

REPUBLIC OF LITHUANIA

LAW

ON CONSTRUCTION

19 March 1996 No I-1240

Vilnius

(As last amended on 3 May 2007 No X-1111)

SECTION ONE GENERAL PROVISIONS

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 within the territory of 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, utilisation and maintenance, demolition of 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 research of immovable cultural heritage and maintenance operations of heritage protection of construction works as well as the procedures related thereto, which are laid down in the Law on the

Protection of Immovable Cultural Heritage, with the exception of the requirements established in paragraph 1 of Article 4 and paragraph 1 of Article 13 of this Law;

- 3) requirements for economic commercial or any other activities carried out in a construction works which is being used.
- 3. This Law has been harmonised with the legal acts of the European Union referred to in the Annex to 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; a construction works of cultural heritage. 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. "Construction works of cultural heritage" means a building which has valuable properties, its part, engineering works or its surviving part, monumental immovable works of art.
- 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 related to maintenance of construction works of cultural heritage or construction of construction works within the territory of objects of cultural heritage.
- 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 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).
- 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 (semibasement), 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" (corresponds to the definition "current repair" as used in the Civil Code) 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 communaluse 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 construction operations carried out in a construction works of cultural heritage or within its territory.
- 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.
- "Design conditions for a construction works" means mandatory 32. requirements if they are not set out 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 director of the administration of a municipality (the civil servant of the administration of that municipality, authorised by him) 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); provisional regulations on the protection of immovable cultural heritage, issued by an institution responsible for the protection of immovable cultural heritage, as defined in the Law on Protection of Immovable Cultural Heritage; individual regulations (or provisional regulations) on protected areas, approved by an institution authorised by the Government, as defined in the Law on Protected Areas; 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 director of the administration of a municipality (the civil servant the administration of that municipality, authorised by him).
- 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 preparation of design conditions for a construction works, issuing of the set of design conditions for a construction works and other mandatory documents related to the preparation of a design documentation of a construction works, carrying—out and inspection of an expertise of design documentation of a construction works at the permanent construction commission, compliance 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 a natural person, a legal person, any other foreign organisation to whom the laws and other legal acts, regulating an appropriate field of investigations, grant the right to exercise such investigations.
- 43. "Designer of a construction works" means a natural person, a legal person, any other foreign organisation who has the right established by this Law, to carry out design work of a construction works.
- 44. "Head of a design of a construction works" means an architect or building engineer who, representing the interests of the builder, 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 the 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 architect who is an author of a concrete construction works as a work of architecture and/or the head of an architectural part of the design documentation. A team of natural persons may also be an architect of a construction works.
- 46. "Designer of the design documentation of a construction works" means an architect or a building engineer who solely prepares a design documentation of a construction works, is its head or prepares a design documentation of a concrete construction works, headed by another head of this design documentation. A team of natural persons managed by the head of the design documentation may be a designer of the design documentation of a construction works, which consists of heads of the parts of the design documentation of a construction works, other architects and building engineers.
- 47. "Designer of a constituent part of the design documentation of a construction works" means an architect or a building engineer who solely prepares a constituent part of the design documentation of a construction works and is its head, or solely prepares a part of the design documentation of a concrete construction works, headed by another head of this part of the design documentation. A team of natural persons may be a designer of a part of the design documentation of a construction works, which consists of architects and building engineers.
- 48. "Manager of the design documentation of a construction works" means a natural person, a legal person, any other foreign organisation functioning as an agent of the principal the builder (client) who manages design work of a construction works, organises works related to other main spheres of technical construction activities, which are done by a natural person, a legal person, any other foreign organisation hired by him.
- 49. "Contractor of construction of a construction works" (hereinafter referred to as the "contractor") means a natural person, a legal person, any other foreign organisation who has the right to engage in construction, established by this Law.
- 50. "Head of construction of a construction works" means a building engineer 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 an architect or a building engineer who, representing the builder (client), heads engineering supervision of construction of a concrete construction works, performs functions assigned to the head of general engineering 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 a natural person, a legal person, any other foreign organisation 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 a natural person, a legal person, any other foreign organisation hired by him and enjoying such a right.
- 53. "Supplier" means a natural person, a legal person, any other foreign organisation who is a producer (his representative) of construction products, a distributor, an importer, a service organiser and the like.
- 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, use, supervision and demolition of a construction works. It shall comprise technical regulations for construction, rules, standards, technical approvals, methodological instructions, recommendations for construction, use and supervision of a construction works.
- 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, automatisation 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 of a construction works" means construction of a construction works without a construction permit obtained in the manner

prescribed by this Law or performance of construction operations when the validity of a construction permit has expired (in the case of a simple construction works — without a mandatory document specified in normative technical construction documents or when the validity of such a document has expired), as well as when the court has recognised a construction permit as illegal; construction of a construction works (its part) with a valid construction permit (in the case of a simple construction works — with a mandatory document specified in normative technical construction documents), but in violation of the essential decisions of the design documentation of a construction works, i.e. changing the determined place of a construction works in the construction plot, the purpose of a plot, a construction works or its part, the permissible density of development of a plot, the permissible height of a construction works, the requirements laid down in the regulations on the protection of a protected area or the provisional regulations on the protection of a construction works of cultural heritage are not complied with.

- 72. "Use of a construction works" means utilization of the characteristics of a construction works, created on the basis of the key requirements for a construction works, to satisfy the needs of a user.
- 73. "User of a construction works" means an owner of a construction works or any other natural or legal person who uses a construction works (its part) on the basis of the laws, administrative acts, agreements or court decisions of the Republic of Lithuania.
- 74. "Supervision of a construction works" means the totality of technical, organisational and public administration measures, laid down by this and other laws, and other legal acts, when carrying out the engineering supervision of a construction works and the supervision of the use of a construction works.
- 75. "Engineering supervision of a construction works" means the totality of technical and organisational measures organised by a user of a construction works and laid down by this and other laws, and other legal acts, which guarantees the key requirements, established in paragraph 1 of Article 4 of this Law during the whole economically-justified duration of a construction works.
- 76. "Supervision of the use of a construction works" means the control exercised by an entity of public administration aimed at determining whether or not the engineering supervision of a construction works meets the requirements of this and other laws and other legal acts, as well as normative technical construction documents.
- 77. "Purpose of a construction works" means the purpose of the use of a

construction works specified in the public register of a construction works (for people to reside, for economic-commercial or other activities), when the construction works meets the mandatory requirements for safety and activities (technological process) planned (carried out) in it, which are defined in normative documents pertaining to the safety and purpose of a construction works.

- 78. "Technical supervisor of a construction works" means a natural or legal person who exercises the technical supervision of a construction works on the basis established by paragraphs 1 and 2 of Article 41 of this Law and according to the requirements laid down by paragraph 3 of the said Article.
- 79. "Architecture" means functional spatial and visually perceptible artistic formation of construction works, objects of landscape and territorial planning.
- 80. "Architect" means a natural person who holds the documents granting the right to practice architecture by making use of the professional qualification of architect, the right of establishment and provision of services, which were issued in a member state of the European Union, the Swiss Confederation or a state which signed the EEA Agreement, upon having verified the fact of holding the said documents and recognised them in Lithuania. These documents, issued in any other state, shall be recognised in the Republic of Lithuania after having verified whether or not they grant the professional qualification of architect and the right to practice architecture in that state and whether or not they meet the requirements for such activities posed in the Republic of Lithuania.
- 81. "Activities of the architect" means activities carried out when holding the professional qualification of architect.
- 82. "Building engineer" means a natural person who holds the documents granting the right to be engaged in activities of the building engineer by making use of the professional qualification of building engineer, the right of establishment and provision of services, which were issued in a member state of the European Union, the Swiss Confederation or a state which signed the EEA Agreement, upon having verified the fact of holding the said documents and recognised them in the Republic of Lithuania. These documents, issued in any other state, shall be recognised in the Republic of Lithuania after having verified whether or not they grant the professional qualification of building engineer and the right to be engaged in activities of the building engineer in that state and whether or not they meet the requirements for such activities posed in the Republic of Lithuania. The definition "building engineer" shall apply to an engineer whose education grants the professional qualification necessary to be engaged in the activities comprising one, several or all main

spheres of construction technical activities, as established in paragraph 1 of Article 10 of this Law.

- 83. "Activities of the building engineer" means activities carried out when holding the professional qualification of building engineer.
- 84. "Any other foreign organisation" means an organisation established in a foreign state, which does not have the status of a legal entity, but having the civil capacity under the law of that state.
- 85. "Construction waste" means waste arising during construction, reconstruction, maintenance or demolition.
- 86. "Energy performance of a building" means the amount of energy actually consumed or estimated to meet the needs associated with a standardised use of the building.
- 87. "Certification of energy performance of a building" means a process regulated by legal acts in the course of which the energy performance of a building is established, the energy performance of a building is evaluated, attributing a building to a energy performance class, an energy performance certificate of a building is issued.
- 88. "Expertise contractor" means a legal person, any other foreign organisation which is entitled to carry out an expertise of design documentation or a construction works.
- 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 a construction works of the cultural heritage;
- 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

- 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 legal acts of the institutions authorised by the Government according to the competence established by the Government.
- 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 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 director of the administration of a municipality (a civil servant of the administration of the municipality, authorised by him), 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

- 1. When carrying out construction investigations, preparing a design documentation of a construction works, constructing and accepting a construction works as suitable for occupancy, as well as when using and carrying out the maintenance of a construction works, it shall be mandatory to act 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) health protection and public health care;
- 5) labour protection and public health safety;
- 6) nuclear safety and technical safety of energy units, equipment;
- 7) surveillance of potentially dangerous equipment;
- 8) maintenance of a construction works.
- 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

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
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, construction, use and

maintenance thereof or by references to standards or code of practice, or rules of the use and current maintenance of construction works;

- 2) code of practice or rules of the use and current maintenance of construction works documents adopted by the ministries, government agencies, other State institutions or legal persons, 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, rules of the use and current maintenance of construction works, 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) after consultation with an institution authorised by the Government which is assigned to approve technical construction regulations. The Government shall establish the assignment to state institutions of the normalisation fields of normative documents of the safety and purpose of a construction works.

- 6. Technical construction regulations shall be prepared with funds of the State budget.
- Article 9. Application of Normative Technical Construction Documents of International, European Organisations and Foreign States

 1. 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.
- 2. An institution authorised by the Government shall have the right to lay down the procedure of direct application in the Republic of Lithuania of the documents specified in paragraph 1 of this Article, without adopting them in the form of normative technical construction documents of the Republic of Lithuania, in the following cases:
- 1) when it is necessary to lay down technical requirements for the construction works which rarely occur in the Republic of Lithuania and, therefore, it is not expedient to prepare normative technical construction documents;
- 2) when due to the short time limits of use of investments in construction, there is no possibility to adopt the normative technical construction documents referred to in paragraph 1 of this Article;
- 3) when there are no normative technical construction documents which lay down the technical requirements for the construction works of certain purposes in the Republic of Lithuania until the preparation and approval of these documents.

SECTION THREE 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;
- 产球法律法规 5) technical supervision of the construction.
- 2. The main areas of technical construction activities may be directed by heads of a design documentation 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, 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 positions of the said heads may be held, according to their professional qualification, by an architect or a building engineer. The qualification requirements for the said shall be laid down by an institution authorised by the Government.
- 3. The positions of heads of the main areas of technical construction activities pertaining to construction works of exceptional significance, which are specified in paragraph 2 of this Article, may be held only by attested architects and building engineers. The procedure for attesting shall be laid down by an institution authorised by the Government.
- 4. The requirements of paragraph 3 of this Article shall not apply to the citizens of a member state of the European Union, the Swiss Confederation or a state which signed the EEA Agreement, if they have the right, according to the legal acts of that state, to hold the positions of the said heads, upon presentation of the documents confirming this right, which, in the manner laid down by an institution authorised by the Government, are recognised in the Republic of Lithuania on the basis of the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, and in the states which have not signed this Convention on the basis of other

international or interstate agreements.

- 5. The rights and duties of the heads working in the main areas of technical construction activities shall be established by an institution authorised by the Government.
- 6. The rules of recognition in the Republic of Lithuania of the diplomas, certificates and other documents confirming the official qualification of architect, which have been acquired in a member state of the European Union, the Swiss Confederation or a state which signed the EEA Agreement, as well as in any other state, including the measures which help to effectively make use of the right of establishment and the freedom to provide services shall be approved by an institution authorised by the Government.
- 7. The rules of recognition in the Republic of Lithuania of the diplomas, certificates and other documents confirming the official qualification of building engineer, which have been acquired in a member state of the European Union, the Swiss Confederation or a state which signed the EEA Agreement, as well as in any other state, including the measures which help to effectively make use of the right of establishment and the freedom to provide services shall be approved by an institution authorised by the Government.
- 8. 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.
- 9. 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.
- 10. 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

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)

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- 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;
- 11) in the event when more than one contractor participate in the designing or construction of a construction works, appoint one or several coordinators for safety and health matters who must ensure that a design documentation of a construction works provides for the health and safety requirements for workers; in the course of construction, coordinate and control the implementation of the health and safety requirements for workers, laid down in the normative legal acts.
- 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

- 1. The following shall have the right to conduct construction investigation in accordance with the procedure laid down by laws and other legal acts of Lithuania:
- 1) construction engineering geodetic investigation natural persons, legal persons, other international organisations specified in laws and other legal acts;
- 2) construction engineering geological and geotechnical researches natural persons, legal persons, other international organisations specified in laws and other legal acts;
- 3) researches of existing construction works (researches of structures, engineering and utility networks of the construction works, measurements) natural persons, legal persons, other international organisations specified in paragraph 1 of Article 14 of this Law;
- 4) other researches (environmental, landscape, hygiene, archaeological, immovable cultural heritage properties, etc.) natural persons, legal persons, other international organisations specified in laws and other legal acts regulating such researches.
- 2. The investigator must:
- 1) conduct investigations in accordance with investigation tasks and normative investigation documents, and present investigation results to the builder (client);

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- 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
- 1. The following shall have the right to be a designer of a construction works in accordance with the procedure laid down by laws and other legal acts of Lithuania:
- 1) a legal entity established in the Republic of Lithuania;
- 2) an institution of science and studies of construction, architecture or other related field profile;
- 3) a legal entity established abroad or any other foreign organisation (among them an institution of science and studies of construction, architecture or other related field profile) who, according to the legal acts of that state, enjoys the right to engage in design in its country, upon presentation of the documents confirming this right, which, in the manner laid down by an institution authorised by the Government, are recognised in the Republic of Lithuania on the basis of the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, and in the states which have not signed this Convention on the basis of other international or interstate agreements;
- 4) an architect or a building engineer.
- 2. The right to prepare design documentation of construction works of exceptional significance shall be vested with natural persons, legal persons, any other foreign organisations referred to in subparagraphs 1, 2 and 3 of paragraph 1 of this Article, upon having obtained the certificate of such activities. This requirement shall not apply to legal persons of a member state of the European Union, the Swiss Confederation or a state which signed the EEA Agreement or any other foreign organisation (of these states), if they enjoy the right to engage in design of analogous construction works in their country according to the legal acts of that state, and upon presentation of the documents confirming this right, which, in the manner laid down by an institution authorised by the Government, are recognised in the Republic of Lithuania on the basis of the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, and in the states which have not signed this Convention on the basis of other international or

interstate agreements. The right to design nuclear facilities shall be granted in accordance with the procedure established by the Law on Nuclear Energy.

- 3. Architects and building engineers, meeting the requirements laid down in paragraphs 3 and 4 of Article 10 of this Law, shall have the right to head design documentations of construction works of exceptional significance (to hold the position of head of a design documentation of a construction works and head of the parts of a design documentation of a construction works).
- 4. Natural persons, legal persons, other foreign organisations, specified in paragraph 2 of Article 14 of this Law, who prepare a design documentation of a construction works of exceptional significance, shall be attested in accordance with the procedure laid down by an institution authorised by the Government and according to the requirements established by it.
- 5. The designer must:
- 1) on the instruction of the builder (client) appoint (hire) head of design of a construction works in accordance with the procedure laid down by laws and other legal acts of the Republic of Lithuania;
- 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 Permanent Construction Commission;
- 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.
- 6. 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.
- 7. The designer shall also enjoy other rights and duties specified in the Civil Code and other laws.
- 8. 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 1. The following shall have the right to be a contractor accordance with the procedure laid down by laws and other legal acts of Lithuania:
- 1) a legal entity established in the Republic of Lithuania;
- 2) a legal entity established in a foreign state or any other foreign organisation who, according to the legal acts of that state, enjoys the right to engage in construction in its country, upon presentation of the documents

confirming this right, which, in the manner laid down by an institution authorised by the Government, are recognised in the Republic of Lithuania on the basis of the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, and in the states which have not signed this Convention on the basis of other international or interstate agreements;

- 3) a building engineer.
- 2. The right to construct construction works of exceptional significance shall be vested with natural persons, legal persons, any other foreign organisations referred to in subparagraphs 1 and 2 of paragraph 1 of this Article, upon having obtained the certificate of construction of construction works of exceptional significance. This requirement shall not apply to legal persons of a member state of the European Union, the Swiss Confederation or a state which signed the EEA Agreement or any other foreign organisation (of these states), if they enjoy the right to engage in construction of analogous construction works in their country according to the legal acts of that state, and upon presentation of the documents confirming this right, which, in the manner laid down by an institution authorised by the Government, are recognised in the Republic of Lithuania on the basis of the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, and in the states which have not signed this Convention on the basis of other international or interstate agreements. The right to construct and reconstruct nuclear facilities shall be granted in accordance with the Procedure established by the Law on Nuclear Energy.
- 3. Building engineers, meeting the requirements laid down in paragraphs 3 and 4 of Article 10 of this Law, shall have the right to construct construction works of exceptional significance (to hold the position of head of construction of a construction works and head of special operations of a construction works).
- 4. Natural persons, legal persons, other foreign organisations, specified in paragraph 2 of Article 15 of this Law, who construct a construction works of exceptional significance, shall be attested in accordance with the procedure laid down by an institution authorised by the Government and according to the requirements established by it.
- 5. The contractor must:
- 1) appoint (hire) head of construction of a construction works in accordance with the procedure laid down by laws and other legal acts of the Republic of Lithuania;

- 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.

- 6. 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.
- 7. 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 is a natural person (who has a university or college degree in construction, architecture or another technical science) and builds a simple construction works for his own needs or needs of his family members, may not possess a business certificate.
- 8. The contractor shall also enjoy other rights and duties specified in the Civil Code and other laws.
- 9. 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

- 1. The builder (client) shall appoint (hire) a technical supervisor of construction of a construction works in accordance with the procedure laid down by laws and other legal acts of the Republic of Lithuania.
- 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 fir 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
- 1. The following shall have the right to be a manager of design of a construction works in accordance with the procedure laid down by laws and other legal acts of the Republic of Lithuania:
- 1) a legal entity established in the Republic of Lithuania;
- 2) a legal entity established in a foreign state or any other foreign organisation who, according to the legal acts of that state, enjoys the right to engage in management of design of a construction works in its country, upon presentation of the documents confirming this right, which, in the manner laid down by an institution authorised by the Government, are recognised in the Republic of Lithuania on the basis of the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, and in the states which have not signed this Convention on the basis of other international or interstate agreements;
- 3) an architect or a building engineer. In the event when he has the right to engage in management of design of a construction works in his country in accordance with the legal acts a foreign state, he must present the documents confirming this right, which are recognised in the Republic of Lithuania on

the basis of the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, and in the states which have not signed this Convention on the basis of other international or interstate agreements.

- 2. The following shall have the right to be manager of construction of a construction works in accordance with the laws and other legal acts of the Republic of Lithuania:
- 1) a legal entity established in the Republic of Lithuania;
- 2) a legal entity established in a foreign state or any other foreign organisation who, according to the legal acts of that state, enjoys the right to engage in management of construction of a construction works in its country, upon presentation of the documents confirming this right, which, in the manner laid down by an institution authorised by the Government, are recognised in the Republic of Lithuania on the basis of the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, and in the states which have not signed this Convention on the basis of other international or interstate agreements;
- 3) a building engineer. In the event when he has the right to engage in construction of a construction works in his country in accordance with the legal acts a foreign state, he must present the documents confirming this right, which are recognised in the Republic of Lithuania on the basis of the Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents, and in the states which have not signed this Convention on the basis of other international or interstate agreements.
- 3. If a natural persons, legal person, any other foreign organisation 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
 1. The following shall have the right to be a supplier of construction products:
- 1) a legal entity established in the Republic of Lithuania;
- 2) a legal entity or any other foreign organisation established in a foreign state;
- 3) a natural person.
- 2. The supplier of construction products must supply safe and fit for use construction products. A product shall be considered as fit for use if it meets the requirements laid down in the Law on Product Safety.
- 3. Every construction product, which has been imported from a member state of the European Union, the state which has signed the EEA Agreement or from Turkey, may be supplied to the market of the Republic of Lithuania without limitations, if it was legally produced in a member state of the European Union, the state which has signed the EEA Agreement or Turkey, or has been legally imported to these states from the third countries and it is permitted to put it on the market in that state. Restrictions of the free movement of construction products shall be justified in the event of failure to guarantee an equivalent level of its protection or for the reason of public moral, public order or public security, protection of health and life of people, animals or plants, protection of historical, art or archaeological values as well as the protection of industrial and commercial property.
- 4. The supplier of construction products (producer or his representative) must carry out conformity assessment and produce the documents confirming this fact

as well as the technical specifications about the purpose of the product and the specific features of its use.

- 5. The supplier of construction products may supply to the market of Lithuania and to the common market of the European Union such construction products which meet the requirements of paragraphs 2 and 3 of this Article and are marked with a CE mark and (or) other marks prescribed by institutions authorised by the Government.
- 6. 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.
- 7. The supplier of construction products must take into consideration the requirements of other laws intended for construction products, should such requirements have been laid down.
- 8. 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.
- 9. 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

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 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 director of the administration of a municipality (a civil servant of the administration of the municipality, authorised by him) 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) an agreement of co-owners of the joint ownership of a construction works when the construction works is reconstructed or major repairs are carried out in it, as well as an agreement of the majority of the owners of apartments and other premises of a multi-family apartment house (unless otherwise provided for in the regulations or joint-action agreement of the society of the owners of apartments and other premises), when the joint-use premises of a multi-family apartment house are reconstructed or major repairs are carried out therein;

- 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 director of the administration of a municipality (a civil servant of the administration of the municipality, authorised by him) 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 (when design conditions are set in order to prepare a design documentation of construction operations pertaining to maintenance of a construction works of cultural heritage);
- 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 working days of the receipt of an application of the director of the administration of a municipality (a civil servant of the administration of the municipality, authorised by him). The director of the administration of a municipality (a civil servant of the administration of the municipality, authorised by him) shall within the same time limit prepare design conditions which fall within the competence of a local authority.
- 5. The director of the administration of a municipality (a civil servant of the administration of the municipality, authorised by him) 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 working days after the receipt of his request (the time limit comprises 5 working days designated to consult with owners (users) of engineering and utility networks and traffic routes as well as institutions) or within 15 working 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 it is necessary to lay new engineering and utility networks, traffic routes, 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 of 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 the design documentation of 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 a construction works of cultural heritage in conjunction with

an authorised institution responsible for the protection of immovable cultural heritage) 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 director of the administration of a municipality 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 director of the administration of a municipality (a civil servant of the administration of the municipality, authorised by him) 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 who prepared design conditions, as well as the director of the administration of a municipality (a civil servant of the administration of the municipality, authorised by him) shall, within their competence and in the manner prescribed by the Civil Code and the Public Administration Law, be responsible for the preparation of these design conditions within the time limits set by this Law and their compliance with 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 a 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 a construction works of cultural heritage or construction of construction works within the territory of objects of cultural heritage the said institution in conjunction with the Ministry of Culture.
- 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
- 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

Article 23. A construction permit

- 1. A permit for construction of a construction works shall be mandatory, except:
- 1) construction of simple construction works. The list of simple construction works shall be approved by an institution authorised by the Government;
- 2) simple repairs of a construction works. The cases when a construction permit to carry out simple repairs of a construction works in the protected territory is required shall be established by an institution authorised by the Government.
- 2. The cases when a construction permit for construction operations of maintenance of an construction works of cultural heritage is mandatory, shall be established by an institution authorised by the Government together with the Ministry of Culture.
- 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 director of the administration of a municipality (a civil servant of the administration of the municipality, authorised by him).
- 6. In order to obtain a permit to construct (except demolish), the builder (client) must submit the following documents to the director of the administration of a municipality (a civil servant of the administration of the municipality, 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 cadastral measurements and legal registration of a construction works (when the construction works is being reconstructed or major repairs are carried out). Such a certificate shall not be necessary for the construction works which cannot be separate objects of the Cadastre of Immovable Property and their cadastral measurements and legal registration have not been carried out in these cases the documents confirming the right of ownership of a construction works or any other right of possession and use, as well as available layouts, plans, schemes and the like of a construction works are submitted.
- 7. In order to obtain a construction permit only to demolish a construction works, the builder (client) must submit the following documents to the director of the administration of a municipality (a civil servant of the administration of the municipality, 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 director of the administration of a municipality (a civil servant of the administration of the municipality, authorised by him) shall refer them to the Permanent Construction Commission which must check and establish whether a design documentation 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 and the legal acts specified in the regulations of the Permanent Construction Commission. 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 director of the administration of a municipality (a civil servant of the administration of the municipality, authorised by him) to issue or not to issue to the builder (client) a construction permit requested by him. A decision of the Commission to issue or not to issue to the builder (client) a permit requested by him shall be mandatory for the director of the administration of a municipality (a civil servant of the administration of the municipality, authorised by him). A decision to issue a construction permit may be taken only in the case when all the members of the Permanent Construction Commission approve of the issuing of a construction permit. If at least one member does not approve of the issuing of a construction permit, a decision shall be taken not to issue to the builder (client) a construction permit he requests. Such a decision must be reasoned and may be appealed against in accordance with the procedure laid down by the Law on Administrative Proceedings. When appealing against a decision of the Permanent Construction Commission not to issue to the builder (client) a construction permit he requests, the entities whose representatives, comprising the Permanent Construction Commission, have not approved of the issuing of a construction permit shall be deemed to be defendants in these cases.

- 10. The Permanent Construction Commission shall be set up by the municipal council 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 director of the administration of a municipality (a civil servant of the administration of the municipality, authorised by him) 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 Permanent Construction Commission. This report shall be approved in accordance with the procedure laid down in the regulations of the Commission, which are approved by the municipal council.

- 12. A construction permit shall be issued by the director of the administration of a municipality (a civil servant of the administration of the municipality, authorised by him) 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 Permanent Construction Commission.
- 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 director of the administration of a municipality (a civil servant of the administration of the municipality, 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 a construction works of cultural heritage or for constructing construction works within the territory of an object of cultural heritage, its copy shall be also transferred to an authorised institution responsible for the protection of immovable cultural heritage. When a permit is issued for construction of a construction works in the protected territory, a copy of the permit shall be transferred to the administration o the protected territory. In all cases a copy of a permit shall be transferred in a prescribed manner to the manager of the immovable property cadastre.
- 15. A construction permit shall contain technical data and purpose of each construction works, established by normative technical construction documents. A construction permit to construct new construction works, reconstruct existing construction works or to carry out major repairs, to demolish existing construction works, to carry out construction operations pertaining to maintenance of construction works of cultural heritage within or outside a construction site (for engineering and utility networks and traffic routes designed in accordance with design conditions) may, at the request of the builder (client), be issued for:
- 1) all construction works designed in a single construction documentation;
- 2) one or several construction works designed in a single construction documentation.
- 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. Prior to the expiration of the said time limits a permit may be extended in accordance with a simplified procedure laid down by an institution authorised by the Government. A builder (client) who wants to start or continue construction after the expiration of the said time limits, 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 director of the administration of a municipality (a civil servant of the administration of the municipality, authorised by him) 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 construction works of cultural heritage or of permits for construction of construction works within the territory of an object of cultural heritage by an institution authorised by the Government in conjunction with the Ministry of Culture.
- 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 construction works of cultural heritage also by an authorised institution responsible for the protection of immovable cultural heritage. 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.
- 23. The members of the Permanent Construction Commission or a person who issued a construction permit shall be held responsible according to their competence for violations of the procedure for issuing construction permits. The damage caused because of a construction permit which was issued illegally shall be compensated in accordance with the procedure laid down by law.
- 24. Construction of a construction works without a construction permit when such a permit is mandatory in the cases provided for in this Law shall be prohibited.

Article 24. Accepting a Construction Works as Fit for Use

1. A construction works which has been built, 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 by the commission in accordance with the procedure laid down by the institutions specified in paragraph 2 of this Article.

- 2. The procedure, requirements for acceptance of construction works, which have been built, reconstructed or undergone major repairs, as fit for use, as well as the composition of the commission shall be established by an institution authorised by the Government, the procedure for acceptance of construction works with potentially dangerous equipment as fit for use by an institution authorised by the Government, after consultation with the institution, appointed by the Government, which is responsible for the control over maintenance of potentially dangerous equipment, and when construction operations pertaining to maintenance of construction works of cultural heritage or construction of a construction works is carried out within the territory of an object of cultural heritage by an institution authorised by the Government in conjunction with the Ministry of Culture; the procedure and requirements for acceptance of nuclear facilities as fit for use shall be laid down 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. Cadastral measurements of a construction works which has been accepted as fit for use shall be carried out in accordance with the procedure laid down by the Law of the Cadastre of Immovable Property and other legal acts. After the establishment of the cadastral measurements a construction works which has been accepted as fit for use shall be registered in the Republic of Lithuania Register of Immovable Property in accordance with the Law on the Register of Immovable Property.

SECTION SEVEN AN ACCIDENT OF 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)), and when an accident related to a construction works which is being used takes place a user of this construction works and (or) a technical supervisor of this construction works 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) if there are the victims, inform a law-enforcement body about the accident;
- 4) ensure the protection of the area of the accident from impacts that may interfere with investigation of the causes of such accident;
- 5) notify the director of the administration of a municipality (a civil servant of the administration of that municipality, authorised by him), the county governor's administration, a public administration entity which carries out the supervision over the use of a construction works, about the accident; if the accident occurred during the construction, notify also the builder (client), the manager of technical supervision of construction of a construction works and designer of a construction works. If an accident occurs in a construction works of cultural heritage, within the territory of an object of cultural heritage, an authorised institution responsible for the protection of immovable cultural heritage must also be notified about such accident; and should an accident due to which the environment is polluted (or may be polluted), takes place an institution responsible for the environmental protection;
- 6) if an accident occurred due to the accident of energy or potentially dangerous equipment or if because of the accident of the construction works such equipment have been broken, appropriate State supervision and control institutions must also be notified about this, and in the event of the accident of nuclear energy facilities also the State Nuclear Safety Inspectorate;
- 7) describe the status of a construction works after the accident, the changes in the construction works 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

Article 26. Sate Regulation of Construction
The State regulation of construction shall be executed by the Government.

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 unauthorised construction is not carried out; if during the construction the solutions of a design documentation, the requirements of laws, normative technical construction documents are not violated;
- 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 in the cases specified in paragraphs 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) if construction is not unauthorised, to obligate the builder (client) to alter a design documentation according to the requirements and within the set time limit or to eliminate other defects related to the documents of a design, or to reconstruct the construction works (part thereof) according to the requirements;
- 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 director of the administration of a municipality (a civil servant of the administration of the municipality, 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
 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 immediately an act on unauthorised construction in two copies, 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 a case on administrative offence regarding the imposition of an administrative penalty, or send this report to the court;
- 3) not later than within three working days from the drawing-up of an act on unauthorised construction, submit it, according to pertinence, to the county governor or the head of the State Territorial Planning and Construction Inspectorate under the of an institution authorised by Government.
- 2. The county governor's administration or the State Territorial Planning and Construction Inspectorate under an 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, not later than within one month from the drawing-up of an act on unauthorised construction, take one of the following decisions:
- 1) to request from the builder (client) to eliminate within the set time limit and with his own funds the results of unauthorised construction to demolish or to reconstruct according to the requirements the construction works or its part which was built without authorisation, and to clean a construction site;
- 2) to appeal to the court if a decision specified in subparagraph 1 of this paragraph is not taken.
- 3. If the builder (client) does not carry out the requirement specified in subparagraph 1 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
- 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 construction works of cultural heritage shall be established by an institution authorised by the Government in conjunction with the Ministry of Culture. Other cases of obligation of expert examination of a design documentation or the separate parts of a design documentation shall be defined by an institution authorised by the Government.

- 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. The following shall have the right to carry out an expert examination of a design documentation or a construction works (to be a contractor of an expert examination):
- 1) a legal entity established in the Republic of Lithuania, a branch of a legal entity, a legal entity established in a foreign state, except the member states of the European Union, the Swiss Confederation and the states of the European Economic Area, any other foreign organisation, a branch established in the Republic of Lithuania or a foreign state, except the member states of the European Union, the Swiss Confederation and the states of the European Economic Area, by a legal entity which is established in a foreign state upon having obtained a certificate for an appropriate activity by an institution authorised by the Government;
- 2) a legal entity established in a member state of the European Union, except the Republic of Lithuania, in the Swiss Confederation or a state of the European Economic Area and the branches established by it in the member states of the European Union, the Swiss Confederation and the states of the European Economic Area, the branches of a legal entity established in a foreign state, except in the member states of the European Union, the Swiss Confederation and the states of the European Economic Area, which are established in the member states of the European Union, the Swiss Confederation and the states of the European Economic Area if according to the legal acts of the state of establishment they have the right to carry out an expert examination of a design documentation or a construction works, upon having produced the documents confirming this right, which are recognised in the Republic of Lithuania in the manner prescribed by an institution authorised by the Government.
- 4. Invalid as of 19 May 2007.
- 5. Expert examination shall be made at the request of public administration entities which exercise the State supervision of construction or the

supervision of use of construction works, 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, or when there are presumptions that the said requirements have been infringed during the natural disasters or other emergency situations.
- 6. The types of expert examination of a design documentation of a construction works and construction works, and the procedure for carrying out it shall be laid down by an institution authorised by the Government, and the procedure of an expert examination of design documentation of construction operations of maintenance of a construction works of the cultural heritage by an institution authorised by the Government in conjunction with the Ministry of Culture.

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
- 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 an author of a design documentation of a construction works in accordance with the agreement between the builder (client) and the designer.

By a written consent of the designer 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 business certificate 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 chosen 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 choose 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 a construction works of cultural heritage or construction of a construction works is carried out within the territory of the object of cultural heritage by an institution authorised by the Government in conjunction with the Ministry of Culture.
- 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

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) the director of the administration of a municipality;
- 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);

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- 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) repealed as of 17 October 2006;
- 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
- 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 construction works of cultural heritage are transferred a certificate containing the same information and issued by the institution responsible for the protection of immovable cultural heritage.
- 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

Article 35. Demolition of a Construction Works

- 1. A completed construction works or a construction works which is not completely built (except construction works of cultural heritage) 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 supervision of use of construction works;
- 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;
- 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. The right to appeal to the court

shall be enjoyed by the public administration entities carrying out the State supervision of construction in the cases specified in subparagraphs 5 and 6 of paragraph 1 of this Article, the director of the administration of a municipality (a civil servant of the administration of the municipality, authorised by him) in the case specified in subparagraph 2 of paragraph 1 of this Article, and the public administration entities carrying out the supervision of use of construction works in the cases specified in subparagraphs 3 and 4 of paragraph 1 of this Article.

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

- 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

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

- 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 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.

CHAPTER TWELVE USE AND MAINTENANCE OF Construction works

CHAPTER TWELVE USE AND MAINTENANCE OF Construction works
Article 40. Duties of users of construction works when carrying out
maintenance of a construction works
Users of construction works must:

- 1) use a construction works (part thereof) according to its purpose;
- 2) not use a construction works until its construction is completed and/or until it is accepted as fit for use in an established manner;
- 3) meet the requirements for use and maintenance of a construction works laid down in normative technical construction documents or normative documents pertaining to the safety and purpose of a construction works in order to preserve the characteristics of a construction works (its parts, engineering and utility networks) which correspond to the essential requirements for a construction works under Article 4 of this Law;
- 4) in accordance with the procedure laid down by this and other laws, organize and/or carry out technical supervision of a construction works;
- 5) repair, reconstruct or demolish construction works, if further use of them poses a threat to public health, life or environment.

Article 41. Technical supervision of construction works and technical supervision rules

1. A user of a construction works shall organise technical supervision of a construction works by assigning a technical supervisor of a construction works

with or without a contract. A technical supervisor of a construction works may be also appointed on other grounds laid down by law.

- 2. Technical supervision of simple construction works, as well as houses containing one or two flats and their pertinents and construction works located within a rural estate, as well as buildings used for agricultural purposes which are included in the list approved by an institution authorised by the Government may be carried out by the users themselves, without assigning a technical supervisor of a building. Qualification requirements shall not apply to the said users.
- 3. When exercising technical supervision of a concrete construction works, a technical supervisor of the construction works shall carry out organisational and technical measures to maintain a technical condition of the construction works in order to ensure the essential requirements for a construction works, laid down in paragraph 1 of Article 4 of this Law within the economically feasible duration of use of a construction works.
- 4. Rules of technical supervision of construction works and qualification requirements for a technical supervisor of a construction works shall be laid down by an institution authorised by the Government, taking into consideration the purpose of construction works and complexity of their structure.
- 5. Technical supervision of a construction works shall consist of:
- 1) permanent observation of the condition of a construction works the aim of which is to identify visually noticeable changes in the condition of a construction works during the use of the construction works;
- 2) periodical and specialised inspections of a construction works, the aim of which is to identify the changes in the condition of the construction works during a certain period of time or in other cases, if such inspections are provided for in the rules referred to in paragraph 4 of Article 41 of this Law;
- 3) elimination of the faults of the condition of a construction works noticed;
- 4) organisation of repair (simple or major).
- 6. If it becomes clear that the condition of a construction works poses a threat to health, life of people who are in the construction works or near it, or to the environment, the user of the construction works and/or technical supervisor of the construction works must, taking into account a type of threat or after the accident related to the construction works, take measures to protect people as well as other measures specified in paragraph 2 of

Article 25 of this Law.

Article 42. Supervision over use of construction works

- 1. The following public administration entities shall exercise the supervision over use of construction works:
- 1) the administration of the county governor according to the list approved by the Government or an institution authorised by it over construction works of exceptional significance, of national significance and construction works situated within establishments of likely hazard, with the exception of the construction works referred to in subparagraph 2 of paragraph 1 of this Article;
- 2) the Ministry of Communication and/or organisations authorised by it (with the exception of traffic routes which do not belong to the sphere of its management) according to the list approved by the Government or an institution authorised by it over traffic routes and other engineering construction works related thereto, as well as construction works of hydrotechnic in the Baltic Sea and bodies of inland water;
- 3) municipal administrations over residential houses and other construction works which are not specified in subparagraphs 1 and 2 of paragraph 1 of this Article;
- 4) institutions of state supervision over requirements for safety and purpose shall carry out supervision over the implementation of the requirements for equipment and purpose of construction works.
- 2. Public administration entities which carry out supervision over use of construction works shall inspect how users of construction works meet the requirements for safety of construction works and for technical supervision over construction works set by this Law and other laws and legal acts.
- 3. Public administration entities, which carry out supervision over use of construction works shall enjoy the right to:
- 1) after it becomes clear that the condition of a construction works poses a threat to health, life of people who reside, work or happen to be for other purposes in the construction works or near it, or to the environment, and taking into account a type of threat, demand that the user of the construction works would take measures to protect people and, if necessary, to demand that evacuation of the people would be organised, use of the construction works would be stopped, any activity in the construction works would be prohibited

(when necessary, within the construction site or territory as well);

- 2) set time limits for carrying out all the actions specified in subparagraph 1 and immediately inform the owner of the construction works (when the user is not the owner of the construction works);
- 3) address the police in order to temporarily restrict the access to the territory or premises of the construction works, to stop works which are being carried out there, to restrict or prohibit traffic, if the environment, public order, safety of a person or the state is endangered;
- 4) in the cases and procedure laid down by the Code of Administrative Offences, draw up a record of administrative offences, consider cases of administrative offences and impose administrative penalties or to refer cases of administrative offences to the court.
- 4. Officers of public administration entities, which carry out supervision over use of construction works shall have the right to demand that the user of a construction works would produce mandatory documents pertaining to supervision of a construction works, referred to in Article 43 of this Law, and would allow them to perform other functions concerning the supervision over use of a construction works, which are assigned to them.
- 5. The State Territorial Planning and Construction Inspectorate under the institution authorised by the Government shall methodically guide the public administration entities specified in subparagraphs 1, 2 and 3 of paragraph 1 of this Article who carry out the supervision of use of construction works.
- Article 43. Documents of Technical Supervision of construction works

 1. Documents of technical supervision of construction works shall comprise a
 technical passport of a construction works (or a technical accounting card),
 for heated buildings a total useful floor area of which is over 1000 square
 meters a technical—energy passport, a register of technical supervision of a
 construction works, documents of periodical and special inspections of a
 construction works and other documents established by institutions authorised
 by the Government or the user of a construction works.
- 2. A technical passport of a construction works (accounting card) must indicate technical economic and construction characteristics as well as changes thereof after the major repair or reconstruction of a construction works. A technical-energy passport of a construction works shall additionally specify energy characteristics of a construction works.
- 3. A register of technical supervision of a construction works must record

faults or deformation of constructions and engineering technical equipment observed during permanent supervision, provided that the said faults or deformation require construction investigations or repairs; the register must also record the data of registration of documents of periodical and special inspections, indicating the date of carrying-of of these inspections, managers, observed faults and measures to eliminate them.

4. The forms of documents specified in paragraph 1 of this Article, the procedure how to fill them in and store shall be laid down by normative construction and special technical documents which are approved by institutions authorised by the Government, taking into consideration the purpose of a construction works and complexity of its constructions.

Article 431. Minimum energy performance requirements and an energy performance certificate of a building

- 1. The minimum energy performance requirements shall be mandatory:
- 1) for new buildings;
- 2) existing buildings that are subject to reconstruction or major renovation and a total useful floor area of which is over 1000 square meters and the price of works done during reconstruction or major renovation in order to upgrade their energy performance makes up to 25 per cent of the value of the building, excluding the value of the plot of land on which the building is situated. The requirements of this subparagraph shall apply in as much as this is technically, functionally and economically feasible.
- 2. The minimum energy performance requirements shall not apply to:
- 1) buildings which are construction works of cultural heritage, where compliance with the requirements would unacceptably alter their character or appearance,
- 2) buildings used as places of worship and for religious activities,
- 3) temporary buildings with a planned time of use of two years or less,
- 4) industrial sites, workshops and non-residential agricultural buildings with low energy demand and non-residential agricultural buildings,
- 5) stand-alone buildings with a total useful floor area of less than 50 square meters,
- 6) residential buildings which are intended to be used less than four months

of the year,

- 7) buildings which are not heated.
- 3. Energy performance certification of buildings shall be mandatory:
- 1) when constructing, selling or renting out buildings. The builder (client) or owner of a building shall, at the request of a buyer or tenant, produce an energy performance certificate of a building the validity of which must not exceed 10 years. The provisions of this subparagraph shall apply also when selling or renting out parts of buildings (apartments, premises designed for separate use and having any other purpose); in this case an energy performance certificate of a part of the building may be based on a certificate of the whole building with a common heating system or a certificate of another representative apartment in the same multi-apartment residential house;
- 2) for buildings with a total useful floor area over 1000 square meters built for hotel, administrative, trade, services, catering, transportation, cultural, educational, healthcare and leisure purposes. An energy certificate, not older than 10 years, must be placed in the building in a prominent place clearly visible to the public.
- 4. An energy performance certificate of a building shall not be mandatory for the buildings specified in paragraph 2 of this Article.
- 5. The Government or an institution authorised by it shall lay down minimum energy performance requirements and a procedure and conditions of energy performance certification of a building.

SECTION THIRTEEN FINAL PROVISIONS

SECTION THIRTEEN FINAL PROVISIONS

Article 44. Liability for Violations of the Law

Article 44. Liability for Violations of the Law

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

Annex to the Republic of Lithuania Law on Construction

THE LAW ON CONSTRUCTION

- 1. 85/384/EEC: Council Directive of 10 June 1985 on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services.
- 2. Council Directive of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (89/48/EEC) (with the amendments done by Council Directive of 18 June 1992 (92/51/EEB)).
- 3. Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile constructions sites (eighth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC).
- 4. COUNCIL DIRECTIVE of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products (89/106/EEC).
- 5. Directive 2001/19/EC of the European Parliament and of the Council of 14 May 2001 amending Council Directives 89/48/EEC and 92/51/EEC on the general system for the recognition of professional qualifications and Council Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC and 93/16/EEC concerning the professions of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor.
- Juncil of 16 6. Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings.

