the construction works (their types, output) or eliminating their defects; eliminating defects of joint engineering systems of the construction works – by replacing separate worn elements of these systems, but without changing their type or output; repairing parts of joint engineering systems of a construction works, which are intended only for apartments or other premises, by rearranging, changing such parts of the systems essentially or partially, but not changing communal-use elements of joint engineering systems of the construction works which are

located in apartments or other premises; doing simple repairs of technological equipment and technological systems, engineering and utility networks and traffic routes specified in normative documents pertaining to the safety and purpose of a construction works.

22. “Construction operations pertaining to maintenance of immovable cultural heritage properties” means maintenance of immovable cultural heritage properties: accident prevention operations, repair, conservation, adaptation, restoration or reconstruction as defined in the Law on Protection on Immovable Cultural Properties.

23. “Construction site” means a location where building of a construction works is undertaken (territory the limits whereof are set in the design documentation of a construction works, taking into consideration the ongoing construction operations, which may or may not coincide with the limits of a construction plot). If the limits of a construction site and the limits of a construction plot do not coincide, a plot of land which is not owned by the builder (client) or is not owned and used on other grounds set laws of the Republic of Lithuania and the limits of which are established by the agreement between the builder (client) and the owner of such plot of land (or a person who disposes of land); a construction works – when all construction operations are carried out inside the construction works.

24. “Construction plot” means a fixed-limit plot of land of a targeted purpose of land use (part of the territory), where construction operations are carried out.

25. “Improvement of a construction plot” means formation of plot terrain (lowering, heightening, levelling), laying of engineering and utility networks and traffic routes of the plot, installing of playgrounds or other sites, erecting of fences, planting.

26. “Construction investigation” means engineering geodetic investigations, engineering geological, geotechnical and other researches of a construction plot (or, when necessary, of adjoining territories), of plots of engineering and utility networks (which have to be laid or which already exist and are under construction) as well as of traffic routes (courses) which are established in the set of design conditions for a construction works; environmental, hygiene, archaeological researches; when the existing construction works is being reconstructed or repaired or when a new construction works is attached to the existing construction works (building it close to such construction works) – researches of existing and adjacent construction works which may be influenced by planned construction operations; observations of the settlement and deformation of the existing buildings.

27. "Design documentation of a construction works" means a set of documents, the composition of which are established by normative technical construction documents, which contain solutions of a construction works conceived by the builder (client) (text, parts of a design documentation, calculations, drawings) and are intended for legalisation and carrying-out of construction of a construction works.

28. "Design of a construction works" means architectural engineering activities with the aim to prepare a design documentation of a construction works.

29. "Management of design of a construction works" means a type of organisation of design of a construction works when design and works of the main fields of other technical construction activities, related to the design, are organised by a design manager on the basis of a contract of agency between the principal - builder (client) and the agent - design manager.

30. "Mandatory documents related to the preparation of a design documentation of a construction works" means physical planning documents (in the cases provided for by the Law on Territorial Planning), documents confirming the right of ownership or other rights to the land (construction plot); design proposals (if prepared); the set of design conditions for a construction works, a task of design of a construction works, documents pertaining to investigations of a construction works and a construction plot.

31. "Design proposals" means a preliminary design the purpose of which is to express the idea of architectural and other main solutions of a construction works being designed, and which is presented as material for a competition to choose a designer and may be used for the preparation of design conditions.

32. "Design conditions for a construction works" means mandatory requirements if they are not set or specified comprehensively in physical planning documents: to lay public and local engineering and utility networks, to connect to them engineering systems of a construction works and technological engineering systems, as well as engineering and utility networks of a construction plot; to lay traffic routes, to connect to them traffic routes of a construction plot; the municipal mayor (the municipal administrator or another employee of the municipal administration, authorised by the municipal mayor) shall set urban development requirements for architecture of a construction works and improvement of a construction plot, which are in compliance with the requirements (regulations) for improvement or safety of a construction plot (or the territory) established in physical planning documents, taking into consideration the purpose of a construction works, a specific location of the construction and the immediate areas

surrounding it, protection of legitimate rights of the third parties, related to construction of a construction works; requirements for reconstruction of communal-use premises in a multi-family apartment house and changing of the purpose of domestic premises; documents of the assessment of an impact of planned economic activities on the environment (in the cases provided for in the Law on the Assessment of an Impact of Planned Economic Activities on the Environment); requirements for the use of natural resources set by an environmental protection institution (in the event when the assessment of an impact of planned economic activities is not mandatory, but such institution's permission to use natural resources is necessary upon the completion of construction); regulations (or provisional regulations) on the protection of immovable cultural heritage properties, approved by an authorised institution responsible for the protection of immovable cultural heritage properties, as defined in the Law on Immovable Cultural Properties; regulations (or provisional regulations) on protected territories, approved by an institution authorised by the Government, as defined in the Law on Protected Territories; other requirements established by law.

33. "Set of design conditions for a construction works" means a general document of terms and conditions, laid down in paragraph 32 of this Article and approved for a specific construction works by the municipal mayor (a municipal administrator or another employee of the municipal administration).

34. "Approval of a design documentation of a construction works" means consent to a prepared design documentation of a construction works in the form of a regulative document - when a builder (client) is a legal person of Lithuania or a foreign state, or by marking the design documentation of a construction works with the word "approved" and signing it - when a builder (client) is a natural person of Lithuania or a foreign state. In both cases main technical and economic indexes of a construction works as well as environmental and landscape requirements shall be specified.

35. "Expert examination of a design documentation of a construction works" means evaluation of implementation in the design documentation of a construction works of the essential requirements for a construction work, indicated in paragraph 1 of Article 4 of this Law, as well as the requirements of other laws and legal acts, normative technical construction documents and mandatory documents related to the preparation of a design documentation of a construction works.

36. "Expert examination of a construction works" means evaluation of a technical condition of the existing construction works or a construction works under construction with the aim to establish whether the construction works satisfies the essential requirements of a construction works, specified in paragraph 1 of Article 4 of this Law.

37. "Supervision of the implementation of a design documentation of a construction works" means supervision of construction organised by the builder (client) and carried out by the designer, the purpose of which is to control that a construction works would be built in compliance with a design documentation of a construction works and that architecture of the construction works, created in the design documentation, would be implemented. Supervision of the implementation of a part of the design documentation of a construction works shall be a part of supervision of the implementation of the design documentation of a construction works.

38. "Technical supervision of construction of a construction works" means supervision of the construction of a construction works organised by the builder (client) (from the beginning of construction of a construction works to the acceptance of the construction works as fit for use), the purpose of which is to control if construction is carried out in compliance with the design documentation of a construction works, the requirements of the contract (when the construction is carried out by contracting), laws, other legal acts, normative technical construction documents, normative documents related to the safety and purpose of a construction works.

39. "State supervision of construction" means state supervision of design, construction, its acceptance as fit for use, from the beginning of construction to the acceptance of a construction works as fit for use, as well as supervision of the demolition of a construction works.

40. "Standard quality of a construction works" means quality of a design documentation of a construction works, construction operations and a built construction works which meets the requirements set by normative technical construction documents and normative documents related to the safety and purpose of a construction works.

41. "Builder (Client)" means a natural or legal person of Lithuania or a foreign state who invests funds into construction and performs at the same time functions of a builder (client) (or transfers such functions to any other natural or legal person).

42. "Investigator" means an enterprise registered in the Republic of Lithuania the regulations of which provide for activities related to investigations (researches) of a certain field, or a natural person to whom this or other laws grant the right to carry out construction or other construction-related investigations (researches).

43. "Designer of a construction works" means an enterprise, natural person

or other entities, preparing a design documentation of a construction works, who are specified in paragraphs 1 and 2 of Article 14 of this Law.

44. "Head of design of a construction works" means a natural person (specialist who has a construction, architecture degree or another university degree in engineering) who, while representing the interests of the builder (client), organises, in a manner prescribed by normative technical construction documents, preparation of a design documentation of a construction works, co-ordinates solutions of the parts of a design documentation of a construction works and activities of heads of the parts of a design documentation of a construction works, supervises and is responsible for the implementation in a design documentation of a construction works of the requirements of laws, other legal acts, normative technical construction documents and normative documents related to the safety and purpose of a construction works, mandatory documents related to the preparation of a design documentation.

45. "Architect of a construction works" means an author, designer of a construction works as a work of architecture, a natural person (specialist who has a university degree in architecture), who independently creates architecture of a construction works, is a person preparing an architectural part of a construction works and the head of such part, works with a patent or in a design enterprise; a team of natural persons (who have a university degree in architecture) of a design enterprise which is headed by the head of an architectural part of a design documentation of a construction works.

46. "Designer of the design documentation of a construction works" means a natural person (specialist having a construction, architecture degree or another university degree in engineering) who solely prepares a design documentation of a construction works, is its manager, or a team of a designer and natural persons (specialists) of a design enterprise, headed by a head of design of a construction works, which consists of an architect of a construction works, heads and specialists of the parts of a design documentation of a construction works, subordinate to him.

47. "Designer of a constituent part of the design documentation of a construction works" means a specialist (natural person having a construction, architecture degree or a university degree in other technical sciences) who solely prepares a constituent part of the design documentation of a construction works and is its manager, or a team of specialists headed by the head of a part of the design documentation of a construction works.

48. "Manager of design of a construction works" means an enterprise acting as an agent of the principal – the builder (client) who manages design of a construction works, organises works related to other main spheres of technical

construction activities, which are done by natural or legal persons hired by him.

49. "Contractor of construction of a construction works" (hereinafter referred to as the "contractor") means an enterprise, natural person or other entities specified in paragraphs 1 and 2 of Article 15 of this Law.

50. "Head of construction of a construction works" means a natural person (specialist having a construction, architecture degree or another university degree in engineering) who, representing the contractor (when construction is carry out by contracting) or the builder (client) (in the case of self-dependent construction) and implementing a design documentation of a construction works from the beginning of construction to the acceptance of the construction works as fit for use, heads construction operations, at the same time being the head of general construction operations, co-ordinates the carrying-out of special construction operations and the activities of heads of such works, and, within his competence, is responsible for the standard quality of the built construction works.

51. "Technical supervisor of construction of a construction works" means a natural person (specialist having a construction, architecture degree or another university degree in technical sciences) who, representing the builder (client), heads technical supervision of construction of a concrete construction works, performs functions assigned to the head of general technical supervision of construction of a construction works (general construction operations), co-ordinates special supervision of construction of a construction works, activities of heads thereof, and, within his competence, is responsible for the standard quality of the built construction works.

52. "Manager of construction of a construction works" means an enterprise acting as the agent of the principal – the builder (client), who manages construction of a construction works, organises construction operations and works related to other main fields of technical construction activities which are carried out by natural and legal persons hired by him.

53. "Supplier" means a natural or legal person – a producer of construction products and equipment, a distributor, an importer, an organisation rendering services.

54. "Normative technical construction document" means a document which sets requirements, rules, general principles and characteristics pertaining to design, construction, acceptance as fit for use, and demolition of a construction works. It shall include technical regulations for construction, construction rules, standards, technical approvals, methodological

instructions, recommendations.

55. "Normative documents pertaining to the safety and purpose of a construction works" means documents which, on the basis of other laws and legal acts, sets requirements for the protection and safety of a construction works, protection and safety of people who use such construction works, protection and safety of construction works' environment according to the spheres indicated in paragraph 1 of Article 6 of this Law, taking into consideration the purpose of a construction works (type of a construction works) and activities planned in it. Such documents shall also set the following requirements for the purpose of a construction works: calculation of dimensions of a construction works (depending on the purpose of a construction works), functional relations between the parts (premises) of a construction works, serviceability, efficiency and safety of construction works, technological and energy equipment, technological engineering systems, technological and energy processes; water, waste water, energy carriers and the likes supplied by engineering and utility networks and used by engineering systems of a construction works; soil humidity regime regulated by agricultural land improvement systems, and agricultural practices.

56. "Institutions of State supervision of requirements for the safety and purpose of a construction works" means State which have management powers and carry out the activities within a certain field, established by laws and Government resolutions, or exercise State supervision of construction operations related to the requirements for the safety and purpose of a construction works.

57. "CE" means a mark confirming that a construction product satisfies the requirements for such product set by the effective legal acts of the European Union.

58. "Construction product" means any product which is produced for fitting, incorporation, putting or installation in a building or engineering works for a long period of time.

59. "Technical approval" means a document which confirms a technical assessment of the fitness for use of a construction product, based on the essential requirements for a construction works for which the product is used, and establishes technical requirements for a construction product.

60. "Technical specification" means a document (a part of the document) the technical requirements laid down wherein must be met by a defined product, process or service. Standards and technical approvals are specifications of construction products.

61. "Engineering systems of a construction works" means engineering systems of spaces of a construction works (their parts, beds) intended for the use and maintenance of the construction works, satisfying the needs of individuals living, working or otherwise exploiting the construction works: water-supply, waste water removal, heating, ventilation, air-conditioning, gas, electric, distance communication (telecommunications), fire protection, detection, alarm and extinction, garbage collection systems, passenger lifts and other systems, as well as systems of their control, management, automatisisation and alarm.

62. "General engineering systems of a construction works" means engineering systems of the whole building (all spaces of the building) which ensure the functioning of these spaces and satisfy the needs of their users.

63. "Separate engineering systems of a construction works" means engineering systems of one or several spaces of the building, independent of other systems (do not connected with the general engineering systems of the building), which ensure the functioning of such spaces and satisfy the needs of their users.

64. "Technological engineering systems" means industrial-purpose systems in a construction works intended for ensuring technological processes taking place in the construction works and normal functioning of technological equipment in the construction works. These are water-supply, waste water removal, heating, ventilation, air-conditioning, gas, fuel-supply, electric, distance communication (telecommunications) and information, fire protection, detection, alarm and extinction, smoke, garbage disposal, waste collection, freight elevator and other systems intended to satisfy technological needs.

65. "Public engineering and utility networks" means engineering and utility networks intended to satisfy the needs of users of cities, towns, villages (or separate parts, zones thereof), together with general supply sources of the networks.

66. "Local engineering and utility networks" means engineering and utility networks (together with their supply sources) intended to satisfy the needs of one user or a group of users.

67. "Equipment" means machines, devices, appliances intended to produce energy, materials and to receive, transmit or transform information.

68. "Load-bearing structures" means structural elements of a construction works the essential purpose whereof is to bear loads (of structures, equipment, snow, wind, people, ground and others).

69. "Hidden structures of a construction works and hidden construction

operations” means structures hidden by other structures assembled later or construction operations hidden by operations carried out later.

70. “Economically reasonable working life of a construction works” means a period during which it is reasonable to exploit a construction works, maintaining its exploitation characteristics which satisfy the essential requirements of a construction works, taking into consideration all the interdependent aspects: expenses related to the design, construction, exploitation and insurance of a construction works which is being exploited, expenses incurred in order to avoid exploitation shortcomings; the risk and consequences of collapse of a construction works during the period of its exploitation; planned partial renovation; expenses related to cleaning, technical services, maintenance and repair.

71. "Unauthorised construction (demolition) of a construction works" means construction (demolition) of a construction works without a construction permit obtained in the manner prescribed by this Law; construction of a simple construction works without a document specified in normative technical construction documents when a construction permit is not mandatory.

Article 3. The Right to be a Builder (Client) and its Implementation

Article 3. The Right to be a Builder (Client) and its Implementation

1. The right to be a builder (client) in the Republic of Lithuania shall be enjoyed by natural and legal persons of Lithuania and foreign countries.

2. Such right shall be exercised in cases when:

- 1) the builder (client) owns a plot of land or holds and uses it on other grounds established by the laws of the Republic of Lithuania;
- 2) the builder (client) has a prepared, in a prescribed manner, and approved (when it is mandatory) design documentation of a construction works or a design documentation of construction operations pertaining to maintenance of immovable cultural heritage properties;
- 3) the builder (client) has a construction permit issued in the prescribed manner.

3. Requirements under paragraph 2 of this Article shall not apply or apply in

part when simple construction works or their parts are designed and constructed, or simple repairs of a construction works are carried out. The list of simple construction works shall be approved and the procedure of design, construction, acceptance as fit for use and demolition thereof shall be approved by an institution authorised by the Government.

Article 4. Essential Requirements for a Construction Works

Article 4. Essential Requirements for a Construction Works

1. A construction works (a part thereof) must be designed and built from such construction products the characteristics of which would satisfy the following essential requirements for a construction works for an economically reasonable working life:

1) mechanical resistance and stability, i.e. the loadings that are liable to act on a construction works during its construction and use will not lead to any of the following: collapse of the whole or part of the work, major deformations to an inadmissible degree, damage to other parts of the works or to fittings or installed equipment; damage by an event which may be avoided or limited without major difficulties and expenses (explosion, blow, overload, mistakes made by individuals);

2) safety in case of fire, i.e. in the event of an outbreak of fire the load-bearing capacity of the construction can be assumed for a specific period of time; the generation and spread of fire and smoke within the construction works are limited, the spread of the fire to neighbouring construction works is limited; people inside the works can safely leave it or they can be saved in other ways; fire alarm and extinguishing systems are operable; the safety of rescue teams (firemen) is taken into consideration;

3) hygiene, health and the environment, i.e. it will not be a threat to the hygiene or health of the occupants or neighbours, in particular as a result of any of the following: the giving-off of toxic gas, the presence of dangerous particles or gases in the air, the emission of dangerous radiation, pollution or poisoning of the water or soil, faulty elimination of waste water, smoke, solid or liquid wastes, the presence of damp in structures of the construction works or on surfaces within the construction works;

4) safety in use, i.e. that it does not present unacceptable risks of accidents in service or in operation such as slipping, falling, collision,

burns, electrocution, injury from explosion;

5) protection against noise, i.e. noise perceived by the occupants or people nearby is kept down to a level that will not threaten their health and will allow them to sleep, rest and work in satisfactory conditions;

6) energy economy and heat retention, i.e. the amount of thermal energy required in use shall not exceed the required amount, having regard to the climatic conditions of the location and the occupants (i.e. calculated in accordance with the requirements of hygiene norms and the purpose of a building or its spaces).

2. The essential requirements laid down in paragraph 1 of this Article (one, several or all) and the technical parameters of the construction works pursuant to the levels and classes of characteristics of construction works or construction products shall be established by normative technical construction documents specified in subparagraphs 1, 3 and 4 of paragraph 1 of Article 8 of this Law.

3. Classification of construction works according to their purpose, and their working life (taking into consideration the construction products they are built from, climatic conditions and the purpose of use) shall be established in normative technical construction documents.

Article 5. Essential Architectural Requirements for a Construction Works

Article 5. Essential Architectural Requirements for a Construction Works

Architecture of a construction works must be such that:

1) it will satisfy the essential requirements for a construction works laid down in Article 4 of this Law;

2) it harmonises with the landscape;

3) it will satisfy the urban development requirements for architecture and improvement of a construction plot established in the set of design conditions issued by the municipal mayor (the municipal administrator or another employee of the municipal administration, authorised by the municipal mayor), normative technical construction documents and normative documents pertaining to the safety and purpose of a construction works;

- 4) it is fit for the intended use of a construction works;
- 5) it will satisfy the requirements for engineering systems and technological engineering systems of a construction works.

Article 6. Protection of the Environment, Landscape, Immovable Cultural Heritage Properties and other Types of Protection (Safety), Protection of Interests of the Third Parties

Article 6. Protection of the Environment, Landscape, Immovable Cultural Heritage Properties and other Types of Protection (Safety), Protection of Interests of the Third Parties

1. Construction investigations, design, construction and acceptance of a construction works as suitable for occupancy must be carried out in compliance not only with this Law, but other laws, legal acts and normative documents pertaining to the safety and purpose of a construction works, approved in the prescribed manner, regulating:

- 1) the environmental protection and the assessment of an impact of planned economic activities on the environment;
- 2) protection of protected areas, landscape, immovable cultural heritage properties and their territories;
- 3) fire safety;
- 4) public hygiene and health care;
- 5) labour protection and public health safety;
- 6) nuclear and other energy safety;
- 7) surveillance of potentially dangerous equipment.

2. Regulated distances between construction works, between construction works and limits of a construction plot shall be fixed in normative technical construction documents by an institution authorised by the Government, taking into consideration the requirements laid down in paragraph 1 of Article 4 of

this Law and paragraph 1 of this Article.

3. Design, construction, reconstruction and major repairs of buildings and engineering works must be carried out in such a way that they will satisfy the specific needs of the disabled persons in compliance with the Law on Social Integration of Invalids.

4. A construction works must be constructed and built, and a construction plot must be improved in such a way that during the construction and use of a built construction works, living and working conditions of the third parties which they enjoyed prior to the beginning of the construction, might be changed only in compliance with the provisions of normative technical construction documents and normative documents pertaining to the safety and purpose of a construction works. The conditions shall be as follows:

- 1) maintaining of the existing technical condition of construction works;
- 2) possibility to get access to roads of national and local importance;
- 3) possibility to make use of engineering and utility networks;
- 4) preservation of natural lighting in accordance with the requirements of hygiene and the design of workstations, in the premises intended for living, working or other activities of people;
- 5) preservation of fire safety measures established by documents regulating fire safety;
- 6) protection against noise made, vibration, electric disturbances and dangerous radiation;
- 7) protection against pollution of air, water, soil and deeper soil layers; preservation of environmental protection construction works and measures, their efficiency; preservation of nature treasures and cultural properties; preservation of valuable natural greenery; preservation of fire-fighting systems;
- 8) preservation of hydraulic engineering and land improvement equipment so that the hydrogeodynamic regime established by such equipment is not violated.

SECTION TWO TECHNICAL REGULATION WITH

RESPECT TO CONSTRUCTION

SECTION TWO TECHNICAL REGULATION WITH RESPECT TO CONSTRUCTION

Article 7. Basic Principles of Technical Regulation with Respect to Construction

Article 7. Basic Principles of Technical Regulation with Respect to Construction

Provisions of formation of a system of national normative technical construction documents must be in compliance with the principles and requirements of the system of normative technical construction documents of the European Union and international organisations of which Lithuania is a member, as well as with this Law and other laws of the Republic of Lithuania, and other legal acts.

Article 8. System of Normative Technical Construction Documents

Article 8. System of Normative Technical Construction Documents

1. Normative technical construction documents shall be as follows:

- 1) technical construction regulations – legal acts of an institution authorised by the Government (for nuclear facilities – legal acts of this Institution and of the State Nuclear Safety Inspectorate) which directly establish technical requirements for construction works and construction thereof or by references to standards or code of practice;
- 2) code of practice – documents adopted by the ministries, government agencies, other State institutions or legal persons and registered in an institution authorised by the Government in the manner prescribed by such institution, which specify the ways and methods of the implementation of technical construction regulations;
- 3) Lithuanian standards prepared and adopted in the manner prescribed by the recognised national standardisation institution, which apply in the field of construction, as well as European and international standards adopted as Lithuanian standards;

4) technical approval – documents of assessment of the fitness for use of a construction product for an intended use, prepared and adopted in the manner prescribed by an institution authorised by the Government. They are prepared in the absence of appropriate Lithuanian or European standards or if preparation of such standards is not planned;

5) methodological instructions, recommendations – documents announced by design and construction enterprises, science and studies institutions which are applied voluntarily, and which specify the ways and methods of the implementation of technical construction documents.

2. Technical construction regulations shall be mandatory to all participants of construction, as well as to public administration entities, owners (users) of engineering and utility networks and traffic routes, legal and natural persons the activities whereof are regulated by this Law.

3. The code of practice, Lithuanian standards and technical approvals shall apply voluntarily, except for the cases when technical construction regulations or other legal acts indicate that it is obligatory to apply the said rules, standards, approvals. The code of practice, Lithuanian standards and technical approvals to which reference is made in design contracts or contracts, shall be binding to the parties to the concluded contract.

4. Technical construction regulations shall also include requirements of normative documents of the safety and purpose of a construction works referred to in paragraph 55 of Article 2 of this Law, by expressing them in technical parameters or references to the normative documents of the safety and purpose of a construction work.

5. Procedure for preparation and approval of normative technical construction documents (except Lithuanian standards applied in construction) shall be set by an institution authorised by the Government in the manner prescribed by laws and other legal acts. Normative documents of the safety and purpose of a construction works shall be approved by a State institution which prepared them (within the competence) together with an institution authorised by the Government which is assigned to approve technical construction regulations.

6. Technical construction regulations shall be prepared with funds of the State budget.

Article 9. Application of Normative Technical

Construction Documents of International, European Standardisation Organisations and Foreign States

Article 9. Application of Normative Technical Construction Documents of International, European Standardisation Organisations and Foreign States

Normative technical construction documents adopted from international and European organisations, foreign states (national), organisations of foreign states may apply in the Republic of Lithuania (if they comply with the laws of the Republic of Lithuania). They shall, in the manner prescribed by an institution authorised by the Government of the Republic of Lithuania, be given the legal status of normative technical construction documents of the Republic of Lithuania.

SECTION THREE MAIN AREAS OF TECHNICAL CONSTRUCTION ACTIVITIES

SECTION THREE MAIN AREAS OF TECHNICAL CONSTRUCTION ACTIVITIES

Article 10. Main Areas of Technical Construction Activities

Article 10. Main Areas of Technical Construction Activities

1. The main areas of technical construction activities shall be as follows:

- 1) construction investigation;
- 2) design of a construction works and supervision of the implementation of a design documentation of a construction works;
- 3) expert examination of a design documentation of a construction works and a construction works;
- 4) construction operations;
- 5) technical supervision of the construction .

2. The main areas of technical construction activities may be directed only by

heads who have undergone attestation (heads of design of a construction works, heads of the parts of a design documentation of a construction works, heads of supervision of the implementation of a design documentation of a construction works and its parts, heads of the construction and heads of special works related to the construction, heads of technical supervision of construction (heads of general technical supervision and heads of special technical supervision), heads of expert examination of a design documentation of a construction works or its parts, heads of expert examination of a construction works). The said heads must meet the qualification requirements approved by an institution authorised by the Government (education, work record, professional and legal knowledge) and, in a prescribed manner, get attestation documents.

3. The rights and duties of the heads working in the main areas of technical construction activities shall be established by this Law and qualification requirements for the said heads, approved by an institution authorised by the Government.

4. The procedure for carrying out attestation of the heads working in the main areas of technical construction activities, as well as attestation of enterprises specified in paragraph 2 of Article 14, paragraph 2 of Article 15 and paragraph 3 of Article 29 of this Law, shall be established by an institution authorised by the Government.

5. The procedure of recognition in the Republic of Lithuania of the documents confirming qualifications, issued to architects of foreign states shall be set by an institution authorised by the Government.

6. Persons who has not undergone attestation, shall have the right to head design, construction of a simple construction works, supervision of the implementation of a design documentation of a construction works, technical supervision of construction . Their qualification requirements shall be established by an institution authorised by the Government.

7. If the procedure of appointment (hiring) of the heads of the main areas of technical construction activities is not established by this Law, such procedure shall be established by an institution authorised by the Government.

SECTION FOUR PARTICIPANTS OF THE CONSTRUCTION, THEIR DUTIES AND RIGHTS

SECTION FOUR PARTICIPANTS OF THE CONSTRUCTION, THEIR DUTIES AND RIGHTS

Article 11. Participants of the Construction

Article 11. Participants of the Construction

1. Participants of the construction shall be as follows:

- 1) builder (client);
- 2) investigator;
- 3) designer;
- 4) contractor;
- 4) technical supervisor of construction of a construction works;
- 5) supplier.

2. The following shall also be participants of the construction: a manager of design of a construction works when a builder (client) selects design management as a way of organisation of design, and a manager of construction of a construction works when a builder (client) chooses management of construction of a construction works as a way of organisation of construction.

Article 12. Duties and Rights of the Builder (Client)

Article 12. Duties and Rights of the Builder (Client)

1. The builder (client) must:

- 1) submit to a designer mandatory documents related to the preparation of a design documentation;
- 2) organise (or task a designer to do so) construction investigation, established by normative technical construction documents, of a construction site, construction plot and neighbouring construction works and sites that may be affected by the construction, and create conditions for an investigator to carry out investigations;
- 3) have a design documentation of a construction works, prepared and approved

(if necessary) in a prescribed manner; organise expert examination of a design documentation of a construction works, when it is mandatory or on his own initiative;

4) obtain a construction permit in the manner prescribed by this Law;

5) organise and carry out technical supervision of the construction;

6) organise supervision of the implementation of a design documentation of a construction works when it is mandatory or on his own initiative;

7) commission (or task the contractor to do so) to make in the prescribed manner geodetic pictures of a built construction works or laid engineering and utility networks and traffic routes;

8) organise in the prescribed manner the acceptance of the completed construction works as fit for use;

9) upon suspending construction operations the procurement whereof is executed in compliance with the Law on Public Procurement, without taking into consideration the reasons for suspension, organise, in the manner prescribed by the Government or an institution authorised by it, conservation of the construction works which are being built;

10) in the case of self-dependent construction, grant permission to officers of a public administration entity executing the State supervision of the construction, officers of institutions of the State supervision of requirements for the safety and purpose of a construction works, persons authorised by the designer of a construction works (when this is related to the performance of their duties) to freely enter construction plots, construction works (apartments located in such construction works) which are built (reconstructed, repaired) or demolished, upon the request of the said persons, submit to them all the documents pertaining to the construction.

2. The builder (client) shall have the right:

1) to select a way of organising the design – to instruct a designer to design a construction works under a concluded design contract, or to instruct a manager of design of a construction works to organise the design of a construction works under the contract of agency, or to choose other ways of organising the design of a construction works, which would be in compliance with laws and other legal acts; to appoint head of design of a construction works or to instruct a designer to do so;

2) to select the following type of organising the construction: contract,

self-dependent or mixed (part of the work is carried out in a self-dependent manner and part - in a contract manner), management of construction of a construction works or another types which would be in compliance with laws and other legal acts;

3) at his own discretion or by tendering procedure to select designers, design managers, managers of construction of construction works and suppliers (unless otherwise provided for in legal acts), for design of a construction works and construction operations the public procurement whereof is mandatory - in the manner prescribed by the Law on Public Procurement;

3. The builder (client) shall also have other rights and duties which are specified in the Civil Code and other laws.

4. For non-performance of the duties laid down in this Article or improper performance thereof, the builder (client) shall be held liable under the Civil Code and the Code of Administrative Offences.

Article 13. The Right to be an Investigator. Rights and Duties of the Investigator

Article 13. The Right to be an Investigator. Rights and Duties of the Investigator

1. The following shall have the right to conduct construction investigation:

1) construction engineering geodetic investigation - an enterprise registered in the Republic of Lithuania or a natural person which has been granted a licence to conduct such works, issued by an institution authorised by the Government, which is responsible for the State supervision of the works in the fields of geodesy and cartography;

2) construction engineering geological, geotechnical and other researches - an enterprise registered in the Republic of Lithuania which has obtained a permit of the Geological Survey of Lithuania to conduct researches of this kind;

3) researches of existing construction works (researches of structures, engineering and utility networks of the construction works, measurements) - legal or natural persons in the manner prescribed by an institution authorised by the Government;

4) other researches (environmental, landscape, hygiene, archaeological,

immovable cultural heritage properties, etc.) – an enterprise registered in the Republic of Lithuania or a natural person, in the manner prescribed by institutions of the State supervision of requirements for the safety and purpose of a construction works.

2. The investigator must:

1) conduct investigations in accordance with investigation tasks and normative investigation documents, and present investigation results to the builder (client);

2) when conducting investigation, observe safety rules.

3. The investigator shall enjoy other rights and duties specified in the Civil Code and other laws.

4. The investigator shall, for non-performance or improper performance of the duties laid down in this Article, be liable under the Civil Code and the Code of Administrative Offences.

Article 14. The Right to be a Designer of a Construction Works. Duties and Rights of the Designer

Article 14. The Right to be a Designer of a Construction Works. Duties and Rights of the Designer

1. The following shall have the right to be a designer of a construction works:

1) an enterprise registered in the Republic of Lithuania the bylaws whereof provide for architectural and engineering activities and consultations related thereto;

2) a natural person who, in the manner prescribed by the Government, obtains a patent for design of a construction works. A patent shall not be mandatory if a designer (who has a construction, architecture degree or another university or college degree in technical sciences) prepares a design documentation of a simple construction works intended for his needs or for the needs of his family members;

3) subdivisions of construction, architectural, engineering profile, belonging to science and studies institutions;

4) a foreign design enterprise which has attestation documents issued by institutions of its own country, which are recognised in the Republic of Lithuania on the basis of the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (concluded on 5 October 1961 in the Hague).

2. The right to prepare design documentation of construction works of exceptional significance shall be vested with a design enterprise registered in the Republic of Lithuania or a foreign design enterprise which has been issued by an institution authorised by the Government for such activities. The right to design nuclear facilities shall be granted in accordance with the procedure established by the Law on Nuclear Energy.

3. The designer must:

1) on the instruction of the builder (client) when a designer is a legal person, or by order or another directive (established in the bylaws of an enterprise), appoint his employee as head of design of a construction works or hire a person who is not his employee to work as head of design of a construction works under an employment contract, or himself perform the functions of the head of design of a construction works when a designer is a natural person under the contract concluded with the builder (client);

2) prepare a design documentation of a construction works in compliance with the documents referred to in this Law;

3) sign a design documentation of a construction works (signatures of the head of an enterprise or another employee of the enterprise authorised by him, shall be mandatory, and when a designer is a natural person – only the signature of the head of design of a construction works shall be mandatory), thus assuming responsibility that the design documentation of a construction works is in compliance with the provisions of laws, other legal acts, mandatory documents related to the preparation of a design documentation, normative technical construction documents and normative documents related to the requirements for the safety and purpose of a construction works;

4) make corrections in the design documentation of a construction works in accordance with the comments of the builder (client), if such comments are in compliance with normative technical construction documents and normative documents related to the requirements for the safety and purpose of a construction works;

5) make corrections in the design documentation of a construction works in accordance with the mandatory comments of an act on the expert examination of the design documentation of a construction works;

6) make corrections in the design documentation of a construction works according to the minutes of the Standing Commission on Construction;

7) by builder's (client's) order and under the contract carry out supervision of the implementation of a design documentation of a construction works;

8) participate in acceptance of a construction works as fit for use.

4. The designer shall have the right to:

1) instruct persons preparing a design documentation of a construction works (when this is related to the performance of their duties) to check up on the construction plot during the design and construction, the compliance with the solutions of a design documentation of a construction works and make relevant records in the construction operations book;

2) demand from the contractor (if construction is carried out under the contract) or the builder (client) (if construction is carried out in a self-dependent manner) to suspend construction operations, if such operations are carried out in violation of a design documentation of a construction works or a threat of an accident has been determined, and notify a public administration entity of the State supervision of construction, about this;

3) carry out functions of other participants of construction, except expert examination of the design documentation of a construction works prepared by him and the construction works built or under construction in accordance with such design documentation of a construction works.

5. The designer shall also enjoy other rights and duties specified in the Civil Code and other laws.

6. The designer shall, for non-performance of the duties laid down in this Article or improper performance of such duties, be held liable under the Civil Code and the Code of Administrative Offences.

Article 15. The Right to be a Contractor. Duties and Rights of the Contractor

Article 15. The Right to be a Contractor. Duties and Rights of the Contractor

1. The following shall have the right to be a contractor:

1) an enterprise registered in the Republic of Lithuania, the bylaws whereof provide for construction as a type of activities;

2) a natural person who has obtained a patent for construction operations under the procedure established by the Government;

3) a foreign construction enterprise which has been issued attestation documents of by institutions of its own country, which are recognised in the Republic of Lithuania on the basis of the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (concluded on 5 October 1961 in the Hague).

2. The right to build construction works of exceptional significance shall be vested with a construction enterprise registered in the Republic of Lithuania or a foreign construction enterprise which has received a certificate for carrying out construction operations of such type. The right to construct and reconstruct nuclear facilities shall be granted in accordance with the Procedure established by the Law on Nuclear Energy.

3. The contractor must:

1) by order or another directive (established in the bylaws of an enterprise), when he is a legal person, appoint his employee as head of construction of a construction works or hire a person who is not his employee to work as head of construction of a construction works under an employment contract, or himself perform the functions of head of construction of a construction works when the contractor is a natural person, under the contract concluded with the builder (client);

2) commence construction operations only after the builder (client) has presented a construction permit and a design documentation of a construction works, and handed over a construction site (which has been accepted by the contractor) under the act;

3) carry out construction operations in accordance with the design documentation of a construction works, and in the cases established by an institution authorised by the Government – in compliance with the project of technology of construction operations prepared by the contractor, act pursuant to laws, Government resolutions, physical planning documents, normative technical construction documents and normative documents related to

requirements for the safety and purpose of a construction works, satisfy the requirements of design conditions for a construction works, requirements set by public administration entities carrying out the State supervision of construction, and by institutions of the State supervision of requirements for the safety and purpose of a construction works, implement instructions of heads of supervision of the implementation of a design documentation of a construction works (or heads of the parts of such supervision), and heads of the technical supervision (general and special) of the construction;

4) put up a bill-board near a construction plot (or a construction site) with information on a construction works which is being built, except for the cases when simple construction works are built or simple repairs of a construction works are carried out;

5) ensure safety at work, fire safety and environmental protection, and proper labour hygiene conditions on the construction plot and a construction works under construction, as well as protection of neighbouring environment and nature, and immovable cultural heritage properties, protection of people who live, work, rest or move near the construction site from threats posed by construction operations, and not violate conditions of living and activities of any third parties specified in paragraph 4 of Article 6 of this Law;

6) execute documents pertaining to construction of a construction works specified in normative technical construction documents and deliver such documents to the builder (client) (in case the contractor loses such documents, it must cost restore them at his own cost); carry out studies on structures, and uncover hidden structures and works;

7) participate in acceptance of a construction works as fit for use;

8) grant permission to officers of a public administration entity who carry out the State supervision of construction operations as well as persons authorised by the builder (client) and the designer, when this is related to the performance of their duties, to freely enter construction sites, construction works (apartments located in such construction works) which are built (reconstructed, repaired) or demolished, and upon the request of the said persons, submit to them all construction documents.

4. The contractor shall have the right to:

1) select sub-contractors either on tender basis or at his own discretion, if not prohibited by the contract;

2) obtain a construction permit from the builder (client), issued in the manner prescribed by this Law; documents pertaining to research of a

construction works, a design documentation of the construction works; a set of design conditions for a construction works; documents confirming the quality of construction products and equipment as well as other documents and information needed to satisfy the contractual terms and conditions;

3) perform functions of other participants of the construction, except technical supervision of construction of a construction works and expert examination of the design documentation of this construction works and the construction works itself.

5. If the builder (client) carries out self-dependent construction, he shall enjoy the rights and duties set by this Law. In the event when the builder (client) is a natural person (who has a construction, architecture degree or another university or college degree in technical sciences) and builds a simple construction works for his own needs or needs of his family members, a patent shall not be mandatory.

6. The contractor shall also enjoy other rights and duties specified in the Civil Code and other laws.

7. The contractor shall, for non-performance of the duties laid down in this Article or improper performance of such duties, be held liable under the Civil Code and the Code of Administrative Offences.

Article 16. Duties and Rights of the Technical Supervisor of Construction of a Construction Works

Article 16. Duties and Rights of the Technical Supervisor of Construction of a Construction Works

1. If the builder (client) is a legal person, he shall, by order or another directive (established in the bylaws of an enterprise), appoint his employee as a technical supervisor of construction of a construction works or hire a person who is not his employee to work as a technical supervisor of construction of a construction works under an employment contract; if the builder (client) is a natural person, he shall hire a technical supervisor of construction of a construction works under an employment contract.

2. The technical supervisor of construction of a construction works must:

1) monitor the compliance of construction with the design documentation of a construction works, check the quality of construction products and equipment

used during the construction, and prevent them from being used in case they do not comply with the design documentation of a construction works, normative technical construction documents, normative documents pertaining to the safety and purpose of a construction works, and if no documents in confirmation of the quality have been provided;

- 2) check the quality of construction operations and the scope thereof, inform the builder (client) about the carried-out construction operations which do not satisfy requirements for normative quality of a construction works;
- 3) check and accept hidden construction operations and hidden structures of a construction works, participate in testing and accepting as fit for use engineering and utility networks, engineering systems, equipment and structures;
- 4) jointly with the contractor prepare documents for accepting the construction works as fit for use and participate during the acceptance of the construction works as fit for use.
- 5) perform functions of the head of general technical supervision of the construction (general construction operations), co-ordinate special technical supervision of the construction (special construction operations) and activities of the heads of such supervision.

3. The technical supervisor of construction of a construction works shall be entitled (upon making a relevant entry in the construction operations book) to demand that the contractor:

- 1) provides documents in confirmation of the quality of construction and assembling works carried out, construction products and equipment;
 - 2) corrects any violations of the design documentation of a construction works, normative technical construction documents and normative documents pertaining to the safety and purpose of a construction works;
 - 3) corrects violations of the normative quality of a construction works.
4. If the contractor fails to meet the requirements referred to in paragraph 3 of this Article, the technical supervisor of construction of a construction works must inform a public administration entity, which carries out the State supervision of construction operations, about this and demand that construction operations be suspended.

5. If a construction works or construction operations pose a threat to people

or the environment, the technical supervisor of construction of a construction works shall have the right to suspend the construction by himself and to appeal to public administration entity so that the latter would adopt a decision confirming or revoking the demand of the technical supervisor of construction of a construction works.

6. The procedure of technical supervision of the construction shall be established by an institution authorised by the Government.

7. The technical supervisor of construction of a construction works shall also enjoy other rights and duties specified in the Civil Code and other laws.

8. The technical supervisor of construction of a construction works shall, for non-performance of the duties laid down in this Article or improper performance of such duties, be held liable under the Civil Code and the Code of Administrative Offences.

Article 17. The Right to be a Manager of Design of a Construction Works and a Manager of construction of a construction works. Duties and Rights of the Manager of Design of a Construction Works and the Manager of construction of a construction works

Article 17. The Right to be a Manager of Design of a Construction Works and a Manager of construction of a construction works. Duties and Rights of the Manager of Design of a Construction Works and the Manager of construction of a construction works

1. The following shall have the right to be a manager of design of a construction works:

1) an enterprise registered in the Republic of Lithuania, whose bylaws provide for architectural and engineering activities and related consultations;

2) a foreign design management enterprise which has been issued by institutions of its own country the qualification-confirming documents which are recognised in the Republic of Lithuania on the basis of the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (concluded on 5 October 1961 in the Hague).

2. The following shall have the right to be manager of construction of a construction works:

1) an enterprise registered in the Republic of Lithuania whose bylaws provide for construction as a type of activities;

2) a foreign enterprise of management of construction of a construction works which has been issued by institutions of its own country the qualification-confirming documents which are recognised in the Republic of Lithuania on the basis of the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (concluded on 5 October 1961 in the Hague).

3. If an enterprise meets the requirements specified in paragraphs 1 and 2 of this Article, it may engage in the activities related to design management and management of construction of a construction works.

4. A design manager shall act in the name of the builder (client) and organise works in accordance with the following main areas of technical construction activities: construction investigations, design, supervision of the implementation of a design documentation of a construction works, expert examination of a design documentation of a construction works. The scale of works of such areas and the rights and duties assigned to the agent – the manager of design of a construction works by the builder (client) as the principal shall be established by the contract of agency.

5. The manager of construction of a construction works shall act in the name of the builder (client) and organise works in accordance with the following areas of technical construction activities: construction operations and technical supervision of construction. The scale of works of such areas and the rights and duties assigned to the agent – the manager of construction of a construction works by the builder (client) as the principal shall be established by the contract of agency.

6. For non-performance or improper performance of the duties assigned under the contract of agency to the agent – the manager of design of a construction works or the manager of construction of a construction works by the builder (client) as the principal, the manager of design of a construction works and the manager of construction of a construction works shall be held liable under the Civil Code and the Code of Administrative Offences.

Article 18. Rights and Duties of Suppliers of Construction Products

Article 18. Rights and Duties of Suppliers of Construction Products

1. The supplier of construction products shall supply construction products under the contract.
2. The following shall be the main duties of the supplier of construction products (unless the contract provides otherwise): to sell construction products and guarantee quality thereof; to sell construction products at the stated time and in the set amount; to sell contracted construction products only to the distributor but not directly to consumers.
3. The supplier of construction products shall have the right to place construction products on the Lithuanian market, provided that their fitness for the intended use is established in accordance with the technical specifications legalised in Lithuania or, in the absence of such specifications, in accordance with the procedure established by institutions authorised by the Government.
4. The supplier of construction products shall have the right to affix conformity marks to construction products placed on the markets of Lithuania and the European Union, provided that such products satisfy the requirements of paragraph 1 of this Article (to affix a CE mark or, in the absence of coordinated technical specifications, to affix, in a manner prescribed by an institution authorised by the Government, another conformity mark specified in a certificate of a construction product).
5. The supplier of construction products shall not have the right to affix to supplied products or their packaging any other mark which possess a misleading likelihood to the marks referred to in paragraph 2 of this Article.
6. The supplier of construction products shall also enjoy other rights and duties which correspond to the rights and duties of the supplier specified in the Civil Code and other laws.
7. The supplier of construction products shall, for non-performance of the duties laid down in this Article or improper performance of such duties, be held liable under the Civil Code and the Code of Administrative Offences.

SECTION FIVE CONSTRUCTION INVESTIGATIONS. DESIGN OF A

CONSTRUCTION WORKS

SECTION FIVE CONSTRUCTION INVESTIGATIONS. DESIGN OF A CONSTRUCTION WORKS

Article 19. Construction Investigations

Article 19. Construction Investigations

1. Construction investigations shall be carried out on the grounds of:

- 1) a task approved by the builder (client) of investigation – a builder (client), designer or contractor – and a contract for investigation works;
- 2) laws, Government resolutions, technical construction regulations, normative documents related to investigation approved by institutions authorised by the Government.

2. Investigations shall be conducted prior to the beginning of preparation of a design documentation of a construction works, and in certain cases – during the design of a construction works and the construction (when circumstances which are not provided for in a design documentation of a construction works, arise during construction operations).

3. An investigator must present to the builder (client) of investigation the documents pertaining to investigation. Their content shall be established by an institution authorised by the Government in accordance with each type of investigation.

Article 20. A Design documentation of a construction works. Design Terms

Article 20. A Design documentation of a construction works. Design Terms

1. A design documentation of a construction works shall be prepared on the basis of:

- 1) this and other laws regulating the requirements for the safety and purpose of a construction works, other legal acts, physical planning documents and normative technical construction documents as well as normative documents of the safety and purpose of a construction works;

2) mandatory documents related to preparation of a design documentation of a construction works, a contract for design works (when design is carried out under the contract).

2. In order to obtain a set of design conditions for a construction works, the builder (client) shall submit to the municipal mayor (municipal administrator or another employee of the municipal administration authorised by the mayor) an application and:

1) data on a construction works (according to a set form);

2) documents confirming the right of ownership of a land plot or other rights to hold and use such plot, as well as agreement of co-owners of a land plot if such land plot belongs to them by the right of co-ownership. Such documents shall not be obligatory when it is intended to carry out construction in the territory held by the municipality by the right of trust (when the builder (client) is a municipality or another legal or natural person who will carry out construction in this territory in accordance with a set of design conditions for a construction works). Other cases when documents specified in this subparagraph are not obligatory, shall be established by an institution authorised by the Government;

3) agreement of co-owners of the joint property when joint-use premises of a multi-family apartment house are reconstructed;

4) a record of a public discussion of owners of premises of a multi-family apartment house, when the purpose of residential premises of such house is being changed;

5) design proposals (should they be prepared).

3. Upon the receipt of the documents specified in paragraph 2 of this Article, the municipal mayor (municipal administrator or another employee of the municipal administration authorised by the mayor) shall within 3 days submit an application to prepare construction works design conditions laid down in paragraph 32 of Article 2 of this Law (within the competence):

1) to owners or users of engineering and utility networks and traffic routes;

2) an institution of the environmental protection;

3) an authorised institution responsible for the protection of immovable cultural heritage properties (design conditions are set to prepare a design documentation of construction operations pertaining to maintenance of

immovable cultural heritage properties);

4) an institution responsible for the protection of a protected territory (when design conditions are set to prepare a design documentation of a construction works which is being built in the protected territory);

5) other institutions if this is established by laws.

4. Design conditions shall be drawn up within 10 days of the receipt of an application of the municipal mayor (municipal administrator or another employee of the municipal administration). The municipal mayor (municipal administrator or another employee of the municipal administration) shall within the same time limit prepare design conditions which fall within the competence of a local authority.

5. The municipal mayor (municipal administrator or another employee of the municipal administration) shall consider design conditions, harmonise them, if necessary, propose their amendments (seeking to find a solution satisfying the interests of the builder (client), third parties, the public, local authority and the State) and approve them. Design conditions shall be included in the set of design conditions for a construction works. The municipal mayor (municipal administrator or another employee of the municipal administration) shall, after consultation with owners (users) of engineering and utility networks and traffic routes and institutions as well as entities who prepared construction works design conditions, approve it and issue to the builder (client) not later than 20 days after the receipt of his request (the time limit comprises 5 days designated to consult with owners (users) of engineering and utility networks and traffic routes as well as institutions) or within 15 days inform the builder (client) about the reasons for refusing to issue a set of design conditions.

6. Owners of engineering and utility networks and traffic routes must set design conditions concerning engineering and utility networks and traffic routes, and observe them. The builder (client) shall enjoy the right to choose suppliers of services – owners or users of engineering and utility networks and traffic routes (from those setting construction works design conditions), therefore, design conditions set by all possible owners or users of engineering and utility networks and traffic routes who can supply services to the builder (client), shall be included in the set of design conditions. The builder (client) may also choose whether he will use public engineering networks or will set local engineering networks if it is possible according to physical planning documents.

7. It shall be prohibited to include in the design conditions a requirement that the builder (client) conduct repair or reconstruction works of existing

engineering and utility networks and traffic routes. Such works must be conducted by the owners or users of these networks or routes. If due to a designed construction works it shall be necessary to expand the existing engineering and utility networks, traffic routes or to lay new ones, a contract between the owner or user of engineering and utility networks and the builder (client) shall be concluded. It shall specify the procedure of financing the construction of engineering and utility networks, traffic routes and use thereof, and ownership rights (following the completion of the construction). This contract shall be appended to a set of design conditions for a construction works.

8. Design conditions for a construction works intended for safe keeping of material resources of the State reserve must conform to the requirements established by the Government or an institution authorised by it, which are necessary to ensure quality, safe keeping and possibilities of use of material resources of the State reserves.

9. Upon the receipt of a request of a builder (client) or recommendation of institutions of the State supervision of the requirements of the safety and purpose of a construction works (but not later than until the issuance of a construction permit) and having established that construction works design conditions do not conform to laws and other legal acts, an institution authorised by the Government (in the case of construction operations of maintenance of immovable cultural heritage properties – in conjunction with an authorised institution responsible for the protection of immovable cultural heritage properties) must, not later than within 5 days, request that the municipal mayor (after consultation within the competence with owners or users of engineering and utility networks and traffic routes, institutions of the State supervision of the requirements for the safety and purpose of a construction works), not later than within 7 days of the request of an institution authorised by the Government, would repeal or amend construction works design conditions (would issue to the builder (client) an approved amended set of design conditions) or would inform an institution authorised by the Government and the builder (client) about the reasons for refusing to repeal or amend construction works design conditions. If the municipal mayor refuses to repeal or amend a construction works design conditions, a dispute shall be settled in court on the initiative of the builder (client) or an institution authorised by the Government (when this is related to national interests).

10. The set of design conditions shall be valid as long as a construction permit is valid. If the said permit has not been issued within 3 years from obtaining the set of design conditions, the municipal mayor (municipal administrator or another employee of the municipal administration) shall

approve the set of design conditions anew (design conditions remain the same or are amended).

11. The set of design conditions for a simple construction works a construction permit for which is not mandatory, shall be valid for a period of 3 years. Upon the expiry of this period, if construction has not been started, a set of design conditions shall be approved anew.

12. Owners (users) of engineering and utility networks and traffic routes and institutions, as well as the municipal mayor (administrator authorised by him or another employee of the municipal administration) shall, within their competence and in the manner prescribed by the Civil Code and the Public Administration Law, be responsible for the compliance of design conditions, which they have prepared, and laws and other legal acts.

13. A design documentation of a construction works shall, upon the instruction of a designer, be drawn up by a designer of the design documentation of a construction works.

14. If when preparing a design documentation of a construction works there are no possibilities to implement certain provisions of normative technical construction documents or normative documents related to the safety and purpose of a construction works, a design documentation of a construction works must provide for technical measures to compensate such shortcomings. A designer together with a builder (client) must, before obtaining a construction permit, submit in writing to the institutions which have approved these normative documents, solutions with regard to the design documentation of a construction works, by indicating the said technical measures, and, within 7 days, receive a written approval (or grounded refusal) of such institutions for the implementation of the measures.

15. The procedure and composition of preparation of mandatory documents related to preparation of a design documentation of a construction works and the procedure and composition of design documentation of a construction works shall be established by an institution authorised by the Government, and in the event of construction operations of maintenance of immovable cultural heritage properties or construction of construction works in their territory – the said institution in conjunction with an authorised institution responsible for the protection of immovable cultural heritage properties.

Article 21. Architectural Decisions of a Design Documentation of a Construction Works. Architect of

a Construction Works

Article 21. Architectural Decisions of a Design Documentation of a Construction Works. Architect of a Construction Works

1. Apart from other established parts of a design documentation of a construction works, an architectural part of a design documentation of a construction works shall be mandatory for all overground construction works and those underground (underwater) construction works which are intended for living or working of individuals, or for meeting their other needs (except underground construction works in which individuals do not live and work and are present only for the purpose of the maintenance of such construction works (engineering and utility networks, technical tunnels, etc.)).
2. The architect of a construction works shall at the same time be the head of design of a construction works when a residential building or public building is being designed. When designing a construction works of another purpose, an architect of a works shall be the head of an architectural part of the design documentation of a construction works and subordinate to the head of design of a construction works (on technical issues).
3. When carrying out an expert examination of the design documentation of a construction works, only those architectural solutions shall be checked which are regulated by normative technical construction documents and mandatory documents related to the preparation of a design documentation.
4. When preparing an architectural part of a design documentation of a construction works, an architect of a construction works must act in compliance with Article 5 of this Law.

Article 22. Approval of a Design Documentation of a Construction Works of Exceptional Significance and a Construction Works Included in the State Investment Programme

Article 22. Approval of a Design Documentation of a Construction Works of Exceptional Significance and a Construction Works Included in the State Investment Programme

1. A design documentation of a construction works of exceptional significance

or a construction works included in the State Investment Programme must be approved by the builder (client) (only if there are findings of the expert examination of a design documentation of a construction works allowing to approve a design documentation of a construction works) prior to obtaining a construction permit.

2. The procedure for approval of a design documentation of a construction works specified in paragraph 1 of this Article shall be established by an institution authorised by the Government.

SECTION SIX A CONSTRUCTION PERMIT. ACCEPTANCE OF A CONSTRUCTION WORKS AS FIT FOR USE

SECTION SIX A CONSTRUCTION PERMIT. ACCEPTANCE OF A CONSTRUCTION WORKS AS FIT FOR USE

Article 23. A Construction permit

Article 23. A Construction permit

1. A permit for construction a new construction works, reconstructing, repairing of a construction works, and carrying out construction operations pertaining to maintenance of immovable cultural heritage properties shall be mandatory, except:

1) simple construction works the list whereof is approved by an institution authorised by the Government;

2) simple repairs of a construction works. When carrying out simple repairs of a construction works in the protected territory, a construction permit shall be required in the cases established by an institution authorised by the Government.

2. The cases when a construction permit for maintenance of immovable cultural heritage properties to prevent an accident and for repairs is mandatory, shall be established by an institution authorised by the Government together with an authorised institution responsible for the protection of immovable cultural heritage properties.

3. A permit to build or reconstruct nuclear facilities shall be issued in accordance with the procedure established by the Law on Nuclear Energy.

4. A permit to build or reconstruct a construction works in the coastal zone shall be issued in compliance with the Law on the Coastal Zone.

5. A construction permit shall be issued:

1) by the county governor's administration – for a construction works in the territory administrated by several municipalities, for a construction works a builder (client) of which is a municipality, a construction works designated to satisfy national defence needs (included in a list approved in a manner prescribed by the Government);

2) by the municipal mayor (municipal administrator or another employee of the municipal administration authorised by him).

6. In order to obtain a permit to construct (except demolish), the builder (client) must submit the following documents to the municipal mayor (municipal administrator or another employee of the municipal administration authorised by him), even in the event when such permit is issued by the county governor's administration (except construction permit for a construction works designated to satisfy national defence needs):

1) an application of an established form;

2) documents specified in subparagraphs 2 and 3 of paragraph 2 of Article 20 of this Law;

3) an agreement with the owner of land on temporary use of a plot of land during construction operations, regarding servitude of such plot of land when using a completed construction works and compensation for the use of a plot of land and damage (if done) in the cases when, according to a set of design conditions for a construction works, engineering and utility networks, traffic routes are planned to be laid in a plot of land which does not belong to the builder (client) or it is planned to use a part of such plot of land to set a construction plot;

4) a design documentation of a construction works;

5) findings of expert examination of a design documentation of a construction works (in the case when expert examination is obligatory according to paragraph 1 of Article 29 of this Law);

6) a document of approval of a design documentation of a construction works

(when approval of a design documentation of a construction works is obligatory);

7) a decision of a competent institution on admissibility of planned economic activities in a chosen locality from the point of view of an impact on the environment (when this is obligatory) in accordance with the Law on the Assessment of an Impact of Planned Economic Activities on the Environment;

8) a document pertaining to the appointment of a head of technical supervision of construction of a construction works (when technical supervision is mandatory);

9) a certificate of cadastre measurements and legal registration of a construction works (when the construction works is being reconstructed or major repairs are carried out).

7. In order to obtain a construction permit only to demolish a construction works, the builder (client) must submit the following documents to the municipal mayor (municipal administrator or another employee of the municipal administration authorised by him), even in the event when such permit is issued by the county governor's administration (except a construction permit for a construction works designated to satisfy national defence needs):

1) an application of an established form;

2) documents specified in subparagraphs 2 and 3 of paragraph 2 of Article 20 of this Law;

3) a decision, made in the manner prescribed by law, to demolish a construction works owned by the State, municipality or another legal person;

4) description of the technology of demolition of a construction works; and in the case of a construction works of exceptional significance – a design documentation of demolishing;

5) a certificate of cadastre measurements and legal registration of a construction works (only in the case of a construction works which has not been accepted as fit for use; when a construction works has not been accepted as fit for use and has not been recorded in the Register of Immovable Property, a document certifying to whom such construction works belongs).

8. In order to obtain a construction permit for a construction works designated to satisfy national defence needs (except to demolish it) or a permit only to demolish, the builder (client) shall submit documents specified

in paragraphs 6 or 7 of this Article to the county governor's administration.

9. Upon the receipt of a builder's (client's) application and other documents specified in paragraphs 6 and 7 of this Article, the municipal mayor (municipal administrator or another employee of the municipal administration authorised by him) shall refer them to the Standing Commission on Construction which must check and establish whether construction meets the requirements (regulations) for the improvement of a construction plot laid down in physical planning documents as well as the requirements of a set of design conditions. The Commission shall document the results of checking of a design documentation of a construction works in the form of a report, and recommend to the municipal mayor (municipal administrator or another employee of the municipal administration authorised by him) to issue or not to issue to the builder (client) a construction permit requested by him.

10. The Standing Commission on Construction shall be set up by the municipal mayor from owners (users) of engineering and utility networks and traffic routes, who prepared conditions for physical planning and design of a construction works, institutions, and representatives of the municipality who are authorised to make decisions on the issues specified in paragraph 9 of this Article. Model regulations of the Commission shall be prepared by an institution authorised by the Government.

11. When a construction permit is issued by the county governor's administration, the municipal mayor must, within 10 days of the receipt of the documents specified in paragraphs 6 or 7 of this Article, refer to the said administration the report of the Standing Commission on Construction approved by the municipal mayor (municipal administrator authorised by him), as well as the documents specified in paragraphs 6 or 7 of this Article.

12. A construction permit shall be issued by the municipal mayor (municipal administrator or another employee of the municipal administration) not later than within 10 days (a construction permit for a construction works of exceptional significance – within 15 days) from the submission of the documents specified in paragraphs 6 or 7 of this Article, and by the county governor's administration – within 7 days of the receipt of a report of the Standing Commission on Construction.

13. A construction permit for a construction works designated to satisfy national defence needs shall be issued in a manner prescribed by the Government.

14. If a construction permit is issued by the municipal mayor (municipal administrator or another employee of the municipal administration authorised by him), he shall within 3 days of the issuance of such permit, present a copy

of the permit to the county governor's administration. When a permit is issued for carrying out construction operations pertaining to maintenance of immovable cultural heritage properties, its copy shall be also transferred to an authorised institution responsible for the protection of immovable cultural heritage properties. When a permit is issued for construction of a construction works in the protected territory, a copy of the permit shall be transferred in a prescribed manner to the manager of the immovable property cadastre.

15. A single construction permit shall be issued for all construction works designed in one design documentation of a construction works and situated either on a construction plot or outside its limits (engineering and utility networks and traffic routes designed in accordance with design conditions), including temporary construction works (built for construction purposes), as well as for all types of construction provided for in a design documentation of a construction works (construction of new construction works, reconstruction, major repairs, demolition, construction operations pertaining to maintenance of immovable cultural heritage properties). A permit must contain technical data and purpose of each construction works, established by normative technical construction documents.

16. If a construction permit is not issued, a State administration entity which is assigned to issue this permit, shall, within 10 days from the submission of builder's (client's) documents specified in paragraphs 6 or 7 of this Article, inform the builder (client) about this, indicating concrete reasons for refusing to issue a permit. If a permit has not been issued within a set time limit and the builder (client) has not been informed about the reasons for refusal, the builder (client) shall have the right to carry out construction without a permit, however, he must inform in writing a public administration entity which issues a permit, about this not later than within 5 days from the beginning of construction operations. A public administration entity which issues a permit, must register this document as a construction permit. Refusal to issue a construction permit may be appealed against by the builder (client) in a manner prescribed by the Law on Administrative Proceedings.

17. A construction permit shall be valid for a period of 10 years (when constructing a temporary construction works – until the date specified in the permit which depends of the purpose of use of such construction works), and a permit to demolish – 3 years.

18. A construction permit shall become invalid:

1) when pursuant to a procedure established by law a plot of land (part

thereof) is taken for public needs;

2) by court decision;

3) if a construction works has not been started within 3 years from the issuance of a permit or has not been accepted as fit for use within 10 years. A builder (client) who wants to start or continue construction, must appeal to the institution which has issued a permit, regarding the issuance of a new construction permit.

19. The county governor's administration or a Government representative, or the State Territorial Planning and Construction Inspectorate under the institution authorised by the Government shall have the right to terminate the validity of a construction permit issued by the municipal mayor (municipal administrator or another employee of the municipal administration) from the day of submission to the court of an application to revoke such permit until adoption of a decision by the court, if these public administration entities have appealed to the court regarding the revocation of a permit. The State Territorial Planning and Construction Inspectorate under the institution authorised by the Government shall have the right to terminate in the same manner the validity of a construction permit issued by the county governor's administration.

20. A construction permit to demolish a construction works shall become invalid in the cases indicated in paragraph 18 of this Article, and if during 3 years from the granting of such permit the construction works has not been demolished. The builder (client) who wishes to start or continue to demolish a construction works, must apply to a public administration entity which has granted a construction permit, for renewal of the validity of such permit.

21. Forms of documents necessary for the procedure of issuance of construction permits shall be established by an institution authorised by the Government, and of construction permits for construction operations pertaining to maintenance of immovable cultural heritage properties or of permits for construction of construction works in the territories of immovable cultural heritage properties – by an institution authorised by the Government in conjunction with an authorised institution responsible for the protection of cultural properties.

22. Accounting, a list and statistical reporting with regard to construction permits shall be kept by the county governor's administration, and of construction permits for construction operations pertaining to maintenance of immovable cultural heritage properties – also by an authorised institution responsible for the protection of immovable cultural heritage properties. The procedure for keeping the accounting and making a list shall be established by

an institution authorised by the Government. Records and a list of permits for construction and reconstruction nuclear facilities shall be managed in the manner prescribed by the Law on Nuclear Energy.

Article 24. Accepting a Construction Works as Fit for Use

Article 24. Accepting a Construction Works as Fit for Use

1. A building, a construction works which has been reconstructed or undergone major repairs (or a part thereof which may be used without taking into account whether the construction of the rest parts has been completed) shall be accepted as fit for use upon having carried out construction operations provided for in the design documentation of a construction works (or a part thereof) and after design conditions pertaining to the construction works (or a part thereof) have been met, after the engineering and utility networks and traffic routes (necessary for exploitation of the construction works or a part thereof which are being accepted as fit for use) have been tested, and geodetic pictures have been taken. Acceptance of a construction works as fit for use shall be inspection and confirmation by a commission set up in a prescribed manner, that the construction works has been built in accordance with the requirements of mandatory documents concerning the preparation of a design documentation of a construction works, according to the design documentation of a construction works and meets the essential requirements laid down in paragraph 1 of Article 4 of this Law.

2. The procedure, requirements for acceptance of completed construction works as fit for use, as well as the composition of the commission shall be established by an institution authorised by the Government, and when construction operations pertaining to maintenance of immovable cultural heritage properties or construction of construction works within the territory of such cultural properties is carried out – by an institution authorised by the Government in conjunction with an authorised institution responsible for the protection of immovable cultural heritage properties; such procedure and requirements for nuclear facilities shall be established by the Law on Nuclear Energy.

3. Construction works may be used only after all the requirements referred to in paragraph 1 of this Article have been met.

4. A construction works which has been accepted as fit for use must, in a manner prescribed by laws and other legal acts, be registered in accordance

with the Law on the Register of Immovable Property.

SECTION SEVEN AN ACCIDENT OF CONSTRUCTION WORKS

SECTION SEVEN AN ACCIDENT OF CONSTRUCTION WORKS

Article 25. An Accident of a Construction Works

Article 25. An Accident of a Construction Works

1. An accident of a construction works (hereinafter referred to as “accident”) shall be uncontrollable collapse of construction works or part thereof, elements of structures, partitions or supports, as well as land slips in slopes, construction excavations or earthworks limiting the foundations of the construction works. Definition of accidents related to equipment shall be formulated by institutions authorised by the Government which establish requirements for concrete equipment.

2. When an accident takes place during the construction, reconstruction, repair or demolition of a construction works, the construction contractor (in the case of self-dependent construction – the builder (client)) must forthwith:

1) organise and render aid to the victims;

2) resort to urgent preventive measures to avoid any further consequences of the accident;

3) protect the area of the accident from impacts that may interfere with investigation of the causes of such accident;

4) notify the municipal mayor (municipal administrator or another employee of the municipal administration), the county governor’s administration about the accident; if the accident occurred during the construction , notify also the builder (client), technical supervisor of construction of a construction works and designer of a construction works; in case of injuries, notify also the law enforcement institution and the State Labour Inspectorate. If an accident occurs in a construction works assigned to immovable cultural heritage properties, within their territories, an authorised institution responsible for the protection of immovable cultural heritage properties must also be

notified about such accident; and should an accident due to which the environment is polluted (or may be polluted), takes place – the Ministry of the Environment as well; if an accident is related to potentially dangerous equipment, it must be reported to institutions indicated in the Law on Maintenance of Potentially Dangerous Equipment;

5) if an accident occurred due to the accident of potentially dangerous equipment or if because of the accident of the construction works, such equipment have been broken, beside the institutions specified in subparagraph 4 of paragraph 2 of this Article, appropriate State supervision and control institutions must be notified about this, and in the event of nuclear accident – the State Nuclear Safety Inspectorate;

6) describe the status of a construction works after the accident, indicating changes and location of occurrence of such changes.

3. The procedure for investigation and management of an accident shall be established by an institution authorised by the Government (regarding accidents related to the equipment – State supervision institutions within the scope of their competence).

SECTION EIGHT STATE REGULATION OF CONSTRUCTION. SUPERVISION OF CONSTRUCTION

SECTION EIGHT STATE REGULATION OF CONSTRUCTION. SUPERVISION OF CONSTRUCTION

Article 26. Sate Regulation of Construction

Article 26. Sate Regulation of Construction

The State regulation of construction shall be executed by the Government.

Article 27. State Supervision of Construction

Article 27. State Supervision of Construction

1. The State supervision of construction shall be exercised by the following public administration entities:

- 1) on the county level – county governor's administration;
- 2) on the national level – the State Territorial Planning and Construction Inspectorate under an institution authorised by the Government.

2. State supervision of construction of nuclear facilities shall be carried out in the manner prescribed by the Law on Nuclear Energy.

3. The county governor's administration shall, under paragraphs 4, 5, 6 of this Article, carry out the State supervision of construction of all construction works.

4. The county governor's administration must inspect:

- 1) if construction of a construction works is carried out in accordance with an issued construction permit and if a construction works under construction corresponds to the main technical characteristics of a construction works and the purpose of use of a construction works, indicated in such construction permit. When a simple construction works is being built and a permit is not mandatory, it shall be inspected whether construction of a construction works is carried out when possessing all the documents specified in normative technical construction documents for this purpose;
- 2) if construction and demolition of a construction works do not violate: the laws and other legal acts regulating the land ownership, holding or use on other grounds; physical planning documents (when they are necessary); grounded interests of third parties; a set of design conditions for a construction works;
- 3) if heads of the main spheres of technical activities of construction satisfy the qualification requirements of attestation established by this Law and an institution authorised by the Government;
- 4) if technical supervision of construction operations and supervision of the implementation of a design documentation of a construction works are carried out (when they are mandatory) and if the contractor (when self-dependent construction is carried out) meets the requirements entered in the construction operations book by the heads of such supervisions; if documents related to carrying out of construction operations meet the requirements set by normative technical construction documents;

5) if load-bearing structures of a construction works are built and assembled from construction products which have conformity documents.

5. A representative of the county governor's administration shall take part when accepting a construction works as fit for use.

6. Officers authorised by the county governor's administration shall, within the scope of competence set in paragraphs 3, 4 and 5 of this Article, have the right:

1) to terminate construction of a construction works and apply to the court in the cases specified in paragraph 2 and 3 of Article 33 of this Law;

2) when this is related to the performance of their duties, to freely enter construction sites, construction works which are being built, reconstructed, repaired or demolished, apartments situated in them, and to request from participants of construction operations to submit all documents pertaining to construction operations;

3) in the cases established by the Code of Administrative Offences, to draw up reports on administrative offences, to consider cases of administrative offences and to impose administrative penalties or to bring cases of administrative offences before the court;

4) in the cases established by the Civil Code, to apply to the court concerning initiation of civil proceedings with respect to the compensation for the damage made to the State because of violation of provisions of laws, requirements of other legal acts and normative technical construction documents;

5) to represent an institution in the court upon the authority;

6) to request from the builder (client) and the contractor to eliminate the consequences of the violations of a design documentation of a construction works and normative technical construction documents;

7) to inspect if activities of the technical supervisor of construction of a construction works and the head of supervision of the implementation of a design documentation of a construction works are in compliance with laws, other legal acts and normative technical construction documents, and, if there are violations – to impose sanctions established by laws and other legal acts;

8) to request and get from participants of construction written and oral

explanations, copies of documents and other information about their activities in construction;

9) to apply to the police when participants of construction prevent officers of State supervision of construction from performing their official functions;

10) to terminate the validity of a construction permit unlawfully issued by the municipal mayor (municipal administrator or another employee of the municipal administration authorised by him) from the day of submission of an application (request) to the court concerning the revocation of such permit until the adoption of court's decision.

7. The State Territorial Planning and Construction Inspectorate under the institution authorised by the Government shall, on the basis of the rights laid down in paragraph 6 of this Article, carry out the following State supervision of construction:

1) methodically directs the service of the county governor's administration which carries out State supervision of construction, inspects if such supervision is in compliance with this Law and other legal acts regulating construction, and submits findings of the inspection to the county governor;

2) in accordance with the requirements of paragraph 4 of this Article, by way of selection inspects the activities of entities of the main fields of technical activities of construction and participants of construction of any construction works built in the Republic of Lithuania, publicly announces findings of the inspection and recommendations to eliminate established violations and shortcomings (if any);

3) by way of selection inspects whether design documentation of construction works and expert examinations carried out by expert examination enterprises are in compliance with normative technical construction documents;

4) terminates the validity of a construction permit unlawfully issued by the county governor's administration from the day of submission of an application (request) to the court for the revocation of such permit until the day of adoption of court's decision.

8. Beside being attested in accordance with the Law on Public Service, officers of public administration entities which carry out State supervision of construction operations must be attested in a manner prescribed by an institution authorised by the Government (it shall be inspected whether they have familiarised themselves with this Law and other legal acts regulating construction).

9. Institutions of the State supervision of requirements for the safety and purpose of a construction works shall, within the scope of competence assigned to them by laws and other legal acts, exercise the State supervision of requirements for the safety and purpose of a construction works in the following manner:

- 1) establish, within the scope of competence, design conditions for a construction works laid down in paragraph 32 of Article 2 of this Law and control the fulfilment thereof during the construction;
- 2) in a prescribed manner, take part in the conducting of an expert examination of a design documentation of a construction works, acceptance of a construction works as fit for use.

10. County governors and an institution authorised by the Government shall, within their competence, exercise the State supervision of engineering geodetic construction investigations.

11. The Geological Survey of Lithuania shall exercise the State supervision of engineering geological, geotechnical construction investigations and other investigations of this sphere.

12. The procedure of the State supervision of construction shall be established by the Government.

13. Officers of public administration entities who carry out the State supervision of construction shall be held liable under the Law on Public Administration for violations of the procedure of the State supervision of construction established in this Article.

Article 28. Elimination of Consequences of Unauthorised Construction

Article 28. Elimination of Consequences of Unauthorised Construction

1. Upon establishing that construction of a construction works is carried out in violation of this Law and other legal acts, officers of the county governor's administration, the State Territorial Planning and Construction Inspectorate under the institution authorised by the Government who carry out the State supervision of construction within the scope of competence specified in paragraphs 3, 4, 6, and 7 of Article 27 of this Law, shall, invoking the Civil Code and the Code of Administrative Offences:

- 1) draw up an act on unauthorised construction, request from the builder (client) and contractor (when construction operations are carried out under the contract) to immediately stop construction operations, and hand the said report in to them against their signature, or by registered mail;
- 2) draw up a report on administrative violations of law in a manner prescribed by the Code on Administrative Offences, and hear an administrative case regarding the imposition of an administrative penalty, or send this report to the court;
- 3) consider causes and circumstances of unauthorised construction, receive findings of institutions for the state supervision of purpose and safety requirements of a construction work, draw up and submit, according to the subordination, proposals to the county governor concerning elimination of construction consequences or, within the scope of their competence, make appropriate decisions.

2. The county governor's administration or the State Territorial Planning and Construction Inspectorate under the institution authorised by the Government shall, within the scope of competence specified in paragraphs 3, 4, 5, 6, and 7 of Article 27 of this Law, consider an act on unauthorised construction and proposals of the officers regarding elimination of the consequences thereof and, by setting time limits of implementation, make one of the following decisions:

- 1) to stop construction of a construction works and request from the builder (client) to demolish a construction works, if in the territory where construction of a new construction works is carried out or a construction works is reconstructed, construction or reconstruction of any new construction works or a construction works of a certain purpose is prohibited; to appeal to the court if such request is not carried out within the set time limit;
- 2) when construction of a construction works may be carried out, to allow the builder (client) to prepare a design documentation of a construction works and obtain a construction permit;
- 3) to obligate the builder (client) who has carried out the requests of subparagraph 2 of paragraph 2 of this Article, to redo unauthorised construction operations in accordance with the design documentation of a construction works;
- 4) to request from the builder (client) to demolish a construction works with his own funds and to clean a construction site;

5) to appeal to the court without making decisions specified in subparagraphs 1, 2 and 3 of this paragraph.

3. If the builder (client) does not carry out the requirements specified in subparagraphs 2, 3 and 4 of paragraph 2 of this article within the set time limit, the county governor's administration or the State Territorial Planning and Construction Inspectorate under the institution authorised by the Government shall, within the scope of competence specified in paragraphs 3, 4, 6, and 7 of Article 27 of this Law, submit to the court an application (request) regarding the carrying-out of obligations.

4. The procedure and form of an act on unauthorised construction shall be set by an institution authorised by the Government.

Article 29. Expert Examination of a Design Documentation of a Construction Works. Expert Examination of a Construction Works

Article 29. Expert Examination of a Design Documentation of a Construction Works. Expert Examination of a Construction Works

1. Expert examination of a design documentation of a construction works of exceptional significance or a construction works included in the State investment programme, shall be mandatory. The cases of obligation of expert examination of design documentation of construction operations pertaining to maintenance of immovable cultural heritage properties shall be established by an institution authorised by the Government in conjunction with the authorised institution responsible for the protection of immovable cultural heritage properties.

2. Expert examination of design documentation of the construction works specified in paragraph 1 of this Article shall be carried out in the cases of construction of new construction works, reconstruction of construction works and major repairs.

3. An enterprise registered in the Republic of Lithuania shall have the right to make an expert examination of a design documentation of a construction works and a construction works, upon the receipt of a certificate, issued in a manner prescribed by an institution authorised by the Government, allowing to make an expert examination of a design documentation of a construction works or a construction works. A certificate must indicate a category of a

construction works (from the categories laid down in paragraph 1 of this Article). A foreign expert examination enterprise shall have the right to make expert examination of a design documentation of a construction works or a construction works, if it has attestation documents issued by its own country which are recognised in the Republic of Lithuania on the basis of the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (concluded on 5 October 1961 in the Hague).

4. Expert examination shall be made at the request of public administration entities which exercise the State supervision of construction, only when:

- 1) an accident of a construction works has occurred or a threat thereof, or deformations of a construction works have been established;
- 2) a complaint of the builder (client) or the user of a construction works has been received that the construction works does not meet the essential requirements referred to in paragraph 1 of Article 4 of this Law.

5. The procedure of making of and the types of expert examination of design documentation of a construction works and construction works shall be established by an institution authorised by the Government, and the procedure of an expert examination of design documentation of construction operations of maintenance of immovable cultural heritage properties – by an institution authorised by the Government in conjunction with the authorised institution responsible for the protection of immovable cultural heritage properties.

Article 30. Technical Supervision of Construction

Article 30. Technical Supervision of Construction

1. Technical supervision of construction shall be mandatory for all construction works, except simple construction works. Such requirement shall not apply when carrying out simple repairs of a construction works.
2. The procedure of carrying out technical supervision of construction shall be established by an institution authorised by the Government.

Article 31. Supervision of the Implementation of a Design documentation of a construction works

Article 31. Supervision of the Implementation of a Design documentation of a construction works

1. When constructing, reconstructing a construction works of exceptional significance or a construction works in the protected territory as well as when making major repairs of such construction works, supervision of the implementation of design documentation of the above construction works shall be mandatory.
2. The builder (client) shall have the right to task the designer with the supervision of the implementation of a design documentation of a construction works and technical supervision of the construction of a construction works.
3. Supervision of the execution of a design documentation of a construction works (during the construction) shall, upon the instruction of a designer, be exercised by a author of a design documentation of a construction works together with in accordance with a written agreement between the builder (client) and the designer. By a written consent of the designer of a design documentation of a construction works or in the absence of such designer (the design enterprise which prepared the design documentation of a construction works has ceased its operation, a designer – a natural person does not longer engage in design activities, or he does not have a patent for such activities, or attestation documents of the head of design of a construction works, or he is dead), supervision of the implementation of a design documentation may be exercised by another designer of a construction works selected by the builder (client). If the designer does not carry out or violate the requirements of supervision of the implementation of a design documentation of a construction works (established by an institution authorised by the Government), the builder (client) shall enjoy the right to terminate an agreement on supervision of the implementation of a design documentation of a construction works or to select another designer (who has not designed a construction works) for carrying out such supervision.
4. The head of supervision of the implementation of a design documentation of a construction works shall be hired (appointed) by the builder (client) or the designer (the very person who has appointed or hired the head of design of a construction works).
5. The procedure for supervision of the implementation of a design documentation of a construction works shall be established by an institution authorised by the Government, and when maintenance of immovable cultural heritage properties or construction of a construction works is carried out within the territory of such cultural properties – by an institution authorised by the Government in conjunction with the authorised institution responsible for the protection of immovable cultural heritage properties.

Article 32. Informing of the Public about the Commencement of Construction of Construction Works Important to the Public and Consequences Thereof

Article 32. Informing of the Public about the Commencement of Construction of Construction Works Important to the Public and Consequences Thereof

1. The builder (client) must inform the public about the commencement of design of construction works important to the public. The list of such construction works (indicating the purpose of construction works) and the procedure for information of the public shall be established by an institution authorised by the Government.

2. If the solutions of a design documentation of a construction works do not conform to the approved physical planning documents, any natural or legal person shall have the right to appeal to the county governor for suspension of design of a construction works and refusal to issue a construction permit. Disputes on these issues shall be considered by the court.

Article 33. Suspension of Construction and Design

Article 33. Suspension of Construction and Design

1. Any public administration entity which carries out the State supervision of construction, shall have the right to suspend construction on its own initiative or when it is requested by:

- 1) a municipal mayor;
- 2) a representative of the Government;
- 3) an institution of the State supervision of requirements for the safety and purpose of a construction works (unless it has been granted by laws and other legal acts the right to suspend construction or demolition of a construction works);
- 4) a builder (client);

5) a designer of a construction works who exercises the supervision of implementation of a design documentation of a construction works;

6) a technical supervisor of construction of a construction works.

2. Any public administration entity shall have the right to suspend construction of a construction works (specifying the time limit of suspension of construction or demolition) when:

1) it is established that construction or demolition of a construction works is unauthorised;

2) an application (request) is submitted to the court concerning the revocation of a construction permit under paragraph 19 of Article 23 of this Law;

3) a construction works under construction does not correspond to the capacity and space measurements of a construction works specified in the construction permit and to the purpose of use of a construction works;

4) it has been established that the builder (client) or the contractor has violated the solutions of a design documentation of a construction works, as well as the requirements of normative technical construction documents and normative documents pertaining to the safety and purpose of a construction works;

5) the mistakes of a design documentation of a construction works become clear which constitute a threat of an accident of a construction works;

6) a construction permit becomes invalid.

3. The county governor shall have the right to suspend design of a construction work in the case specified in paragraph 2 of Article 32 of this Law.

4. The public administration entity carrying out the State supervision of construction, which has suspended the construction of a construction works shall draw up an act indicating the volume of construction operations carried out. A form of an act shall be set by an institution authorised by the Government.

5. The builder (client) and the contractor must eliminate the violations specified in paragraph 2 of this Article as well as the consequences thereof, and obtain a written consent of the public administration entity which carries out the State supervision of construction and which has suspended the

construction of a construction works, to continue with the construction of a construction works. If the requirements laid down in this Article are not carried out, the public administration entity which has suspended construction of a construction works, shall appeal to the court.

Article 34. Transfer of a Construction Works the Construction, Reconstruction or Major Repairs of Which Have not Been Completed

Article 34. Transfer of a Construction Works the Construction, Reconstruction or Major Repairs of Which Have not Been Completed

1. An agreement for transfer of a construction works which is not completely built or reconstructed or major repairs of which are not completed to any other legal or natural person may be notarised only upon providing a certificate issued by a public administration entity carrying out the State supervision of construction of such construction works, to the effect that the said construction works is being built or reconstructed, or major repairs thereof are made without any essential deviations from the design documentation of a construction works (in the case of a construction works for which approval of a design documentation of a construction works is mandatory – from the approved design documentation of a construction works), and when immovable cultural heritage properties are transferred – a certificate containing the same information and issued by the authorised institution responsible for the protection of immovable cultural heritage properties.

2. All the rights and obligations of the builder (client) who has obtained a construction permit shall become vested in any legal or natural person who has acquired the construction works which is not completely built or reconstructed or major repairs thereof are not completed only upon re-registration of such permit in the name of the person who has acquired the construction works.

3. In order to reregister a construction permit, a legal or natural person who has acquired a construction works, must submit to the public administration entity which has issued a construction permit, the documents referred to in subparagraphs 2, 3, 8, 9 of paragraph 6 of Article 23 of this Law (other documents specified in this paragraph must be submitted only in the event when a design documentation of a construction works is revised), and the contract related to the transfer of the construction works specified in paragraph 1 of this Article.

4. When a part of a construction works which is not completely built, reconstructed or major repairs thereof are not completed, is being transferred, a construction permit shall not be registered. The owner of a transferred part shall acquire the builder's (client's) rights and obligations to continue the operations, provided for in the design documentation of a construction works, in a part of the construction works which has been transferred to him.

SECTION NINE DEMOLITION OF A CONSTRUCTION WORKS

SECTION NINE DEMOLITION OF A CONSTRUCTION WORKS

Article 35. Demolition of a Construction Works

Article 35. Demolition of a Construction Works

1. A completed construction works or a construction works which is not completely built (except immovable cultural heritage properties) shall be demolished in the following cases:

- 1) at owner's will;
- 2) when so provided for in physical planning documents (after such plot of land or part thereof, or a construction works has been taken for public needs) – within the time limit set by decision of the municipal council;
- 3) upon expiry of a term for the use of a temporary construction works;
- 4) when a construction works or parts thereof are physically worn out and pose threat to people and the environment, and such threat has not been eliminated within the time limit fixed by public administration entities carrying out the State supervision of construction or by the municipal mayor;
- 5) when a construction works has been built or is being built in violation of this Law or other laws, normative technical construction documents – within the time limit fixed by public administration entities carrying out the State supervision of construction or by the municipal mayor;
- 6) in other cases provided for in the Civil Code and other laws.

2. If in the cases laid down in subparagraphs 2, 3, 4, 5, and 6 of paragraph 1 of this Article, the owner of a construction works has not demolished a construction works within the set time limit, a decision on demolition or non-demolition of it shall be made by the court on the recommendation of public administration entities carrying out the State supervision of construction or of the municipal mayor (municipal administrator authorised by him).

SECTION TEN WARRANTY PERIOD OF A CONSTRUCTION WORKS

SECTION TEN WARRANTY PERIOD OF A CONSTRUCTION WORKS

Article 36. Warranty Period of a Construction Period. Obligations of the Designer, Contractor of a Construction Works and Technical Supervisor of Construction of a Construction Works during a Warranty Period

Article 36. Warranty Period of a Construction Period. Obligations of the Designer, Contractor of a Construction Works and Technical Supervisor of Construction of a Construction Works during a Warranty Period

1. The warranty period of a construction works shall be fixed in contracts, contracts related to construction works design and technical supervision of construction of a construction works. Such period may not be less than five years (counting from the day of the acceptance of a construction works as fit for use); for hidden elements of a construction works (structures, pipelines, etc.) – ten years, and if defects which have been deliberately hidden are established – twenty years.

2. The designer, the contractor of a construction works and the technical supervisor of construction of a construction works shall be liable for collapse of a construction works or the defects established during a warranty period in accordance with the procedure established by the Civil Code.

3. The warranty period shall be suspended for such length of time during which the construction works cannot be used due to the established defects for which the contractor is liable.

4. The warranty period of construction products and equipment which are not related to the requirements of paragraph 1 of Article 4 of this Law (except those which are in hidden structures of a construction works) shall be set in documents issued by the supplier.

SECTION ELEVEN INSURANCE OF CIVIL LIABILITY OF THE DESIGNER AND THE CONTRACTOR OF A construction works

SECTION ELEVEN INSURANCE OF CIVIL LIABILITY OF THE DESIGNER AND THE CONTRACTOR OF A construction works

Article 37. A Subject Matter of Insurance and Contracts of Insurance

Article 37. A Subject Matter of Insurance and Contracts of Insurance

1. Civil liability of the designer and the contractor of a construction works shall be insured with compulsory insurance, regardless of the sources of design and construction financing, a type of the ownership of a construction works, and the legal status of the designer, the contractor and the builder (client).

2. The subject matter of insurance shall be civil liability of the designer and the contractor of a construction works for the damage caused to the builder (client) and the third parties. Insurance of civil liability of the designer and the contractor of a construction works shall comprise the insurance of civil liability of their subcontractors.

3. When the builder (client) does not conclude a design contract with a designer for the preparation of a design documentation of a construction works of a whole construction works, but concludes contracts with different designers for the preparation of separate parts of a design documentation of a construction works, civil liability of each designer shall be insured separately.

4. When the builder (client) does not conclude a contract with the contractor for carrying out all construction operations, but concludes contracts with different contractors to carry out separate construction operations, civil liability of each contractor shall be insured separately.
5. Parties to an insurance contract shall be the insured (the designer or the contractor of a construction works) and the insurer (insurance company which has received a permit of the State Insurance Supervision Service under the Ministry of Finance to provide compulsory insurance for civil liability of the designer and the contractor of a construction works).
6. When designing and constructing simple construction works and carrying out simple repairs of a construction works, it shall not be obligatory to take out a compulsory insurance of civil liability of the designer and the contractor of a construction works. Natural persons, legal persons shall not be subject to taking out a compulsory insurance in the case of self-dependent construction.
7. Periods of validity of insurance shall be set in the rules of compulsory insurance of civil liability of the designer and the contractor.
8. Contracts of compulsory insurance of civil liability of the designer and the contractor shall be concluded in accordance with the rules of compulsory insurance of civil liability of the designer and the contractor approved by the Government or an institution authorised by it.
9. If a contract of insurance has been terminated or the period of validity thereof has expired prior to the term indicated in an insurance policy, the insured must conclude a new contract of insurance.
10. The amount of contributions of compulsory insurance of civil liability of the designer and the contractor shall be established in insurance contracts.

Article 38. Compulsory Insurance of Civil Liability of the Designer of a Construction Works

Article 38. Compulsory Insurance of Civil Liability of the Designer of a Construction Works

1. When the insured is a designer of a construction works, the insurer shall, according to compulsory insurance of civil liability, compensate by paying to

the builder (client) and the third parties insurance benefits for the damage caused by the insured to person's health or the damage caused due to deprivation of life, or the damage caused to property.

2. Insurance benefits shall be paid only in the case of an insurance event, on the basis of official documents confirming such event.

3. Insurance events covered and insurance events not covered shall be established by the rules of compulsory insurance of civil liability of the designer.

4. The insured must take out an insurance of civil liability according to each design documentation of a construction works or according to the volume of design works of a design enterprise during one year.

5. The minimum amount of compulsory insurance of civil liability of the insured shall be set in the rules of compulsory insurance of civil liability of the designer.

Article 39. Compulsory Insurance of Civil Liability of the Contractor

Article 39. Compulsory Insurance of Civil Liability of the Contractor

1. When the insured is a contractor, the insurer shall, according to compulsory insurance of civil liability, compensate by paying to the builder (client) and the third parties insurance benefits for the damage caused by the insured to person's health or the damage caused due to deprivation of life, or the damage caused to property. In the event when the insured himself compensate the caused damage, the insurer shall pay insurance benefits to the insured.

2. Insurance benefits shall be paid only in the case of an insurance event, on the basis of official documents confirming such event.

3. Insurance events covered and insurance events not covered shall be established by the rules of compulsory insurance of civil liability of the contractor.

4. The insured must take out an insurance of civil liability on each construction works under construction which is a subject matter of a contract.

5. The minimum amount of compulsory insurance of civil liability of the insured shall be set in the rules of compulsory insurance of civil liability of the contractor.

SECTION TWELVE FINAL PROVISIONS

SECTION TWELVE FINAL PROVISIONS

Article 40. Liability for Violations of the Law

Article 40. Liability for Violations of the Law

Natural and legal persons who have violated the provisions of this Law shall be held liable under laws of the Republic of Lithuania.”

Invoking paragraph 2 of Article 71 of the Constitution of the Republic of Lithuania, I promulgate this Law passed by the Seimas of the Republic of Lithuania.

CHAIRMAN OF THE SEIMAS OF ARTRAS PAULASKAS

THE REPUBLIC OF LITHUANIA