

**REPUBLIC OF LITHUANIA**  
**LAW ON CONSTRUCTION**

19 March 1996 – No I-1240

Vilnius

(As last amended on 1 December 2011 – No XI-1764)

**SECTION ONE**  
**GENERAL PROVISIONS**

**Article 1. Purpose and Scope of the Law**

1. This Law shall establish the essential requirements for all construction works which are being constructed, reconstructed and repaired within the Republic of Lithuania territory, territorial waters and its continental shelf which is located in the international waters and in which the Republic of Lithuania has the exclusive rights, the procedure for technical regulation of construction, construction investigation, design of construction works, construction, its completion, utilisation and maintenance, demolition of construction works as well as the procedure of the supervision of the above activities, the responsibility and principles of activities in this field of construction participants, public administration entities, owners (or users) of construction works and other legal and natural persons.

2. This Law shall not apply when establishing:

1) requirements for construction works designated for utilisation of the underground (as defined in the Underground Law), with the exception for the requirements established in paragraph 1 of Article 4 of this Law;

2) requirements for immovable cultural heritage research and heritage protection operations pertaining to the maintenance of structures of cultural heritage as well as the procedures related thereto, where such requirements 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 shall be harmonized with the EU legal acts listed in the Annex to this Law.

## **Article 2. Definitions**

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

2. "Construction works" means a building or a civil engineering works which has load-bearing structures, where all of them (or part of them) were assembled on the construction site during construction work, and which is an immovable.

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 located or potentially dangerous work is carried out; a construction works of complex structure and complex technologies (according to specific features of complexity and technical parameters set out by normative technical construction documents); a building used for public needs in which more than 100 people are present at a time; a high-rise (more than five-storey) apartment house, a structure 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 which is permitted to be constructed and used for a limited period of time. Time limits on the use of temporary construction works may be extended. The Ministry of Environment shall lay down the procedure for extending time limits on the use of temporary construction works the time limits on the use of which are extended at the request of interested persons. 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 the construction operations of which, set out in the design of the construction works and in legal acts, have not been completed.

6. "Simple construction works" means a building of simple structures the maximum height of which is 8,5 m, the sum total of areas of all storeys, superstructures, attic of which and areas of the annexes related by the purpose of use shall not exceed 80 m<sup>2</sup>; a civil engineering works of simple structures. Characteristics and technical parameters of simple constructions of a building and a civil engineering works shall be established by normative technical construction documents.

7. "Building" means a roofed construction works consisting mostly of rooms.

8. "Public building" means a hotel or other building 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 nursing institution; a building for public worship and other religious activities.

9. "Civil engineering works" means traffic infrastructure, 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 infrastructure" means places (roads, streets) of traffic of the transport of all kinds (biotransport, railway transport, motor transport, sea transport, air transport, internal waters transport, urban electric transport) and pedestrians.

12. "Structure of cultural heritage" means a building or part thereof having valuable properties, engineering structures or remaining part thereof, monumental immovable works of art.

13. "Construction" means activities the purpose of which is to construct (assemble, lay) a new construction works, reconstruct, repair or demolish an existing construction works. This definition shall also include construction operations related to the maintenance of structures of cultural heritage or construction of construction works within the territory of objects of cultural heritage.

14. "Management of the construction of a construction works" means a type of organisation of the construction of a construction works when the construction and works of other main construction-related areas of technical activities of the construction are organised by a manager of the construction of a construction works on the basis of a contract of agency between the principal – a builder (client) and the agent – a manager of the 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, operations related to construction and installation of building 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 way to organise 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 construction works on a land surface area not occupied by construction works, to rebuild a completely ruined, destroyed, demolished construction works.

18. "Reconstruction of a construction works" means a type of construction the purpose of which is to rebuild a construction works (to change load-bearing structures by changing the external dimensions of the construction works – length, width, height, etc.).

19. "Construction works repairs" means overhaul or simple repairs of a construction works.

20. "Overhaul of a construction works" means a type of construction the purpose of which is to rearrange a construction works (to change load-bearing structures without changing the external dimensions of the construction works – length, width, height, etc.).

21. "Simple repairs of a construction works" (corresponds to the definition "current repair" as used in the Civil Code) means a type of construction the purpose of which is to renovate the construction works without reconstructing it or overhauling.

22. "Construction operations pertaining to the maintenance of structures of cultural heritage" 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 (the territory the boundaries of which are set in the design documentation of the construction works taking into consideration the ongoing construction operations; the said territory may or may not coincide with the boundaries of a construction plot). If the boundaries of the construction site and the boundaries of the construction plot do not coincide, a parcel of land which is not owned by the builder (client) or is not owned and used on other grounds, set out by laws of the Republic of Lithuania, and the boundaries of which are established by the agreement between the builder (client) and the owner of such a parcel of land (or a person who disposes of the land) shall be regarded as a part of the construction site; a construction works - when all construction operations are carried out inside the construction works.

24. "Construction plot" means a fixed-limit land plot of a specific 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 infrastructure of the site, 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), plots of engineering and utility networks (which have to be laid or which already exist and are under construction) as well as of traffic infrastructure plots (courses); environmental, landscaping, hygiene research; 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 a construction works) as well as research of existing and adjacent construction works which may be affected by planned construction operations; observations of the settlement and deformation of the existing buildings.

27. "Design documentation of a construction works" means the totality of documents, the content of which is established by normative technical construction documents, which contain solutions of a construction works conceived by the builder (client) (text, parts of the design documentation, calculations, drawings) and are intended for legalisation and carrying-out of the 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 the design of a construction works" means a type of organisation of the design of a construction works when the design and works of other main design-related areas of technical activities of the construction are organised by a manager of the design of a construction works on the basis of a contract of agency between the principal – a builder (client) and the agent – a manager of the design of a construction works.

30. Repealed as of 1 October 2010.

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 the material for a competition to choose a designer and may be used for the preparation of design conditions.

32. "Conditions for connecting" means conditions for connecting engineering and utility networks or traffic infrastructure situated in the plot of a construction works, the plot of land to engineering and utility networks and traffic infrastructure belonging to other owners, if such conditions are not provided for in territorial planning documents.

33. Repealed as of 1 October 2010.

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

35. "Expert examination of the design documentation of a construction works" means evaluation of the implementation in the construction works' design documentation of the essential requirements for a construction works specified 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 required documents related to the preparation of the 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 which is being constructed, with the aim to establish whether the construction works satisfies the essential requirements for a construction works specified in paragraph 1 of Article 4 of this Law.

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

38. "Technical supervision of the construction of a construction works" means supervision of the construction of a construction works organised by the builder (client), the purpose of which is to control if the 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 construction works safety and purpose documents.

39. Repealed as of 1 October 2010.

40. "Standard quality of a construction works" means quality of the design documentation of a construction works, construction operations and the constructed construction

works which meets the requirements set out by normative technical construction documents and normative construction works safety and purpose documents.

41. "Builder (client)" means a natural or legal person of Lithuania or a foreign state who invests funds into construction and concurrently performs the functions of the builder (client) (or delegates 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 the design documentation of a construction works" means an architect or a building engineer who, representing the interests of the builder, organises, in a manner prescribed by normative technical construction documents, preparation of the design documentation of a construction works, co-ordinates solutions of the parts of the design documentation of a construction works and activities of heads of the parts of the 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 construction works safety and purpose documents, required documents related to the preparation of the 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. "Preparator of the design documentation of a construction works" means an architect or a building engineer who solely prepares the design documentation of a construction works, is its head or prepares the 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 preparator of the design documentation of a construction works, where such a team consists of heads of the parts of the design documentation of a construction works, other architects and building engineers.

47. "Preparator of a 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 preparator of a part of the design

documentation of a construction works, where such team 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), managing the design of a construction works, organising works pertaining to the design and to design-related works of other main areas of technical activities of the construction, which are carried out by a natural person, a legal person, any other foreign organisation hired by him and enjoying such a right.

49. "Contractor of the construction of a construction works" (hereinafter referred to as a "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 the construction of a construction works" means a building engineer who, representing the contractor (when construction is carried out by contracting) or the builder (client) (in the case of self-dependent construction) and implementing the design documentation of a construction works from the start of construction to its completion, heads construction operations, may concurrently be the head of general construction operations, co-ordinates the carrying-out of special operations of the construction of a construction works and activities of the heads of such operations, and, within the sphere of his competence, is responsible for the conformity of the constructed construction works to the design documentation and for the standard quality of the construction works.

51. "Technical supervisor of the construction of a construction works" means an architect or a building engineer who, representing the builder (client), heads engineering supervision of the construction of a concrete construction works, performs functions assigned to the head of general engineering supervision of the construction of a construction works (general construction operations), co-ordinates special supervision of the construction of a construction works, activities of the heads thereof, and, within the sphere of his competence, is responsible for the standard quality of the constructed construction works.

52. "Manager of the 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 the construction of a construction works, organises construction operations and construction-related works of other main areas of technical activities of the construction, 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 out requirements, rules, general principles and characteristics pertaining to design, construction, construction completion, use, maintenance and demolition of a construction works. It shall comprise technical construction regulations, the construction code, directions for the use and maintenance of construction works, standards, technical approvals, methodological instructions, recommendations.

55. "Normative construction works safety and purpose documents" means documents which, on the basis of other laws and legal acts, sets forth requirements for the protection and safety of a construction works, protection and safety of people who use such construction works, protection and safety of the environment of a construction works 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. The said documents shall also set forth 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 (rooms) 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 the state supervision of safety and purpose requirements for a construction works” means state institutions which enjoy 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 safety and purpose requirements for a construction works.

57. “CE marking” means a mark confirming that a construction product satisfies the requirements set out by effective legal acts of the European Union.

58. “Construction product” means any product which is produced for fitting, incorporation, putting, application or installation in a building or civil 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 shall be technical specifications of construction products.

61. “Engineering systems of a construction works” means engineering systems of rooms 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 using the construction works: water-supply, waste water removal, heating, ventilation, air-conditioning, gas, electric, distance communication (telecommunications), fire protection, detection, alarm and extinction, garbage collection systems, passenger lifts and other systems, as well as systems of their control, management, automatisisation and alarm.

62. “General engineering systems of a construction works” means engineering systems of the whole building (all rooms 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 rooms 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) and to ensure mechanical resistance and stability of the construction works.

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 use 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, use and insurance of a construction works which is being used, expenses incurred in order to avoid shortcomings of the use; the risk and consequences of collapse of a construction works during the period of its use; planned partial renovation; expenses related to cleaning, technical services, maintenance and repair.

71. "Unauthorised construction" means construction of a construction works or a part thereof without possessing a document permitting the construction or with a document permitting the construction but in violation of the essential concepts of the design documentation of a construction works.

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. "Maintenance 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 technical maintenance of a construction works and the supervision of the use of a construction works.

75. "Technical maintenance 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 as well as other legal acts, which guarantees the essential requirements set out in paragraph 1 of Article 4 of this Law during the whole economically reasonable working life of a construction works.

76. "Supervision of the use of a construction works" means the control exercised by a public administration entity aimed at determining whether or not the technical maintenance of a

construction works meets the requirements of this and other laws, 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 the purpose of a construction works.

78. “Technical supervisor of a construction works” means a natural or legal person who carries out the technical maintenance of a construction works on the grounds 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 possesses 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 possession of 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 possesses 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 possession of 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 areas of technical activities of the construction, 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 person, but has 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. “Expert examination contractor” means a legal person, any other foreign organisation which is entitled to conduct an expert examination of the design documentation or a construction works.

89. “Renovation (modernisation) of a building” means construction operations which restore or upgrade the physical and energy properties of a building and/or its engineering systems and/or ensure the use of energy generated from renewable energy resources.

90. “Typical structural member” means a structural combination of construction products and technological concepts repeated in construction works (details of walls and roofs, corners, parapets and other elements).

91. “Typical design documentation of a construction works” means the totality of documents, the composition of which is set out in technical regulations of construction, in which concepts of standard construction works are presented.

92. “Document permitting the construction” means a permit to build a new construction works; a permit to reconstruct a construction works; a permit to renovate (modernize) a building (buildings); a design documentation of a construction works which has been given a written approval of an authorised civil servant (authorised civil servants); a written consent (written consents) of the owner (owners) or manager (managers) of a land plot or adjacent land plots regarding the construction; a permit to continue the suspended construction.

93. “Essential concepts of the design documentation of a construction works” means concepts of the design documentation of a construction works establishing the place of the

construction works in the plot, the purpose of the construction works or its parts, the load-bearing structures of the construction works and their arrangement, the external dimensions of the construction works (height, length, width, etc.) and implementing special requirements of the protection of protected areas and/or the heritage protection of an immovable cultural heritage property.

94. “Construction works of non-exceptional significance” means a construction works which is not a construction works of exceptional significance or a simple construction works.

95. „Demolition of a construction works“ means a type of construction the purpose of which is to dismantle (disassemble) all structures of a construction works (its parts) (with the exception of construction operations attributed to the reconstruction or overhaul of the construction works).

96. „Room“ means an area for the intended use, situated in a building and enclosed by walls and other partitions.

### **Article 3. The Right to be a Builder and Implementation of this Right**

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

2. The right to be a builder shall be exercised in cases when:

1) a builder manages a land plot, on which a construction works is being constructed, by the right of ownership or manages and uses it on other grounds set out by laws of the Republic of Lithuania; this requirement shall not apply in the cases laid down by the Ministry of Environment when land plots have not been formed (when renovating (modernizing) buildings, carrying out overhaul or simple repairs of a construction works, etc.);

2) a builder has a document permitting the construction (where such a document is mandatory);

3) a builder manages a construction works (part thereof) by the right of ownership or manages and uses it on other grounds laid down by the law –in cases of reconstruction, repairs and demolition of the construction works;

3. The requirements of paragraph 2 of this Article shall not apply when demolishing construction works by the court decision, if demolition operations are organised by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment.

### **Article 4. Essential requirements in respect of a construction works**

1. A construction works (a part thereof) must be designed and constructed from such construction products the characteristics of which would satisfy the following essential requirements in respect of a construction works during the 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 construction works, major deformations to an inadmissible degree, damage to other parts of the construction 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. that in the event of an outbreak of fire the load-bearing capacity of the construction can be assumed for a specific period of time; that: 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 in the construction works can safely leave it or may be saved in any other way; warning and fire extinguishing systems function; the safety of rescue teams 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 rooms).

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 constructed from, climatic conditions and the purpose of use) shall be established in normative technical construction documents.

#### **Article 5. Essential requirements in respect of architecture of a construction works**

Architecture of a construction works must be such that:

- 1) it would satisfy the essential requirements for a construction works laid down in Article 4 of this Law;
- 2) it would harmonise with the landscape;
- 3) it would meet special requirements for the architecture, special requirements for protected areas and the heritage protection laid down by the director of the municipal administration (a civil servant of the municipal administration authorised by him);
- 4) it would be fit for the intended use of a construction works;
- 5) it would satisfy the requirements for engineering systems and technological engineering systems of a construction works.

#### **Article 6. Protection (safety) of the environment, landscape, immovable cultural heritage properties and other protection (safety), protection of interests of third persons**

1. When carrying out construction investigations, preparing a design documentation of a construction works, building a construction works 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 also other laws, legal acts and normative construction works safety and purpose documents, approved in the prescribed manner, which regulate:

- 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 the 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 or overhaul of buildings (with the exception of renovation (modernization) of apartment houses) and civil engineering works must be carried out in such a way that they will accommodate the specific needs of disabled people in compliance with the Law on Social Integration of Disabled People.

4. A construction works must be constructed and constructed, and a construction plot must be improved in such a way that during the construction and use of a constructed 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 construction works safety and purpose documents. 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 rooms 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.

## **CHAPTER TWO**

### **TECHNICAL REGULATION OF CONSTRUCTION**

#### **Article 7. Basic Principles of Technical Regulation of Construction**

Provisions of establishment of the 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 Power Safety Inspectorate) which directly establish technical requirements for construction works, the construction, use and maintenance thereof or by references to standards or the construction code or directions for the use and current maintenance of construction works;

2) the construction code, directions for the use and 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 approvals - 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 infrastructure, legal and natural persons the activities whereof are regulated by this Law.

3. The construction code, directions for the use and 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 construction code, 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 construction works safety and purpose documents referred to in paragraph 55 of Article 2 of this Law, by expressing them in technical parameters or references to the normative construction works safety and purpose documents.

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 construction works safety and purpose documents 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 determine the assignment to state institutions of the fields of standardizing of normative construction works safety and purpose documents.

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.

### **CHAPTER THREE**

#### **MAIN AREAS OF TECHNICAL ACTIVITIES OF THE CONSTRUCTION**

##### **Article 10. Main areas of technical activities of the construction**

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

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

2. The following may direct the main areas of technical activities of the construction: the head of the design documentation of a construction works, the head of a part of the design documentation of a construction works, the head of the supervision of the implementation of the design documentation of a construction works, the head of the part of the supervision of the implementation of the design documentation of a construction works, the head of the construction of a construction works, the head of special works related to the construction of a construction works, the head of the technical supervision of the construction of a construction works (the head of the general technical supervision and the head of the special technical supervision of the construction of a construction works), the head of an expert examination of the design documentation of a construction works, the head of the part of an expert examination of the design documentation of a construction works, the head of an 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 above mentioned heads shall be laid down by an institution authorised by the Government.

3. The positions of heads of the main areas of technical activities of the construction of construction works of exceptional significance, which are specified in paragraph 2 of this Article, may be held only by certified architects and building engineers. The procedure of certification shall be laid down by an institution authorised by the Government.

##### **Version of paragraph 3 as of 1 January 2012:**

3. The positions of heads of the main areas of technical activities of the construction of construction works of exceptional significance, which are specified in paragraph 2 of this Article, may be held only by certified architects and building engineers. The qualification

requirements (for education, work experience) applied to persons holding the said positions, the procedure for issuing, changing, suspending, revoking the suspension of and withdrawing qualification certificates shall be laid down by the institution authorised by the Government in compliance with the requirements set forth in paragraphs 11, 12, 13, 14, 15, 16, 17 and 18 of this Article. Certification shall be carried out by the state enterprise *Certification Centre of Building Products*, with the exception of certification of architects which is carried out by the Architects' Chamber of Lithuania (hereinafter referred to as the "organisation carrying out certification").

4. The requirements of paragraph 3 of this Article shall not apply to 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.

**Version of paragraph 4 as of 1 January 2012:**

4. Citizens of a Member State of the European Union, the Swiss Confederation or a state which signed the EEA Agreement as well as other natural persons benefiting from the rights of movement within Member States conferred upon them by European Union legal acts shall enjoy the right to hold positions of heads of the main areas of technical activities of the construction of construction works of exceptional significance, which are specified in paragraph 2 of this Article, upon the recognition of the right, enjoyed in their home State, to hold such positions. The procedure of recognition of the enjoyed right, the procedure for supplementing, adjusting, suspending, revoking the suspension and withdrawing an issued document pertaining to the recognition of the right shall be laid down by the institution authorised by the Government in compliance with the requirements, set forth in paragraphs 12, 13, 14, 15, 16, 17 and 18 of this Article, which are the same as the requirements for issuing, changing, suspending, revoking the suspension of and withdrawing qualification certificates. Recognition of the right shall be carried out by the state enterprise *Certification Centre of Building Products*, with the exception of recognition of the right of architects which is carried out by the Architects' Chamber of Lithuania.

5. The rights and duties of the heads working in the main areas of technical activities of the construction 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 have not undergone certification shall have the right to head the design, construction of a simple construction works, the supervision of the implementation of the design documentation of a construction works, the technical supervision of the construction of a construction works. 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 activities of the construction is not established by this Law, such procedure shall be established by an institution authorised by the Government.

**Article 10 shall be supplemented with paragraphs 11, 12, 13, 14, 15, 16, 17, 18 and 19 as of 1 January 2012:**

11. A natural person wishing to obtain a qualification certificate of the head of one or several main areas of technical activities of the construction must meet the set requirements for education and work experience, pass examinations pursuant to programmes approved by the institution authorised by the Government, file to the organisation performing the certification an application of the form set out by the institution authorised by the Government as well as the documents specified by it.

12. A citizen of a Member State of the European Union, the Swiss Confederation or a state which signed the EEA Agreement as well as any other natural person benefiting from the rights of movement within Member States conferred upon him by European Union legal acts, who wishes to obtain a document pertaining to the recognition of the right that confirms the recognition of the right enjoyed in his home state must file an application of the form set out by the institution authorised by the Government, a document valid in his home state as well as pass

an examination of legal knowledge pursuant to the programmes approved by the institution authorised by the Government.

13. A quality certificate and a document pertaining to the recognition of the right shall be issued for an indefinite period. Persons who have received a qualification certificate or a document pertaining to the recognition of the right must, at least every five years, improve their qualification by attending lectures lasting not less than 20 hours in qualification improvement courses pursuant to appropriate training programmes approved by higher education establishments, associations or unions where such programmes are coordinated with the institution authorised by the Government, as well as must pass an examination of legal knowledge pursuant to the programme approved by the institution authorised by the Government.

14. A person wishing to obtain or change a qualification certificate of the head of one or several main areas of technical activities of the construction must pay to the organisation performing the certification a fee fixed by the institution authorised by the Government for the services relating to certification and recognition of the right.

15. The organisation performing the certification may suspend the qualification certificate for a period of six months in the following cases:

1) where it appears that the holder of the qualification certificate fails to meet the set qualification requirements;

2) where is established that a person, when carrying out the activities specified in the qualification certificate, has violated the requirements of normative technical construction documents, normative construction works safety and purpose documents, which are not related to requirements for essential concepts of the design documentation of a construction works or essential requirements for a construction works;

3) where a person holding the qualification certificate has failed to improve his qualification in compliance with the requirements referred to in paragraph 13 of this Article;

4) where the right, which was recognised in respect of the person when issuing the document pertaining to the recognition of the right, has been suspended in his home state (in the case of the right to hold the position of the head of the main areas of technical activities of the construction of construction works of exceptional significance).

16. The organisation performing the certification may withdraw the qualification certificate in the following cases:

1) for gross violations of laws of the Republic of Lithuania, requirements of normative technical construction documents, normative construction works safety and purpose documents. Gross violations shall be violations of laws, other legal acts related to requirements of essential

concepts of the design documentation of a construction works or essential requirements for a construction works, because of which damage has been caused or could have been caused to third persons or their property;

2) where it transpires that the false data have been submitted in order to obtain a qualification certificate;

3) when so requested by the holder of the qualification certificate;

4) where the holder of the qualification certificate, upon the suspension of his qualification certificate on the grounds specified in paragraph 15 of this Article, fails to terminate within the set time limit the violations because of which the qualification certificate has been suspended;

5) where upon the suspension of the qualification certificate the person continues his activities;

6) where the person has failed to submit within the set time limit the requested documents and (or) data which are necessary for investigation of the information concerning the violations made by him;

7) where the right, which was recognised in respect of the person when issuing him with the document pertaining to the recognition of the right, has been revoked in his home state (in the case of the recognition of the right to hold the position of the head of the main areas of technical activities of the construction of construction works of exceptional significance);

8) upon the death of the holder of the qualification certificate.

17. Where the qualification certificate is withdrawn, it shall be allowed to apply for the issuing of a new qualification certificate not earlier than after the lapse of one year from the date of the adoption of the decision to withdraw the certificate, with the exception of the case specified in subparagraph 3 of paragraph 16 of this Article where an application for the issuing of a qualification certificate may be filed earlier than after the lapse of one year.

18. An organisation performing the certification may give a warning to the holder of the qualification certificate when the holder of the qualification certificate makes minor violations (which are not referred to in paragraphs 15 and 16 of this Article). If the holder of the qualification certificate is given two warnings within a calendar year, the organisation performing the certification may suspend the qualification certificate for the period specified in paragraph 15 of this Article.

19. The right to hold the positions of the heads of the main areas of technical activities of the construction of construction works of nuclear facilities, referred to in subparagraph 2 of this Article shall be enjoyed by certified architects and building engineers. The qualification requirements (for education, work experience) applied to persons holding the said positions, the



procedure for issuing, changing, suspending, revoking the suspension of and withdrawing qualification certificates shall be laid down in compliance with the requirements set forth in paragraphs 11, 12, 13, 14, 15, 16, 17 and 18 of this Article by the institution authorised by the Government after consultation with the State Nuclear Power Safety Inspectorate. Certification shall be carried out by the institution authorised by the Government.

## **CHAPTER FOUR**

### **CONSTRUCTION PARTICIPANTS, THEIR DUTIES AND RIGHTS**

#### **Article 11. Construction participants**

1. The following shall be construction participants:

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

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

#### **Article 12. Rights and duties of the builder (client)**

1. The builder (client) must:

- 1) submit to a designer the required documents relating to the preparation of the design documentation;
- 2) organise (or task a designer to do so) construction investigation, established by normative technical construction documents, of a construction plot, construction site and neighbouring construction works and plots 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 the design documentation of a construction works, when it is mandatory or on his own initiative;
- 4) obtain a documenting permitting construction in the manner prescribed by this Law;

- 5) organise and carry out technical supervision of the construction;
- 6) organise supervision of the implementation of the 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 constructed construction works or laid engineering and utility networks and traffic infrastructure;
- 8) organise procedures of the completion of a construction works in accordance with the procedure laid down by Article 24 of this Law;
- 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 constructed;
- 10) in the case of self-dependent construction, grant permission to officials of the State Territorial Planning and Construction Inspectorate under the Ministry of Environment and officials of institutions of the state supervision of safety and purpose requirements for a construction works, persons authorised by the designer of a construction works (when this is related to the performance of their duties) to enter unhindered the construction sites, construction works (apartments located in such construction works) which are constructed (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;
- 12) publicize information about the hiring of a contractor, as well as information about the hiring or appointment of heads of the main areas of construction (the head of the supervision of the implementation of the design documentation of a construction works, the head of the part of the supervision of the implementation of the design documentation of a construction works, the head of the construction of a construction works, the head of special works related to the construction of a construction works, the head of the technical supervision of the construction of a construction works, the head of the special technical supervision of the construction of a construction works) within three working days after they are hired or appointed in the Republic of Lithuania information system of construction permits and the state supervision of construction

*Infostatyba*; this requirement does not apply to the cases of simple repairs of a construction works and the construction of a simple construction works. 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 the 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 the 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 the 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, managers of the design, managers of the construction of a 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. Right to be an investigator Rights and duties of an 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 the Republic of Lithuania:

1) construction engineering geodetic investigation – natural persons, legal persons, other foreign organisations specified in laws and other legal acts;

2) construction engineering geological and geotechnical researches - natural persons, legal persons, other foreign 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 foreign organisations specified in paragraph 1 of Article 14 of this Law;

4) other researches (environment, landscape, hygiene, archeological, immovable cultural properties, etc.) - natural persons, legal persons, other foreign organisations referred to in laws and other legal acts regulating these 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);

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. Right to be a Designer of a Construction Works Duties and rights of a designer of a construction works:**

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 the Republic of Lithuania:

1) a legal person established in the Republic of Lithuania;

2) a higher education and research institution of construction, architecture or other related field profile;

3) a legal person 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;

**Version of subparagraph 3 as of 1 January 2012:**

3) a legal person established in a foreign state or any other foreign organisation, branches of the legal person 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;

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.

**Version of paragraph 2 of Article 14 as of 1 January 2012:**

2. The right to be designers of construction works of exceptional significance shall be vested with architects and building engineers referred to in paragraph 1 who enjoy the right to be heads of design documentation of a construction works of exceptional significance pursuant to the provisions of Article 10 of this Law, as well as legal persons and other foreign organisations if architects or building engineers who have the right to be heads of design documentation of a construction works of exceptional significance are employed there on the basis of labour relations or other contractual relations. Legal persons of a Member State of the European Union, the Swiss Confederation or a state which signed the EEA Agreement or other foreign organisations referred to in subparagraph 3 of paragraph 1 of this Article, as well as branches of the legal person or any other foreign organisation shall enjoy the right to be designers of construction works of exceptional significance upon the recognition of the right, possessed in their home state, to engage in design of analogous construction works.

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 the design documentation of a construction works and head of the parts of the 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 the design documentation of a construction works of exceptional significance, shall undergo certification in accordance with the procedure laid down by an institution authorised by the Government and pursuant to the requirements laid down by it.

**Version of paragraph 4 as of 1 January 2012:**

4. The procedure of recognition of the right enjoyed in the home state by foreign legal persons, other foreign organisations, branches of a legal person or any other foreign organisation, specified in paragraph 2 of this Article, the procedure for supplementing, adjusting, suspending, revoking the suspension of and withdrawing an issued document pertaining to the recognition of such right shall be laid down by the institution authorised by the Government. Recognition of the right shall be carried out by the state enterprise *Certification Centre of Building Products*.

5. The designer must:

1) on the instruction of the builder (client) appoint (hire) a head of the 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 the design documentation of a construction works in compliance with the documents referred to in this Law;

3) sign the 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 the 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, required documents related to the preparation of the design documentation, normative technical construction documents and normative construction works safety and purpose documents;

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 construction works safety and purpose documents;

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 the builder's (client's) order and under the contract, carry out supervision of the implementation of the 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 the design documentation of a construction works (when this is related to the performance of their duties) to check up on the construction site during the design and construction, the compliance with the concepts of the 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 the design documentation of a construction works or a threat of an accident has been determined, and notify the State Territorial Planning and Construction Inspectorate under the Ministry of Environment 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 constructed 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. Right to be a contractor Duties and Rights of the Contractor**

1. The following shall have the right to be a contractor in accordance with the procedure laid down by laws and other legal acts of Lithuania:

1) a legal person established in the Republic of Lithuania;

2) a legal person 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;

#### **Version of subparagraph 2 as of 1 January 2012:**

2) a legal person established in a foreign state or any other foreign organisation, branches of a legal person or any other foreign organisation who, according to the legal acts of this state, enjoys the right to engage in construction in its country;

3) a building engineer.

2. The right to build 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 such activities for the 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 the 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.

**Version of paragraph 2 as of 1 January 2012:**

2. The right to be a contractor of the construction of construction works of exceptional significance shall be vested with certified legal persons and other foreign organisations, branches of a legal person or any other foreign organisation referred to in subparagraphs 1 and 2 of paragraph 1 of this Article. Legal persons of a Member State of the European Union, the Swiss Confederation or a state which signed the EEA Agreement or other foreign organisations, branches of a legal person or any other foreign organisation referred to in subparagraph 2 of paragraph 1 of this Article shall have the right to be contractors of the construction of construction works of exceptional significance upon the recognition of the right, enjoyed in their home state, to engage in construction of analogous construction works.

3. Building engineers, meeting the requirements laid down in paragraphs 3 and 4 of Article 10 of this Law, shall have the right to head the construction of construction works of exceptional significance (to hold the position of the head of the construction of a construction works and the 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 undergo certification in accordance with the procedure laid down by an institution authorised by the Government and pursuant to the requirements laid down by it.

**Version of paragraph 4 as of 1 January 2012:**

4. Qualification requirements applied to legal persons, other foreign organisations and their branches specified in paragraph 2 of this Article, the procedure of recognition of



qualification certificates and the right enjoyed in the home state, the procedure for supplementing, adjusting, suspending, revoking the suspension of and withdrawing an issued document pertaining to the recognition of the right shall be laid down by the institution authorised by the Government in compliance with the requirements set out in Article 18<sup>1</sup> of this Law. Certification and recognition of the right shall be carried out by the state enterprise *Certification Centre of Building Products*.

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 produced a construction permit and the design documentation of a construction works, and transferred 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 construction works safety and purpose documents, satisfy the requirements of design conditions for a construction works, requirements set by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment and by institutions of the state supervision of safety and purpose requirements for a construction works, implement instructions of heads of the supervision of the implementation of the 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 billboard near a construction plot (or a construction site) with information on a construction works which is being constructed, except for the cases when simple construction works are constructed 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 site 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 the 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 officials of the State Territorial Planning and Construction Inspectorate under the Ministry of Environment as well as persons authorised by the builder (client) and the designer, when this is related to the performance of their duties, to enter unhindered the construction sites, construction works (apartments located in such construction works) which are constructed (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, the 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 the 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 15 shall be supplemented with new paragraph 5; paragraphs 5-9 of Article 15 shall be renumbered as paragraphs 6–10 as of 1 January 2012:**

5. Qualification requirements applied to contractors of the construction of construction works of nuclear facilities, the procedure of recognition of qualification certificates and the right enjoyed in the home state, the procedure for supplementing, adjusting, suspending, revoking the

suspension of and withdrawing an issued document pertaining to the recognition of the right shall, after consultation with the State Nuclear Power Safety Inspectorate, be laid down by the institution authorised by the Government in compliance with the requirements set out in Article 18<sup>1</sup> of this Law. Certification and recognition of the right shall be carried out by the institution authorised by the Government.

6. 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 produced a construction permit and the design documentation of a construction works, and transferred 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 construction works safety and purpose documents, satisfy the requirements of design conditions for a construction works, requirements set by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment and by institutions of the state supervision of safety and purpose requirements for a construction works, implement instructions of heads of the supervision of the implementation of the 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 billboard near a construction plot (or a construction site) with information on a construction works which is being constructed, except for the cases when simple construction works are constructed 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 site 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 the 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 officials of the State Territorial Planning and Construction Inspectorate under the Ministry of Environment as well as persons authorised by the builder (client) and the designer, when this is related to the performance of their duties, to enter unhindered the construction sites, construction works (apartments located in such construction works) which are constructed (reconstructed, repaired) or demolished, and upon the request of the said persons, submit to them all construction documents.

7. 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, the 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 the construction of a construction works and expert examination of the design documentation of this construction works and the construction works itself.

8. 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.

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

10. 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 the Construction of a Construction Works**

1. The builder (client) shall appoint (hire) a technical supervisor of the 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 the 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 construction works safety and purpose documents, and if no documents in confirmation of the quality have been provided;

2) check the quality of construction operations and the scope thereof, inform the builder (client) about the carried-out construction operations which do not satisfy requirements for normative quality of a construction works;

3) check and accept hidden construction operations and hidden structures of a construction works, participate in testing and accepting as fit for use engineering and utility networks, engineering systems, equipment and structures;

4) prepare together with the contractor the documents necessary to complete the construction;

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 the 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 confirming the quality of the carried out construction operations and assembling works, used construction products and equipment;

2) corrects any violations of the design documentation of a construction works, normative technical construction documents and normative construction works safety and purpose documents;

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 the construction of a construction works must inform the State Territorial Planning and Construction Inspectorate under the Ministry of Environment 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 the construction of a construction works shall have the right to suspend the construction by himself and to appeal to the State Territorial Planning and Construction Inspectorate under the Ministry of Environment so that the latter would adopt a decision confirming or revoking the demand of the technical supervisor.

6. The procedure of the technical supervision of the construction of a construction works shall be established by the Ministry of Environment.

7. The technical supervisor of the 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 the 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. Right to be a Manager of the Design of a Construction Works and a Manager of the Construction of a Construction Works. Duties and Rights of the Manager of the Design of a Construction Works and the Manager of the Construction of a Construction Works**

1. The following shall have the right to be a manager of the 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 person established in the Republic of Lithuania;
- 2) a legal person 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 the 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 the 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.

**Version of paragraph 1 as of 1 January 2012:**

1. The following shall have the right to be a manager of the 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 person established in the Republic of Lithuania;
- 2) a legal person established in a foreign state or any other foreign organisation, branches of a legal person or any other foreign organisation who, according to the legal acts of this state, enjoys the right to engage in management of the design of a construction works in its country;
- 3) an architect or a building engineer.

2. The following shall have the right to be a manager of the construction of a construction works in accordance with the laws and other legal acts of the Republic of Lithuania:

- 1) a legal person established in the Republic of Lithuania;
- 2) a legal person 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 the 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 the 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.

**Version of paragraph 2 as of 1 January 2012:**

2. The following shall have the right to be a manager of the construction of a construction works in accordance with the laws and other legal acts of the Republic of Lithuania:

- 1) a legal person established in the Republic of Lithuania;
- 2) a legal person established in a foreign state or any other foreign organisation, branches of a legal person or any other foreign organisation who, according to the legal acts of this state, enjoys the right to engage in management of the construction of a construction works;
- 3) an architect or a building engineer.

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 the construction of a construction works.

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

5. The manager of the 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 activities of the construction: construction operations and technical supervision of the construction. The scale of works in the abovementioned areas and the rights and duties assigned by the builder (client) as the principal to the agent – the manager of the construction of a construction works 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 the design of a construction works or the manager of the construction of a construction works by the builder (client) as the principal, the manager of the design of a construction works and the manager of the 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 person established in the Republic of Lithuania;
- 2) a legal person or any other foreign organisation established in a foreign state;
- 3) a natural person.

2. The supplier of construction products must supply construction products which are safe and fit for use. A product shall be considered to be 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 place on the market of Lithuania and the common market of the European Union those construction products which meet the requirements of paragraphs 2 and 3 of this Article and to which the CE marking and (or) other marks, prescribed by institutions authorised by the Government, are affixed.

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.

**The Law shall be supplemented with Article 18<sup>1</sup> as of 1 January 2012:**

**Article 18<sup>1</sup>. Qualification Requirements and Certification of a Contractor of the Construction of Construction Works of Exceptional Significance, Contractors of an Expert Examination of the Design Documentation of a Construction Works, Contractors of an Expert Examination of a Construction Works**

1. A legal person or any other foreign organisation wishing to obtain or change a qualification certificate must satisfy the qualification requirements set out by the institution authorised by the Government, file to an organisation performing the certification an application of the form set by the institution authorised by the Government as well as the documents designated by the institution authorised by the Government.

2. A legal person or any other organisation of a Member State of the European Union, the Swiss Confederation or a state which signed the EEA Agreement, branches of the legal person or any other foreign organisation wishing to obtain or change a document pertaining to the recognition of the right that confirms the recognition of the right enjoyed in its home state must file to the organisation performing the certification an application of the form set by the institution authorised by the Government, the document valid in the home state as well as other designated documents.

3. A qualification certificate and a document pertaining to the recognition of the right shall be issued for an indefinite period. The organization performing the certification shall, at the frequency set out by the institution authorised by the Government, conduct review of the issued qualification certificates and documents pertaining to the recognition of the right. The holder of a qualification certificate or a document pertaining to the recognition of the right must, within the specified time limits, produce to the organisation performing the certification the documents requested by it and necessary for the review.

4. A legal person or any other foreign organisation wishing to obtain or change a qualification certificate or a document pertaining to the recognition of the right must pay to the organisation performing the certification a fee fixed by the institution authorised by the Government for services related to certification and recognition of the right.

5. An organisation performing the certification may, in the following cases, suspend for a period of six months a qualification certificate or a document pertaining to the recognition of the right:

1) where it has been established that a person carrying an activity specified in the qualification certificate or the document pertaining to the recognition of the right violated the requirements of normative technical construction documents, normative construction works safety and purpose documents that are not related to the requirements for essential concepts of the design documentation of a construction works or essential requirements for a construction works;

2) for failure to eliminate construction defects which were established during the warranty period of a construction works (in the case of a contractor of the construction of a construction works of exceptional significance);

3) where the expert examination has been carried out in violation of the requirements of the procedure for carrying out an expert examination (in the case of the contractor of an expert examination of the design documentation of the construction works or an expert examination of a construction works);

4) where it has been established that the holder of the qualification certificate or the document pertaining to the recognition of the right fails to fulfil lawful instructions of the officers exercising the state supervision;

5) where the holder of the qualification certificate does not satisfy the qualification requirements set out by the institution authorised by the Government;

6) where the holder of the certificate fails to fulfil the requirements set out in paragraph 3 of this Article;

7) where the right which was recognised when issuing the document pertaining to the recognition of the right has been suspended in the home state of the person who received the document pertaining to the recognition of the right (in the case of the recognition of the possessed right to engage in activities of a contractor of the construction of a construction works of exceptional significance, a contractor of an expert examination of the design documentation of the construction works or an expert examination of a construction works);

8) where violations of the principles of the European Deontological Code for Providers of Architectural Services.

6. An organisation performing the certification may withdraw a qualification certificate or a document pertaining to the recognition of the right in the following cases:

1) for gross violations of requirements of laws of the Republic of Lithuania, normative technical construction documents, normative construction works safety and purpose documents. Gross violations shall be violations of laws, other legal acts related to requirements of essential concepts of the design documentation of a construction works or essential requirements for a construction works, because of which damage has been caused or could have been caused to third persons or their property;

2) upon transpiration that the false data have been submitted in order to obtain a qualification certificate;

3) where, following the suspension of the qualification certificate, violations, because of which the qualification certificate was suspended, have been repeated within two years;

4) where the right which was recognised when issuing the document pertaining to the recognition of the right has been withdrawn in the home state of the person who received the document pertaining to the recognition of the right (in the case of the recognition of the possessed right to engage in activities of a contractor of the construction of a construction works of exceptional significance, a contractor of an expert examination of the design documentation of the construction works or an expert examination of a construction works);

5) when so requested by the holder of the qualification certificate or the document pertaining to the recognition of the right.

7. Where the qualification certificate or the document pertaining to the recognition of the right is withdrawn, it shall be allowed to apply for the issuing of a new qualification certificate or a document pertaining to the recognition of the right not earlier than after the lapse of one year from the date of the adoption of the decision to withdraw the certificate, with the exception of the case specified in subparagraph 5 of paragraph 6 of this Article where an application for the issuing of a qualification certificate may be filed earlier than after the lapse of one year.

8. An organisation performing the certification may give a warning when the holder of the qualification certificate or the document pertaining to the recognition of the right makes minor violations (which are not referred to in paragraphs 5 and 6 of this Article). If the holder of the qualification certificate or the document pertaining to the recognition of the right is given two warnings within a calendar year, the organisation performing the certification may suspend the qualification certificate or the document pertaining to the recognition of the right for the period specified in paragraph 5 of this Article.

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

2. Investigations shall be conducted prior to the beginning of preparation of the 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. Design documentation of a construction works Conditions for connecting**

1. Design documentation of a construction works shall be prepared:

- 1) design documentation of the construction - for the construction of a new construction works of exceptional significance and a new construction works of non-exceptional significance;

2) design documentation of the reconstruction – for the reconstruction of a construction works of exceptional significance or a construction works of non-exceptional significance, as well as where a simple construction works is being reconstructed into a construction works of exceptional significance or a construction works of non-exceptional significance;

3) design documentation of the renovation (modernization) of a building – for the renovation (modernization) of a building; such design documentation may be prepared in compliance with the typical design documentations approved by the Ministry of Environment or an institution authorised by it, tailored to particular buildings which are being renovated (modernized), or in compliance with design documentations prepared by using typical structural members approved by the Ministry of Environment or an institution authorised by it;

4) design documentation of the overhaul – for the overhaul of a construction works of exceptional significance or a construction works of non-exceptional significance;

5) design documentation of simple repairs – for simple repairs of a construction works of exceptional significance and a construction works of non-exceptional significance in the cases set out by the Ministry of Environment or the Ministry of Culture;

6) simplified design documentation of the construction – for the construction of a simple construction works in the cases set out by the Ministry of Environment;

7) simplified design documentation of the reconstruction – for the reconstruction of a simple construction works in the cases set out by the Ministry of Environment;

8) an overhaul description – for the overhaul of a simple construction works in the cases set out by the Ministry of Environment;

9) simple repairs description – for simple repairs of a construction works only in the cases set out by the Ministry of Environment or the Ministry of Culture;

10) design documentation of the demolition – for the demolition of a construction works of exceptional significance;

11) a demolition description – for the demolition of a construction works of non-exceptional significance;

12) a simplified description of the demolition – for the demolition of a simple construction works in the cases set out by the Ministry of Environment;

13) design documentation of the change of the purpose of a building (room, rooms) - when changing the purpose of a building (premise, premises), where only simple repairs of a construction works are carried out or where no construction operations are carried out;

14) the design documentation of maintenance operations – for works carried out in order to preserve a cultural heritage property in adherence to the requirements of the Law on Protection of Immovable Cultural Heritage.

2. If it is planned to carry out construction operations attributed to different construction types, a single design documentation of a construction works, uniting different construction types, may be prepared.

3. Design documentation of a construction works shall be prepared in compliance with territorial planning documents, documents of construction investigations of a land plot (territory) (if such investigations are mandatory), research data of a cultural heritage property, legal acts in force, conditions for connecting and:

1) special architectural requirements laid down by the municipal administration, provided that they are in compliance with the requirements referred to in subparagraphs 2 and 3 of this paragraph;

2) special heritage protection requirements issued by the Department of Cultural Heritage, which apply to a cultural heritage property or its territory, a particular structure of cultural heritage, a construction works located within the territory of an object of cultural heritage or the site of cultural heritage;

3) special protected areas' management and protection requirements issued by the directorate of a protected area, which apply to a particular construction works, plot or territory, which is being designed, in the area of conservational protection priority or complex protected area.

4. A builder (client) shall be entitled to choose a provider of services – an owner or user of engineering and utility networks and traffic infrastructure.

5. A builder (client) shall be entitled to choose whether he will use public engineering and utility networks or will lay local engineering and utility networks, if it is possible to choose according to territorial planning documents or if solutions of territorial planning documents, that provide for the laying of public engineering and utility networks, have not been implemented.

6. It shall be prohibited to include in the connecting conditions a requirement that the builder (client) carry out repair or reconstruction works of existing engineering and utility networks and traffic infrastructure. Such works must be carried out by the owner or user of these networks or infrastructure.

7. New engineering and utility networks or traffic infrastructure shall be laid pursuant to contracts between the builder (client) and the owner or user of engineering and utility networks or traffic infrastructure.

8. The owner or user of engineering and utility networks and traffic infrastructure shall issue conditions for connecting within 15 working days from the receipt of the request of the builder (client) to be issued with the said conditions. Where the conditions for connecting have not been issued within the set time limit, the builder (client) shall be entitled to apply to the State

Territorial Planning and Construction Inspectorate under the Ministry of Environment which shall, in accordance with the procedure established in the Code of Administrative Offences, draw up reports of administrative offences to those responsible for issuing the said conditions and shall forward these reports to the court. The builder (client) may appeal in the manner prescribed by legal acts to the court against the illegality of the issued conditions for connecting or the refusal to issue such conditions.

9. Persons who have prepared the conditions for connecting and the special requirements shall, within their remit, be responsible in the manner prescribed by legal acts for the compliance of the said conditions and requirements with laws and other legal acts.

10. The design documentation of a construction works shall be signed by the designer of the construction works or a person authorised by him, the head of the design documentation of the construction works, the heads of the parts of the design documentation of the construction works and the preparator of the design documentation of the construction works.

11. The procedure for preparing the design documentation of a construction works and the components of the design documentation of the construction works, the specific features of the assigning of construction operations to different construction types, the list of simple construction works as well as the specific features of the assigning of construction works to the type of simple construction works shall be laid down by an institution authorised by the Government.

12. Persons who have signed the design documentation of the construction works shall be responsible in the manner prescribed by legal acts for the compliance of the concepts of the design documentation of the construction works with the set requirements.

## **Article 21. Architectural solutions of the design documentation of a construction works. Architect of a Construction Works**

1. Apart from other established parts of the design documentation of a construction works, an architectural part of the 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, 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. An architect of a construction works, if he satisfies the requirements of Article 10 of this Law, shall be the head of an architectural part of the design documentation of the

construction works, he may concurrently be the head of the design documentation of the construction works.

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 required documents related to the preparation of the design documentation.

4. When preparing an architectural part of the design documentation of a construction works, an architect of the construction works must act in compliance with Article 5 of this Law.

**Article 22. Approval of the design documentation of a construction works of exceptional significance and a construction works entered in the State Investment Programme**

1. 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 is an act on the expert examination of the design documentation allowing to approve the design documentation) prior to obtaining a construction permit.

2. The procedure for approving the design documentations specified in paragraph 1 of this Article shall be established by an institution authorised by the Government.

**CHAPTER SIX**  
**DOCUMENTS PERMITTING THE CONSTRUCTION.**  
**COMPLETION OF THE CONSTRUCTION**

**Article 23. Documents permitting the construction**

1. Documents permitting the construction shall be as follows:

1) in the case of the construction of a construction works of exceptional significance and a construction works of non-exceptional significance – a permit to construct a new construction works;

2) in the case of the reconstruction of a construction works of exceptional significance and a construction works of non-exceptional significance – a permit to reconstruct a construction works;

3) in the case of the renovation (modernization) of a building – a permit to renovate (modernize) a building;

4) in the cases other than those referred to in subparagraphs 1, 2 and 3 of this paragraph – a written approval of the authorised civil servant with respect to the design documentation of the



construction works specified in subparagraphs 4-13 of paragraph 1 of Article 20 of this Law (if such a consent is mandatory);

5) in the cases where the documents permitting the construction referred to in subparagraphs 1-4 of this paragraph, however it is mandatory pursuant to the provisions of legal acts to obtain consents of owners or managers of a plot of land or adjacent plots of land – written consents of the owners or managers of these plots of land;

6) in order to continue the suspended construction - a permit to continue the suspended construction.

2. A permit to construct a new construction works, a permit to reconstruct a construction works and a permit to renovate (modernize) a building shall be issued by the director of the municipal administration or a civil servant of the municipal administration, authorised by the director. When issuing a permit to construct a temporary construction works, the time limit of use of such a construction works shall be specified in the said permit.

3. A permit to construct a new construction works and a permit to reconstruct a construction works in the territorial waters of the Republic of Lithuania and its continental shelf which is located in the international waters and in which the Republic of Lithuania has the exclusive rights shall be issued by the Government or an institution authorised by it.

4. If a construction works is constructed within the territory of several municipalities, the director of the respective municipal administration or a civil servant of the respective municipal administration, authorised by the director, shall issue a document permitting the construction with respect to that part of the construction works which is located in the respective administration.

5. Civil servants authorised by the institutions referred to in paragraph 17 of this Article shall give a written consent to the design documentation. When issuing a written approval with respect to the construction of a temporary construction works, the time limit of use of such a construction works shall be specified in the said permit. Written approvals shall not be required with respect to the design documentations referred to in subparagraphs 10, 11 and 12 of paragraph 1 of Article 20 of this Law, if by the court decision the demolition of construction works is organised by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment.

6. A permit to continue the suspended construction shall be issued by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment.

\*7. The following documents shall be submitted for obtaining a permit to construct a new construction works:

1) an application;

2) design documentation and a computer medium with the design documentation recorded, or only a computer medium with the design documentation recorded, if the persons who must sign this design documentation have signed it with electronic signatures;

3) an act on the expert examination of the design documentation (in the case when such expert examination is obligatory according to paragraph 1 of Article 29 of this Law);

4) the consent of the co-owners of the plot of land if the plot of land belongs to them by the right of joint ownership;

5) a decision of a competent institution on the admissibility of proposed economic activities in a chosen locality from the point of view of environmental impact, when this is obligatory in accordance with the Law on Environmental Impact Assessment of the Proposed Economic Activity;

6) if engineering and utility networks or traffic infrastructure are planned to be laid in another plot of land (territory), also if another plot of land (territory) is planned to be temporarily used during the construction – an agreement with the owner, manager or user of this plot of land (territory);

7) a document confirming the payment of a fee for the legalisation of the unauthorised construction, specified in annex 1 to this Law, as well as documents substantiating the amount of calculation of the said fee – in the case of unauthorised construction in respect of which an act on the unauthorised construction is drawn up;

\*8. The following documents shall be submitted for obtaining a permit to reconstruct a construction works:

1) an application;

2) the design documentation of the reconstruction and a computer medium with the recording of the design documentation of the reconstruction, or only a computer medium with the recording of the design documentation of the reconstruction, if the persons who must sign the said design documentation have signed it with electronic signatures;

3) an act on the expert examination of the design documentation of the reconstruction (in the case when such expert examination is obligatory according to paragraph 1 of Article 29 of this Law);

4) a file of the cadastre data of the construction works;

5) the consent of the co-owners of the construction works;

6) the consent of the co-owners of the plot of land if the plot of land belongs to them by the right of joint ownership;

7) if engineering and utility networks or traffic infrastructure are planned to be laid in another plot of land (territory), also if another plot of land (territory) is planned to be temporarily

used during the construction – an agreement with the owner, manager or user of this plot of land (territory);

8) a document confirming the payment of a fee for the legalisation of the unauthorised construction, specified in annex 1 to this Law, as well as documents substantiating the amount of calculation of the said fee – in the case of unauthorised construction in respect of which an act on the unauthorised construction is drawn up;

9. The following documents shall be submitted for obtaining a permit to renovate (modernize) a new construction works:

1) an application;

2) the design documentation of the renovation (modernization) and a computer medium with the recording of the said documentation, or only a computer medium with the recording of the design documentation, if the persons who must sign this design documentation have signed it with electronic signatures;

3) a file of the cadastre data of the building;

4) the consent of the co-owners of the building regarding the renovation (modernization) of the building, taken in accordance with the procedure for taking decisions as laid down by Article 4.75 or 4.85 of the Civil Code;

5) the consent of the co-owners of the plot of land if the plot of land belongs to them by the right of joint ownership;

6) if engineering and utility networks or traffic infrastructure are planned to be laid in another plot of land (territory), also if another plot of land (territory) is planned to be temporarily used during the construction – an agreement with the owner, manager or user of this plot of land (territory).

\*10. The following documents shall be submitted for obtaining written approvals of the design documentation of a construction works:

1) an application;

2) the design documentation referred to in subparagraphs 4-13 of paragraph 1 of Article 20 of this Law;

3) a file of the cadastre data of the construction works – in the cases specified in subparagraphs 4, 7, 10, 11, 13 of paragraph 1 of Article 20 of this Law;

4) the consent of the co-owners of the construction works;

5) the consent of the co-owners of the plot of land, if the plot of land belongs to them by the right of joint ownership; it is not obligatory to submit the said document in the cases of the overhaul, simple repairs and demolition of the construction works;

6) if engineering and utility networks or traffic infrastructure are planned to be laid in another plot of land (territory), also if another plot of land (territory) is planned to be temporarily used during the construction – an agreement with the owner, manager or user of this plot of land (territory);

7) a document confirming the payment of a fee for the legalisation of the unauthorised construction, specified in annex 1 to this Law, as well as documents substantiating the amount of calculation of the said fee.

11. Documents confirming the elimination of the causes of the suspension of the construction shall be submitted in order to obtain a permit to continue the suspended construction.

12. Upon having registered an application for the issuing of a document permitting the construction, it shall be verified:

1) whether or not all the documents required according to the set requirements have been submitted;

2) whether or not a person requesting a document permitting the construction has the right to be a builder according to the requirements laid down in subparagraphs 1 and 3 of paragraph 2 of Article 3 of this Law.

13. If not all the documents required for the issuing of a document permitting the construction have been submitted, a person who filed the application shall be informed about this not later than within three working days. Procedures relating to the issuing of a document permitting the construction shall be continued only upon the submitting of all the required documents.

14. Once all required documents are received, the application for the issuing of a document permitting the construction, referred to in subparagraphs 1, 2, 3 of paragraph 1 of this Article, as well as all the submitted documents shall be, within two working days, published according to the procedure laid down by the Ministry of Environment in the digital form in the Republic of Lithuania information system of construction permits and the state supervision of the construction *Infostatyba* by a civil servant authorised by the institution issuing a document permitting the construction. During the same time limit a civil servant authorised by the institution issuing a document permitting the construction shall present in writing the information about the received application for a document permitting the construction and the received design-related documents to the directorate of the protected area (where the object gets into a state park, a strict biosphere reserve or a reserve) and to the Department of Cultural Heritage (where the object is an immovable cultural heritage property or is situated within its territory). The Ministry of Environment together with the Ministry of Culture shall laid down the

procedure and cases when and to which design documentation verifying institutions the design documentation on paper is submitted.

15. The following institutions and entities (their branches) shall, within their remit, verify in accordance with the procedure laid down by the Ministry of Environment the compliance of solutions of design documentations of the construction or reconstruction with the set requirements:

- 1) the municipal administration;
- 2) the Fire and Rescue Department under the Ministry of the Interior;
- 3) directorates of protected areas;
- 4) regional environmental protection departments;
- 5) the Department of Cultural Heritage under the Ministry of Culture;
- 6) the State Public Health Service under the Ministry of Health;

**Version of subparagraph 6 as of 1 July 2011:**

6) the public health centres in the counties;

7) the State Labour Inspectorate of the Republic of Lithuania;

8) the Department for the Affairs of Disabled under the Ministry of Social Security and Labour;

- 9) the Radiation Protection Centre;
- 10) the State Food and Veterinary Service of the Republic of Lithuania;
- 11) Customs Department under the Ministry of Finance;
- 12) the Lithuanian Police Traffic Service;
- 13) the State Border Guard Service under the Ministry of the Interior;
- 14) the State Energy Inspectorate under the Ministry of Energy;
- 15) the State Railway Inspectorate under the Ministry of Transport and Communications;
- 16) an institution responsible for the maintenance of potentially dangerous equipment;
- 17) owners, managers or users of engineering and utility networks and traffic infrastructure to which the engineering and utility networks or traffic infrastructure of the plot of land are connected.

16. The conformity of solutions of the design documentation of the renovation (modernization) of a construction works to the set requirements shall be verified, within their remit, by the following:

- 1) a civil servant authorised by the director of the municipal administration, performing the functions of chief municipal architect – in all cases;

2) a civil servant authorised by the directorate of the protected area – in the case of the construction carried out in the protected area in which the directorate of the protected area is located;

3) a representative authorised by the regional environmental protection directorate – in the case of the construction carried out in the protected area in which the directorate of the protected area is not located;

4) a civil servant authorised by the Department of Cultural Heritage under the Ministry of Culture – if the building is a structure of cultural heritage, is located within the territory of an object of cultural heritage, within the site of cultural heritage or within the protection zones of an object of cultural heritage.

17. The following shall give a written approval of the design documentation of a construction works:

1) a civil servant authorised by the director of the municipal administration – in all cases;

2) a civil servant authorised by the directorate of the protected area – in the case of the construction carried out in the protected area in which the directorate of the protected area is located;

3) a representative authorised by the regional environmental protection directorate – in the case of the construction carried out in the protected area in which the directorate of the protected area is not located;

4) a civil servant authorised by the Department of Cultural Heritage under the Ministry of Culture – in the case of the construction in a structure of cultural heritage, within the territory of an object of cultural heritage, within the site of cultural heritage or within their protection zones.

18. The following time limit shall be allotted for verification of the design documentation of a construction works, calculating from the date of the publication of the design documentation in the Republic of Lithuania information system of construction permits and the state supervision of the construction *Infostatyba*:

1) 35 working days – to verify the design documentation of the construction and reconstruction of a construction works of exceptional significance;

2) 20 working days – to verify the design documentation of the construction or reconstruction of a construction works of non-exceptional significance;

3) 10 working days – to verify the design documentation of the renovation (modernization) of a building.

19. The following time limit shall be allotted for written approvals of the design documentation of a construction works, calculating from the date of submission of the design documentation for a written approval:

1) 20 working days – for the design documentation of the overhaul of a construction works of exceptional significance;

2) 10 working days – for the design documentation of the overhaul of a construction works of non-exceptional significance;

3) 5 working days – in the cases other than those specified in subparagraphs 1 and 2 of this paragraph.

20. Documents permitting the construction, referred to in subparagraphs 1, 2 and 3 of paragraph 1 of this Article shall be issued only after the expiration of the time limit allotted for the verification of the design documentation of a construction works, provided that no disapprovals of the design documentation of the construction works have been received from by the institutions or entities (their branches) specified in paragraphs 15 and 16 of this Article within the time limit allotted for the verification of the construction works. Upon the receipt of the disapproval (disapprovals), a document permitting the construction shall not be issued, the submitted documents shall be returned to the builder (client), informing him of the reasons for refusal to issue the abovementioned document and presenting the specific comments on the design documentation of the construction works. Upon the re-submission in accordance with the procedure laid down by this Article the design documentation of the construction works altered pursuant to the received comments, its verification procedures shall be carried out by institutions or entities that disapproved of the design documentation of the construction works, as well as the institutions or entities within the remit of which falls the verification of other solutions of the design documentation of the construction works, which are influenced by the solutions of the altered design documentation of the construction works; in this case the procedures of verification and issuing of a document permitting the construction shall be performed within the time limits twice shorter than the ones indicated in this Article.

21. A document permitting the construction shall be issued not later than:

1) 45 working days – for a construction works of exceptional significance in the cases specified in subparagraphs 1 and 2 of paragraph 1 of this Article;

2) 30 working days – for a construction works of non-exceptional significance in the cases specified in subparagraphs 1 and 2 of paragraph 1 of this Article;

3) 20 working days – in the case specified in subparagraph 3 of paragraph 1 of this Article;

4) 15 working days – in the case specified in subparagraph 4 of paragraph 1 of this Article;

5) 10 working days – in the cases specified in subparagraph 6 of paragraph 1 of this Article.

22. The time limit for issuing a document permitting the construction shall be calculated from the date of the receipt of all the required documents.

23. Procedures for issuing the document permitting the construction, referred to in subparagraph 5 of paragraph 1 of this Article, shall not be carried out and the document permitting the construction shall not be issued if:

1) the information is received from the State Territorial Planning and Construction Inspectorate under the Ministry of Environment that the fact of unauthorised construction is established in the plot of land (or part of the plot of land where several persons manage the plot of land by the right of ownership or another right) in respect of which the document permitting the construction is sought, and that the consequences of the unauthorised construction have not been eliminated in accordance with the procedure laid down by legal acts. In this case only the document permitting the construction to carry out construction operations pertaining to the elimination of the consequences of the unauthorised construction may be issued;

2) a person requesting a document permitting the construction does not have the right to be a builder according to the requirements laid down in subparagraphs 1 and 3 of paragraph 2 of Article 3 of this Law.

24. If the document permitting the construction referred to in subparagraph 1, 2, 3 or 4 of paragraph 1 of this Article has not been issued within the set time limit and the builder (client) has not been notified about the reasons for refusal within five working days from the end of the time limit for issuing the document permitting the construction, the builder (client) has the right to apply to the State Territorial Planning and Construction Inspectorate under the Ministry of Environment which will, in accordance with the procedure laid down by the Code of Administrative Offences, draw up reports of administrative offences in respect of the persons responsible for issuing the document permitting the construction and will send such reports to the court.

25. Written consents referred to in subparagraph 5 of paragraph 1 of this Article shall not be mandatory if no representations in respect of the earlier constructed construction works have been made the within one year from the start of the construction to the builder or the owner of the construction works by the persons who had to issue the said consents.

26. The content of applications requesting a document permitting the construction, the scope of the design documentation of the construction works submitted for obtaining the document permitting the construction as well as the content of documents permitting the construction shall be set out by the Ministry of Environment.

27. Accounting and statistical reports regarding documents permitting the construction shall be handled by the institutions which issue these documents. Accounting and the list of



permits to construct, reconstruct, overhaul or demolish nuclear facilities shall be handled in accordance with the procedure laid down by an institution authorised by the Government.

28. Construction without a valid document permitting the construction, if such a document is mandatory, shall be prohibited.

29. The document permitting the construction shall be revoked by the court's decision:

1) if it has been issued illegally;

2) if a person, to whom the document permitting the construction has been issued, no longer meets the requirements referred to in paragraph 2 of Article 3 of this Law.

30. The right to appeal to the court regarding revocation of the document permitting the construction shall be enjoyed by the persons whose rights and legitimate interests are violated, as well as, within the respective remit, by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment or institutions of the state supervision of the safety and purpose of a construction works on the grounds of complaints or reports of the said persons or on their own initiative; if the public interest has been violated, the abovementioned institutions shall have the right to apply to a prosecutor's office for the safeguarding of the public interest. The persons who have illegally approved of the issuing of the documents permitting the construction shall be named respondents in the lawsuits pertaining to the revocation of the illegally issued documents permitting the construction.

31. Builders (clients) shall have the right to file applications requesting the documents permitting the construction specified in subparagraphs 1, 2, 3, 4 and 6 of paragraph 1 of this Article, by using the Republic of Lithuania information system of construction permits and the state supervision of the construction *Infostatyba*“.

32. Persons who must verify the design documentation of a construction works (to give a written approval) and who are authorised to issue a document permitting the construction shall be held liable for violations of the procedure for issuing documents permitting the construction. The damage caused because of the illegally issued document permitting the construction shall be compensated in accordance with the procedure laid down by the law.

33. The builder (client) shall have the right to appeal against the refusal to issue a document permitting the construction. Subjects whose representatives disapproved of the issuing of a document permitting the construction shall be named as respondents in such lawsuits.

34. A permit to construct, reconstruct, overhaul or demolish nuclear facilities shall be issued in accordance with the procedure laid down by the Government or an institution authorized by it.

**Version of paragraph 34 as of 1 January 2011:**

34. A permit to construct, reconstruct, overhaul or demolish construction works of a nuclear facility shall be issued in accordance with the procedure laid down by the Law on Nuclear Energy.

35. The construction of a structure of cultural heritage, a construction works in the territory of an object of cultural heritage, on the site of cultural heritage, in the area of conservational protection priority, in the complex protected area or the coastal strip shall be carried out in compliance with the Law on Protection of Immovable Cultural Heritage, the Law on Protected Areas, the Law on Coastal Strip.

36. A document permitting the construction for the performance of maintenance operations in respect of a cultural heritage property, taking into consideration the type of construction, shall be issued in accordance with the procedure laid down by this Law. If construction operations related to the maintenance are not provided for in the design documentation of maintenance operations, a permit to carry out maintenance operations of a cultural heritage property shall be issued in accordance with the procedure laid down by the Law on Protection of Immovable Cultural Property.

**\*Note. The provisions of paragraphs 7, 8 and 10 of Article 23 concerning the fees specified in Annex 1 to the Law of the Republic of Lithuania on Construction shall enter into force as of 1 January 2013.**

**Article 23<sup>1</sup>. Repealed as of 1 October 2010.**

#### **Article 24. Completion of the Construction**

1. Upon the completion of the construction of a new construction works, reconstruction of a construction works, renovation (modernization) of an apartment house or a non-residential building, a construction completion act shall be drawn up in accordance with the procedure laid down by the Ministry of Environment. In the case of the construction of a house of one or two apartments or a simple construction works as well as in the cases of the reconstruction of these construction works, a construction completion act shall not be drawn up.

#### **Revision of paragraph 1 as of 1 October 2011**

1. Upon the completion of the construction of a new construction works, reconstruction of a construction works, renovation (modernization) of an apartment house or a non-residential building, a construction completion act shall be drawn up in accordance with the procedure laid down by the Ministry of Environment. In the case of the construction of a house of one or two apartments or a simple construction works as well as in the cases of the reconstruction of these construction works, a construction completion act shall not be drawn up. The procedure of and

requirements for the completion of the construction of construction works of nuclear facilities shall be laid down by the institution authorised by the Government after consultation with the State Nuclear Power Safety Inspectorate.

2. Upon the completion of the overhaul of a construction works, changing of the purpose of a construction works (rooms) or renovation (modernization) of a house of one or two apartments, the State Territorial Planning and Construction Inspectorate under the Ministry of Environment shall be presented with a construction completion declaration of the builder (client) the content of which is set out by the Ministry of Environment. In the cases of the construction of a new house of one or two apartments or a simple construction works as well as the reconstruction of these construction works, a construction completion declaration shall, in accordance with the procedure laid down by the Ministry of Environment, be approved by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment, and in the area of conservational protection priority, in the complex protected areas and in their protection zones the declaration shall be approved also by an institution which, within its remit, is responsible for the protection of the said areas.

3. The requirements of paragraph 2 of this Article shall not be obligatory in the case of the construction of simple construction works as well as in the case of simple repairs of a construction works and may be fulfilled if the builder (client) wishes so.

4. Until the entering of a construction works on the Real Property Register, the validity of a construction completion declaration may be revoked by the builder or the court; after the entering of the construction works on the Real Property Register - by the court.

5. The validity of an illegally issued construction completion act shall be revoked by the court. The validity of a construction completion act in which only technical-type errors, specified in the Law on Public Administration, are made shall be revoked by the State territorial Planning and Construction Inspectorate under the Ministry of Environment until the entering of the construction works on the Real Property Register; the abovementioned validity shall be revoked only by the court after the entering of the construction works on the Real Property Register.

6. The right to appeal to the court regarding the revocation of the validity of a construction completion act or a construction completion declaration shall be enjoyed by the persons concerned; on the grounds of complaints or reports of the said persons or on its own initiative – by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment, the Department of Cultural Heritage under the Ministry of Culture, directorates of protected areas or institutions of the state supervision of the safety and purpose of a construction works within the respective remit.

## **CHAPTER SEVEN**

### **AN ACCIDENT OF A CONSTRUCTION WORKS**

#### **Article 25. An accident of a construction works**

1. An accident of a construction works (hereinafter referred to as an “accident”) shall be uncontrollable collapse of a 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. The 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 about the accident the director of the municipal administration (a civil servant of the municipal administration authorised by him), the State Territorial Planning and Construction Directorate under the Ministry of Environment, a public administration entity which carries out the supervision of the use of a construction works; if the accident occurred during the construction – also notify the builder (client), the manager of the technical supervision of the construction of a construction works and the designer of a construction works. If an accident occurs in a structure of cultural heritage, within the territory of an object of cultural heritage, an 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 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 supervisory bodies within their remit).

## **CHAPTER EIGHT**

### **STATE REGULATION OF CONSTRUCTION. SUPERVISION OF CONSTRUCTION**

#### **Article 26. State regulation of construction**

The state regulation of construction shall be exercised by the Government.

#### **Article 27. State supervision of construction**

1. State supervision of construction shall be exercised by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment.

2. State supervision of the construction of nuclear facilities shall be exercised in accordance with the procedure laid down by the Law on Nuclear Energy.

#### **Version of paragraph 2 as of 1 October 2011:**

2. State supervision of the construction of construction works of nuclear facilities shall be exercised in accordance with the procedure laid down by the Law on Nuclear Energy.

3. The State Territorial Planning and Construction Inspectorate under the Ministry of Environment shall:

- 1) check whether or not documents permitting the construction are issued legally;
- 2) check the legality of the construction of all construction works of exceptional significance which are newly constructed and reconstructed; in other cases it shall check the legality of the construction for choice;
- 3) suspend the construction in the cases provided for in this Law;
- 4) carry out the prevention of unauthorised construction as well as the elimination of consequences;
- 5) in the cases specified by the Code of Administrative Offences, draw up reports of administrative offences, consider cases of administrative offences or present these cases to the court;
- 6) apply in regard to the revocation of administrative decisions concerning the construction process to the entities that have taken such decisions, or appeal to the court;

7) if the construction is not unauthorised or is not carried out in accordance with the illegally issued document permitting the construction, obligate the builder (client) to change within the set time limit pursuant to the requirements the design documentation of the construction works or to address other shortcomings with regard to the design-related documents, or to carry out necessary construction operations so that the construction works (its parts) would be in compliance with the solutions of the design documentation; if the builder (client) fails to fulfil this obligation, the Inspectorate shall appeal to the court regarding the fulfilment thereof;

8) set up investigation commissions of accidents in construction works which are being constructed;

9) issue certificates indicating that a construction works is being constructed without essential deviations from the design documentation;

10) within its remit, draw up construction completion acts;

11) issue certificates to continue suspended construction;

12) issue certificates to carry out conservation operations of a construction works;

13) issue certificates about the demolition of a construction works;

14) issue certificates about the legality of the change of the purpose of a construction works or rooms;

15) within its remit, issue copies of archival documents;

16) perform other functions specified by legal acts.

4. Officials exercising the state supervision of construction shall have the right:

1) to enter unhindered construction sites, construction works which are being constructed;

2) to request from construction participants so that they produce all construction-related documents, written or oral explanations;

3) to apply to the police when participants of construction prevent officials of the state supervision of construction from performing their official functions;

4) wear a uniform of the established model.

5. Officials of the State Territorial Planning and Construction Inspectorate under the Ministry of Environment, who exercise the state supervision of construction, must undergo certification in accordance with the procedure laid down by the Ministry of Environment. The validity of the issued certificates may be cancelled in accordance with the procedure laid down by the Ministry of Environment upon establishing that:

1) for the purpose of obtaining a certificate, incorrect or false data have been provided;

2) the certificate has been issued illegally;

3) the qualification of the official does not longer satisfy the qualification requirements;  
 4) the administrative decision conferring an individual right adopted by the official has been repealed by the court decision as being unlawful.

6. Administrative decisions taken illegally by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment or its administrative units shall, in the administrative manner, be repealed by the chief of the State Planning and Construction Inspectorate under the Ministry of Environment or by the court, while administrative decisions conferring an individual right shall be repealed only by the court.

7. The State Territorial Planning and Construction Inspectorate under the Ministry of Environment within its remit shall not consider complaints and reports, if the matters contained in the complaint or report are considered at the court or a court decision has been taken on these matters. Complaints and reports concerning administrative decisions related to the construction process, which are taken illegally by administrative entities, shall not be considered by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment within its remit, if more than one year has elapsed from the taking of these decisions.

8. In the case specified in subparagraph 7 of paragraph 3 of this Article or in the case of appealing to the court by the persons whose rights and legitimate interests are being violated, the court decides to obligate the builder (customer) to perform the required construction operations within the set time limit so that a construction works (or part thereof) complies with the solutions of the design documentation of the construction works.

9. The procedure of the state supervision of construction shall be established by the law.

10. Officials who exercise the state supervision of construction shall be held liable in accordance with the procedure laid down by legal acts for violations of this supervision.

## **Article 28. Elimination of consequences of unauthorised construction**

1. An official of the State Territorial Planning and Construction Inspectorate under the Ministry of Environment who performs the state supervision of construction within the remit assigned to him under this Law, upon finding that a construction works has been constructed or under construction without authorisation shall:

1) immediately draw up an act on the unauthorised construction by which he demands from the builder (client) or in his absence – from the owner, manager, user of the construction works or its part, from the owner, manager or user of a plot of land or part thereof on which the construction works (its part) has been constructed or is being constructed without authorisation to discontinue construction operations other than the construction operations to be carried out to eliminate the consequences of unauthorised construction and to protect the construction site and

the environment, and shall, by a registered letter or in any other appropriate manner in accordance with the procedure laid down by legal acts, communicate to the builder (client) or to any other person referred to in this subparagraph the unauthorised construction report against the signature;

2) draw up a report of administrative offences in accordance with the procedure laid down by the Code on Administrative Offences and examine an administrative offence case regarding the imposition of an administrative fine, or send this report to the court;

3) not later than within three working days from the drawing-up of an act on the unauthorised construction, submit it to the chief of the State Territorial Planning and Construction Inspectorate under the Ministry of Environment or the head of an administrative unit authorised by him.

2. The State Territorial Planning and Construction Inspectorate under the Ministry of Environment shall, within the remit assigned to it under this Law, consider the fact of unauthorised construction and shall, not later than within a month of the drawing-up of an act on the unauthorised construction, demand from the builder (client) or any other person referred to in subparagraph 1 of paragraph 1 of this Article to eliminate with his own funds the consequences of unauthorised construction:

1) to demolish the construction works and to clear the construction site;

2) to disassemble those parts of the construction works which were reconstructed or rearranged without authorisation and, if necessary, to clear the construction site;

3) to rebuild (to restore) the demolished structure of cultural heritage (part thereof) or the construction works (part thereof) demolition of which has violated the public interest and, if necessary, to clear the construction site.

3. For fulfilment of the requirements specified in paragraph 2 of this Article a six-month time limit shall be set out, indicating in the requirement that in the cases referred to in subparagraphs 1 and 2 of paragraph 2 of this Article a person shall have the right to apply to the entities issuing documents permitting the construction, referred to in Article 23 of this Law, with regard to the issuing of a document permitting the construction in accordance with the procedure laid down by this Law and other legal acts. The State Territorial Planning and Construction Inspectorate under the Ministry of Environment may, in the presence of valid reasons, extend at the person's request the abovementioned time limit by three months. A person may appeal to the court with regard to the extension of the time limit for the fulfilment of the requirement or with regard to the refusal to extend the said time limit. Valid reasons shall be the reasons relating to the procedures (performed in order to legitimize the unauthorised construction in accordance with the provisions of paragraph 4 of this Article – the change of the design-related documents



and the receipt or rearrangement of other required documents) the duration of which cannot be influenced by the person.

\*4. The person to whom the requirements specified in subparagraphs 1 or 2 of paragraph 2 of this Article have been presented shall enjoy the right to prepare design-related documents in accordance with the procedure laid down by legal acts and, upon the payment of the fee, fixed in Annex 1 to this Law, for the legalisation of the unauthorised construction, to receive a document permitting the construction in the cases where in the plot of land (territory) in which the unauthorised construction is established the construction of a new construction works of that purpose are possible or where such reconstruction or repair operations of the construction works are possible pursuant to the valid detailed territorial planning documents or other territorial planning documents equated to them by laws (if such documents are mandatory) as well as to general or special territorial planning documents and where such construction is in compliance with the peremptory requirements of legal acts related to environmental protection, heritage protection, protection of protected areas. A fee for the legalisation of unauthorised construction shall not be paid in the case of the receipt of the document permitting the construction as specified in subparagraph 5 of paragraph 1 of Article 23 of this Law.

5. If a person receives a document permitting the construction within the time limit set for the fulfilment of the requirement, he shall submit a copy of this document, certified in accordance with the procedure laid down by legal acts to the State Territorial Planning and Construction Inspectorate under the Ministry of Environment which will not alter than within three working days revoke the requirement presented to the person.

6. If within the time limit set for the fulfilment of the requirement a person fails to fulfil the requirement indicated in paragraph 2 of this Article or fails to obtain a document permitting the construction, the State Territorial Planning and Construction Inspectorate under the Ministry of Environment appeal to the court with regard to the obligation to fulfil the requirement not later than within one month from the expiry of the time limit. Persons whose rights and legitimate interests are violated because of the unauthorised construction shall be entitled to appeal to the court with regard to the demolition or disassembly of the construction works which has been constructed or is being constructed without authorisation.

\*7. The court may, by its decision, obligate the builder (client) or any other person specified in subparagraph 1 of paragraph 1 of this Article to do the following at his own expense and within the set time limit:

1) to permit to prepare design-related documents in accordance with the procedure laid down by legal acts and within the set time limit and, upon the payment of the fee, fixed in Annex 1 to this Law, for the legalization of the unauthorised construction, with the exception of the

document permitting the construction referred to in subparagraph 5 of paragraph 1 of Article 23 of this Law, to receive a document permitting the construction in the cases where in the plot of land (territory) in which the unauthorised construction is established the construction of a new construction works of that purpose are possible or where such reconstruction or overhaul operations of the construction works are possible pursuant to the valid detailed territorial planning documents or other territorial planning documents equated to them by laws (if such documents are mandatory) as well as to general or special territorial planning documents and where such construction is in compliance with the peremptory requirements of legal acts related to environmental protection, heritage protection, protection of protected areas; or

2) to demolish the construction works and to clear the construction site;

3) to disassemble those parts of the construction works which were reconstructed or rearranged without authorisation and, if necessary, to clear the construction site;

4) to rebuild (to restore) the demolished structure of cultural heritage (part thereof) or the construction works (part thereof) the demolition of which has violated the public interest and, if necessary, to clear the construction site.

8. The court, in deciding whether to obligate the builder (customer) or any other person referred to in subparagraph 1 of paragraph 1 of this Article to demolish the construction works to not to demolish it, shall take into account the scope of the consequences to the environment and the public interest caused by the unauthorised construction, the outcome of elimination of the consequences of the unauthorised construction and the possibilities to restore to the former state which existed before the unauthorised construction, as well as shall assess the good faith of the persons who have acquired the ownership rights on the basis of administrative acts.

9. When taking one of the decisions specified in paragraph 7 of this Article, the court shall in its decision indicate that if a court's requirement is not fulfilled within the set time limit, the construction works or a part of it, which has been constructed without authorisation, will be demolished, dismantled or restored to the former state at the expense of the builder (client) or any other person referred to subparagraph 1 of paragraph 1 of this Article.

10. The manner of carrying out the procedures related to the elimination of the consequences of the unauthorised construction shall be laid down by the Ministry of Environment.

11. Construction products and construction waste which are left after the demolition, dismantling of the construction works (parts thereof) which have been constructed or are being constructed without authorisation or upon having rebuilt (restored) them to the former state shall be the property of the builder (client) or any other person referred to in subparagraph 1 of paragraph 1 of this Article.

**\*Note. The provisions of paragraphs 4 and 7 of Article 28 concerning the fees specified in Annex 1 to the Law of the Republic of Lithuania on Construction shall enter into force as of 1 January 2013.**

**Article 28<sup>1</sup>. Elimination of consequences of construction carried out pursuant to the illegally issued document permitting the construction**

1. Upon establishing that the document permitting the construction has been issued illegally, the State Territorial Planning and Construction Inspectorate under the ministry of Environment or other persons whose rights and legitimate interests are violated shall appeal to:

1) a court of general competence - for the recognition of the document permitting the construction as invalid or the elimination of consequences of the construction if the construction has been started;

2) to an administrative court if the construction has not been started and only the document permitting the construction is contested in the court;

2. If by its decision the court recognises the document permitting the construction as invalid, it shall by its decision:

1) to obligate the builder (client) or any other person referred to in subparagraph 1 of paragraph 1 of Article 28 of this Law to demolish the construction works and to clean the construction site within the set time limit at the expense of the persons defined by the court as guilty;

2) to obligate the builder (client) or any other person referred to in subparagraph 1 of paragraph 1 of Article 28 of this Law within the set time limit at the expense of the persons defined by the court as guilty to dismantle the restructured or reconstructed parts of the construction works or to rebuilt (restore) to the former state the structure of cultural heritage (part thereof) or the construction works (part thereof) the demolition of which has violated the public interest;

3) to permit, if the new document permitting the construction is received within the set time limit pursuant to the properly rearranged design-related documents, to rebuild or reconstruct the construction works or its part where such rebuilding or reconstruction of the construction works is possible pursuant to the valid detailed territorial planning documents or other territorial planning documents equated to them by laws (if such documents are mandatory) as well as to general or special territorial planning documents and where such construction is in compliance with the peremptory requirements of legal acts related to environmental protection, heritage protection, protection of protected areas; if the abovementioned operations are not carried out

within the set time limit - to fulfil the requirements specified in subparagraph 1 or 2 of this paragraph;

4) to obligate the competent authorities, within the set time limit pursuant to the design-related documents properly rearranged (if necessary) by the builder (client) or any other person referred to in subparagraph 1 of paragraph 1 of Article 28 of this Law, provided that the construction of the construction works does not violate the valid detailed territorial planning documents or other territorial planning documents equated to them by laws (if such documents are mandatory) as well as the solutions of general or special territorial planning documents and that such construction is in compliance with the peremptory requirements of legal acts related to environmental protection, heritage protection, protection of protected areas, to issue a new document permitting the construction in the case where the document permitting the construction has been issued illegally due to the procedures performed illegally by the competent authorities.

3. The court, in deciding whether to obligate the builder (customer) or any other person referred to in subparagraph 1 of paragraph 1 of Article 28 of this Law to demolish the construction works to not to demolish it, shall take into account the scope of the consequences to the environment and the public interest caused by the unauthorised construction, the outcome of elimination of the consequences of the unauthorised construction and the possibilities to restore the former state that existed before the unauthorised construction, as well as shall assess the good faith of the persons who have acquired the ownership rights on the basis of administrative acts.

4. When taking one of the decisions specified in paragraph 2 of this Article, the court shall in its decision indicate that if the court's requirement is not fulfilled within the set time limit, the construction works or a part of it, which has been constructed pursuant to illegally issued document permitting the construction, will be demolished, dismantled or restored to the former state at the expense of the builder (client) or any other person referred to subparagraph 1 of paragraph 1 of Article 28 of this Law.

5. Copies, certified in accordance with the procedure laid down by legal acts, of the documents permitting the construction, referred to in subparagraph 3 of paragraph 2 of this Article, received within the time limit set out by the court's decision, the persons to who the said documents have been issued shall, not later than within three working days of the receipt of these documents, submit to the State Territorial Planning and Construction Inspectorate under the Ministry of Environment.

6. Upon establishing that the construction works (part thereof), which is to be demolished or rebuilt to the former state, belongs to the builder (client) who is not guilty in being illegally issued the document permitting the construction or to the honest acquirer, the court shall, at the

request of such a person, also consider an issue of indemnification in accordance with the procedure laid down by the law.

7. Construction products and construction waste which are left after having demolished, dismantled or rebuilt (restored) to the former state the construction works (parts thereof) which have been constructed pursuant to the illegally issued documents permitting the construction shall be the property of the persons referred to in subparagraph 1 of paragraph 1 of Article 28 of this Law.

8. The manner of carrying out the procedures related to the elimination of the consequences of the construction pursuant to illegally issued documents permitting the construction shall be laid down by the Ministry of Environment.

## **Article 29. Expert Examination of the Design Documentation of a Construction Works. Expert Examination of a Construction Works**

1. The expert examination of a construction works of exceptional significance or a construction works included in the State Investments Programme shall be obligatory, With the exception of the cases where buildings are renovated (modernized) in compliance with the typical design documentations of construction works approved by the Ministry of Environment or an institution authorised by it, which are tailored to particular buildings which are being renovated (modernized), or in compliance with design documentations prepared by using typical structural members approved by the Ministry of Environment or an institution authorised by it. An institution authorised by the Government in conjunction with the Ministry of Culture shall determine whether or not expert examination of the design documentations of a structure of cultural heritage is mandatory. Other cases of obligation of expert examination of the design documentation or individual parts of the design documentation shall be defined by an institution authorised by the Government.

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

3. The following shall have the right to carry out expert examination of the design documentation of a construction works or expert examination of a construction works (to be a contractor of expert examination):

1) a legal person established in the Republic of Lithuania, a branch of a legal person, a legal person 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 person 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 person 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 person 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 the 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.

**Version of paragraph 3 as of 1 January 2012:**

3. The following shall have the right to be a contractor of an expert examination of the design documentation of a construction works or an expert examination of a construction works:

1) legal persons established in the Republic of Lithuania in the prescribed manner, other foreign organisations and their branches;

2) legal persons established in a Member State of the European Union, the Swiss Confederation or a state which signed the EEA Agreement, other foreign organisations, branches of the legal person or any other foreign organisation upon the recognition of the right, enjoyed in their home state, to hold this position.

4. Repealed 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 related to a construction works has occurred or its threat has been identified, or deformations of a construction works have been noticed;

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 natural disasters or other emergency situations.

6. Types of expert examination of the design documentation of a construction works as well as of the construction works itself and the procedure for carrying out it shall be laid down

by an institution authorised by the Government, while the procedure of expert examination of the design documentation of construction operations related to maintenance of a structure of cultural heritage – by an institution authorised by the Government in conjunction with the Ministry of Culture.

**Article 29 shall be supplemented with paragraphs 7 and 8 as of 1 January 2012:**

7. Qualification requirements applied to legal persons, other foreign organisations and their branches specified in paragraph 3 of this Article, the procedure for issuing, changing, suspending, revoking the suspension of and withdrawing qualification certificates and documents pertaining to the recognition the right enjoyed in the home state shall be laid down by the institution authorised by the Government in compliance with the requirements set out in Article 18<sup>1</sup> of this Law. Certification and recognition of the right shall be carried out by the state enterprise *Certification Centre of Building Products*.

8. Qualification requirements applied to contractors of an expert examination of the design documentation of construction works of nuclear facilities and contractors of an expert examination of a construction works, the procedure for issuing, changing, suspending, revoking the suspension of and withdrawing qualification certificates and documents pertaining to the recognition the right enjoyed in the home state shall, after consultation with the State Nuclear Power Safety Inspectorate, be laid down by the institution authorised by the Government in compliance with the requirements set out in Article 18<sup>1</sup> of this Law. Certification and recognition of the right shall be carried out by the institution authorised by the Government.

**Article 30. Technical supervision of the construction of a construction works.**

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 for carrying out technical supervision of construction shall be established by an institution authorised by the Government.

**Article 31. Supervision of the implementation of the design documentation of a construction works**

1. When building, reconstructing, overhauling a construction works of exceptional significance or a construction works in the protected area, the supervision of the implementation of its design documentation shall be mandatory, with the exception of the cases when buildings are renovated (modernized) pursuant to typical design documentations of construction works,

approved by the Ministry of Environment or an institution authorised by it, which are tailored to specific buildings which are being renovated (modernized).

2. The builder (client) shall have the right to task the designer with supervision of the implementation of the design documentation of a construction works and technical supervision of the construction of a construction works.

3. Supervision of the implementation of the design documentation of a construction works (during the construction) shall, upon the instruction of a designer, be exercised by a preparator of the 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, the designer - a natural person does not longer engage in design activities, or he does not have a business certificate for such activities, or a certificate of the head of the design of a construction works, or he is dead), supervision of the implementation of the 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 violates the requirements of the supervision of the implementation of the 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 the design documentation of the construction works or to choose another designer (who has not designed the construction works which is being constructed) for carrying out such supervision.

4. The head of the supervision of the implementation of the 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 the design of the construction works).

5. The procedure for supervision of the implementation of the design documentation of a construction works shall be established by an institution authorised by the Government, and when maintenance of a structure 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. Publicizing the commencement of building of construction works important for the public and consequences of such publicizing**

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



2. Repealed as of 1 January 2010.

### **Article 33. Suspension of the construction of a construction works**

1. The State Territorial Planning and Construction Inspectorate under the Ministry of Environment shall have the right to suspend the construction of a construction works 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 safety and purpose requirements for a construction works (unless it has been granted by laws and other legal acts the right to suspend construction or demolition of a construction works);
- 4) a builder (client);
- 5) a designer of a construction works who exercises the supervision of the implementation of the design documentation of a construction works;
- 6) a technical supervisor of the construction of a construction works.

2. The State Territorial Planning and Construction Inspectorate under the Ministry of Environment shall have the right to suspend the construction of a construction works (by indicating a time limit of suspension of construction or demolition) when:

- 1) repealed as of 1 October 2010;
- 2) it has been established that the builder (client) or the contractor has violated the solutions of the design documentation of the construction works, as well as the requirements of normative technical construction documents and normative construction works safety and purpose documents;
- 3) the mistakes of the design documentation of the construction works have come to light, which led to a threat of an accident related to the construction works;
- 4) a construction permit becomes invalid.

3. An official of the State Territorial Planning and Construction Inspectorate under the Ministry of Environment who has suspended the construction of a construction works shall draw up an act indicating the volume of construction operations carried out. The form of an act and the procedure for drawing it up shall be laid down the Ministry of Environment. Upon suspension of the construction, the builder (client) may apply to the State Territorial Planning and Construction Inspectorate under the Ministry of Environment with a request to issue a permit to carry out conservation operations of the construction works by submitting the design documentation of the conservation of the construction works the composition of which is laid down by the Ministry of Environment. A permit to carry out conservation operations of a construction works shall be

issued upon checking the compliance of the design documentation of the conservation of the construction works with the set requirements.

4. The builder (client) must eliminate the violations specified in paragraph 2 of this Article as well as their consequences and obtain a permit to continue the construction of the construction works. If the requirements referred to in this Article are not fulfilled, the State Territorial Planning and Construction Inspectorate under the Ministry of Environment shall appeal to the court.

5. In the event of unauthorised construction, construction suspension procedures shall be performed in accordance with the procedure laid down by Article 28 of this Law.

#### **Article 34. Transfer of a Construction Works the Construction, Reconstruction or Overhaul of Which Has not Been Completed**

1. An agreement for transfer of a construction works which is not completely constructed, reconstructed or overhauled to any other legal or natural person may be notarised only upon providing a certificate issued by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment to the effect that the said construction works is being constructed, reconstructed or overhauled without any essential deviations from the design documentation of the construction works (in the case of construction works for which approval of the design documentation is mandatory - from the approved design documentation), and where structures 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 constructed, reconstructed or overhauled only upon the re-registration of the said 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 director of the municipal administration (a civil servant of the municipal administration authorised by him) 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 the design documentation of the 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 constructed, reconstructed or overhauled is being transferred, a construction permit shall not be reregistered. 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 the construction works in that 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 constructed (except structures of cultural heritage) shall be demolished in the following cases:

- 1) at owner's will;
- 2) when so provided for in territorial planning documents (after the plot of land or part thereof or the 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 a part thereof is physically worn out and pose threat to people and the environment, and such a threat has not been eliminated within the time limit fixed by public administration entities carrying out the supervision of the use of construction works;
- 5) when a construction works is constructed or being constructed without authorisation - within the time limit set out by the State Territorial Planning and Construction Inspectorate under the Ministry of Environment;
- 6) in other cases provided for in the Civil Code and other laws;
- 7) by the court's decision within the time limit set out in the court's decision.

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 State Territorial Planning and Construction Inspectorate under the Ministry of Environment in the cases specified in subparagraphs 5 and 6 of paragraph 1 of this Article, the director of the municipal administration (a civil servant of the municipal administration authorised by him) in the case specified in subparagraph 2 of paragraph 1 of this Article as well as 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 works. Obligations of a designer, contractor and technical supervisor of the construction of a construction works during the warranty period**

1. The warranty period of a construction works shall be fixed in contracts, contracts related to design and technical supervision of the construction of a construction works. This period may not be shorter (counting from the date of the acceptance of the construction works as fit for use) than five years, for hidden structural members (structures, pipelines, etc.) – ten years, and if defects, which were deliberately hidden in these structures, have been established - twenty years.

2. The designer, the contractor of a construction works and the technical supervisor of the construction of a construction works shall be liable for collapse of the 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 AGAINST CIVIL LIABILITY OF THE DESIGNER AND THE CONTRACTOR OF A CONSTRUCTION WORKS**

**Article 37. Subject matter of insurance and insurance contracts**

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 the design documentation of a construction works of a whole construction works, but concludes contracts with different designers for the preparation of separate parts of the 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 the insurance contract shall be a policy holder (designer or contractor of a construction works) and an insurer which, in accordance with the procedure laid down by legal acts, has the right to perform compulsory insurance against civil liability of the designer and contractor.

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 compulsory insurance against civil liability of the designer and the contractor of a construction works. Natural persons, legal persons ought not to take out compulsory insurance in the case of self-dependent construction.

7. Periods of validity of insurance shall be set in the rules of compulsory insurance against civil liability of a designer of a construction works and the rules of compulsory insurance against civil liability of a contractor approved by the Bank of Lithuania.

8. Contracts of compulsory insurance against civil liability of the designer and the contractor shall be concluded in accordance with the rules of compulsory insurance against civil liability of a designer of a construction works and the rules of compulsory insurance against civil liability of a contractor approved by the Bank of Lithuania.

9. If an insurance contract has been terminated or the period of validity thereof has expired prior to the term indicated in an insurance policy, the policyholder must conclude a new insurance contract.

10. The amount of contributions of compulsory insurance against civil liability of the designer and the contractor shall be established in insurance contracts.

### **Article 38. Compulsory Insurance against Civil Liability of a Designer of a Construction Works**

1. When the policyholder is a designer of a construction works, the insurer shall, according to compulsory insurance against civil liability, compensate by paying to the builder (client) and the third parties the insurance benefits for the damage caused by the policyholder to person's health or the damage caused due to deprivation of life as well as 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 defined by the rules of compulsory insurance against civil liability of the designer.

4. The policyholder must take out insurance against 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 against civil liability of the policyholder shall be set in the rules of compulsory insurance against civil liability of the designer.

#### **Article 39. Compulsory Insurance against Civil Liability of a Contractor**

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

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 against civil liability of the contractor.

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

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

## **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 (its rooms) according to its purpose, with the exception of the cases and the procedure laid down by the Government;

2) repealed as of 1 October 2010;

3) meet the requirements for use and maintenance of a construction works laid down in normative technical construction documents or normative construction works safety and purpose documents 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, organise and/or carry out technical maintenance of a construction works;

5) repair, reconstruct or demolish construction works, if their further use poses a threat to public health, life or the environment;

6) allow officials of public administration entities who carry out supervision of the use of construction works to enter unhindered in the course of performing their functions a construction works which is being used and to inspect it, provide them with the documents related to the use and technical supervision of the construction works. This requirement shall not apply to owners of apartments and other living quarters.

#### **Version of subparagraph 6 as of 1 September 2011:**

6) allow officials of public administration entities who carry out supervision of the use of construction works to enter, in compliance with the procedure laid down by the law, in the course of performing their functions a construction works, an apartment and other living quarters which are being used and to inspect them; provide the said officials with the documents related to the use and technical supervision of the construction works, apartment and other living quarters.

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

1. A user of a construction works shall organise technical maintenance 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 the law.

2. Technical supervision of simple construction works, as well as houses containing one or two apartments 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 carrying out technical maintenance of a particular 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 during the economically reasonable working life 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 maintenance 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 of use of construction works;**



1. The following public administration entities shall exercise the supervision of the use of construction works:

- 1) repealed as of 1 January 2010;
- 2) the Ministry of Transport and Communications and/or an organisation authorised by it (with the exception of the traffic infrastructure which does not belong to the sphere of its management) according to the list approved by the Government or an institution authorised by it – of the traffic infrastructure 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 – of the construction works not specified in subparagraph 2 of paragraph 1 of this Article;
- 4) institutions of the state supervision of safety and purpose requirements for a construction works 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 of the use of construction works shall verify the compliance of users of construction works with the requirements for safety of construction works and for technical supervision of construction works set by this Law and other laws and legal acts.

3. Public administration entities which carry out supervision of the use of construction works shall enjoy the right:

- 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) to 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) to approach the police in order to temporarily restrict the access to the territory or rooms 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, to 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.

5) in order to perform its functions, to enter unhindered a construction works which is being used, with the exception of apartments and other living quarters, inspect it, be provided with documents related to the use and technical supervision of the construction works;

**Paragraph 3 shall be supplemented with subparagraphs 6 and 7 as of 1 September 2011:**

6) together with a technical supervisor of a construction works to enter apartments and other living quarters and inspect load-bearing structures of the construction works where inadmissible deformations of load-bearing structures of the construction works were recorded in the act on inspection of the construction works or a reasoned notification of the co-owners of the construction works has been received that because of construction operations in an apartment or other living quarters the mechanical resistance and stability of the construction works may be weakened and therefore a threat of collapse of the construction works may arise. An officer of a public administration entity who carries out supervision of the use of construction works may enter an apartment and other living quarters by consent of their users, and in the event of refusal to let him enter – by producing the court ruling regarding permission to enter an apartment and (or) other living quarters. Users of apartments and other living quarters must be notified at least three working days in advance about a scheduled time of inspection;

7) appeal to the court for permission to enter an apartment and (or) other living quarters.

4. Officials of public administration entities which carry out supervision of the use of construction works shall have the right to demand that the user of a construction works would produce mandatory documents pertaining to the maintenance of a construction works, referred to in Article 43 of this Law, and would allow them to perform other functions related to the supervision of the use of a construction works, which are assigned to them.

5. Entities exercising the supervision of the use of construction works shall, in accordance with the procedure laid down by the Ministry of Environment, furnish information about the exercise of the supervision of the use of construction works to the State Territorial Planning and Construction Inspectorate under the Ministry of Environment.

6. The procedure for exercising the supervision of the use of construction works shall be established by the Ministry of Environment.

**Article 42 shall be supplemented with paragraph 7 as of 1 September 2011:**

7. Requests of public administration entities, carrying out supervision of the use of construction works, for court permission to enter apartments and (or) other living quarters shall be considered in accordance with the procedure laid down in Chapter XXXIX of the Code of Civil Procedure.

### **Article 43. Documents of technical maintenance of a construction works**

1. Documents of technical maintenance of a construction works shall comprise the technical passport of the construction works (or the technical accounting card), for heated buildings a total useful floor area of which is over 1000 square meters – the technical-energy passport, the register of technical supervision of the construction works, acts on periodical and special inspections of the construction works and other documents established by institutions authorised by the Government or the user of the construction works.

2. The technical passport of a construction works (the accounting card) must indicate technical economic and construction characteristics as well as changes thereof after the overhaul or reconstruction of the construction works. The technical-energy passport of a construction works shall additionally specify energy characteristics of the construction works.

3. The register of technical maintenance of a construction works must record faults or deformations of structures and engineering technical equipment observed during the permanent supervision, provided that the said faults or deformations require construction investigations or repairs; the register must also record the data pertaining to the registration of acts on periodical and special inspections, indicating the date of carrying-of of these inspections as well as 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 43<sup>1</sup>. Minimum requirements on the energy performance of buildings and energy certification of buildings**

1. The minimum requirements on the energy performance of buildings shall be mandatory:

- 1) for new buildings;
- 2) existing buildings that are subject to reconstruction or overhaul and a total useful floor area of which is over 1000 square meters and the price of works done during reconstruction or overhaul 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 requirements on the energy performance shall not apply to:

- 1) buildings which are structures of cultural heritage, where compliance with the requirements would unacceptably alter their character or appearance,
- 2) buildings used as houses of worship and for other 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 constructed 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.

**Note. In the cases referred to in paragraph 3 of Article 43<sup>(1)</sup> buildings shall undergo the certification process from 1 January 2009, with the exception of new buildings which must undergo the certification process from 1 January 2007.**

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 requirements on the energy performance and a procedure and conditions of energy performance certification of a building.

**Article 43<sup>1</sup> shall be supplemented with paragraphs 6, 7, 8, 9, 10, 11, 12, 13 and 14 as of 1 January 2012:**

6. Certification of energy performance of buildings shall be carried out by certified natural persons – experts of certification of energy performance of buildings. Qualification requirements for experts of certification of energy performance of buildings, the procedure of

certification, the procedure for issuing, changing, suspending, revoking the suspension of and withdrawing qualification certificates shall be laid down by the institution authorised by the Government. Certification shall be carried out by the state enterprise *Certification Centre of Building Products*.

7. A natural person wishing to acquire the right to be an expert of certification of energy performance must satisfy the qualification requirements set out by the institution authorised by the Government, finish training courses and pass an examination according to the education programme approved by the institution authorised by the Government, as well as file an application and designated documents to the organisation performing certification. The qualification (education and work experience) of citizens of a Member State of the European Union, the Swiss Confederation or a state which signed the EEA Agreement as well as of other natural persons benefiting from the rights of movement within Member States conferred upon them by European Union legal acts shall be recognised in accordance with the procedure laid down by the institution authorised by the Government.

8. Qualification certificates shall be issued for an indefinite period. Persons who received a qualification certificate must, not less frequently than every five years, improve their qualification by attending lectures lasting not less than 20 hours in qualification improvement courses, pass examinations pursuant to the programmes approved by the institution authorised by the Government and produce to the organisation performing the certification the documents proving qualification improvement.

9. A person, wishing to obtain or change a qualification certificate granting the right to be an expert of certification of energy performance of buildings, must pay to the organisation performing the certification a fee fixed by the institution authorised by the Government for certification services.

10. Where it transpires that false data on certification of energy performance of buildings have been furnished, the procedure of certification laid down by legal acts has been infringed or complaints of third persons have been filed, the organisation performing the certification may inspect the lawfulness of certificates of energy performance of buildings issued by experts of certification of energy performance of buildings.

11. An organisation performing the certification may suspend a qualification certificate for six months in the following cases:

1) where it transpires that the holder of the qualification certificate does not satisfy the set qualification requirements;

2) where it is established that when carrying out the activity indicated in the certificate a person has violated the requirements of normative technical construction documents, normative

construction works safety and purpose documents that are not related to the requirements for essential concepts of the design documentation or the essential requirements for a construction works;

3) where a person who has a qualification certificate has not improved his qualification in compliance with the requirements of paragraph 8 of this Article or has failed to fulfil the requirements set out in paragraph 8 of this Article.

12. An organisation performing the certification may withdraw a qualification certificate in the following cases:

1) for gross violations of requirements of laws of the Republic of Lithuania, normative technical construction documents, normative construction works safety and purpose documents. Gross violations shall be violations of laws, other legal acts because of which damage has been caused or could have caused to third persons or their property;

2) where it transpires that the false data have been submitted in order to obtain a qualification certificate;

3) when so requested by the holder of the qualification certificate;

4) where the holder of the qualification certificate, upon the suspension of his qualification certificate on the grounds specified in paragraph 11 of this Article, fails to terminate within the set time limit the violations because of which the qualification certificate has been suspended;

5) where upon the suspension of the qualification certificate the person continues his activities;

6) where the person has failed to submit within the set time limit the requested documents and (or) data which are necessary for investigation of the information concerning the violations made by him;

7) upon the death of the holder of the qualification certificate.

13. Where the qualification certificate is withdrawn, it shall be allowed to apply for the issuing of a new qualification certificate not earlier than after the lapse of one year from the date of the adoption of the decision to withdraw the certificate, with the exception of the case specified in subparagraph 3 of paragraph 12 of this Article where an application for the issuing of a qualification certificate may be filed earlier than after the lapse of one year.

14. An organisation performing the certification may give a warning to the holder of the qualification certificate when the holder of the qualification certificate makes minor violations (which are not referred to in paragraphs 11 and 12 of this Article). If the holder of the qualification certificate is given two warnings within a calendar year, the organisation

performing the certification may suspend the qualification certificate for the period specified in paragraph 11 of this Article.

## **SECTION THIRTEEN**

### **FINAL PROVISIONS**

#### **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 laws of the Republic of Lithuania.

#### **Article 45. Use of information systems**

Public administration entities shall perform the procedures specified in Articles 20, 23, 24, 27, 28, 33 and 34 of this Law by using the Republic of Lithuania information system of construction permits and the state supervision of construction *Infostatyba* in accordance with the procedure laid down by the regulations of the said system, which are approved by the Minister of Environment or in accordance with any other procedure laid down by the Ministry of Environment.

## **CHAPTER XIV**

### **LIABILITY OF LEGAL PERSONS FOR INFRINGEMENTS OF THE LAW**

**Article 46. Liability of legal persons for design of a construction works, performance of the design documentation or expert examination of a construction works, construction of a construction works, management of design or construction of a construction works without having the right to engage in such activities**

1. A fine from LTL 10000 to LTL 20000 shall be imposed for design of a construction works, performance of the design documentation or expert examination of a construction works, construction of a construction works, management of design or construction of a construction works without having the right to engage in such activities.

2. A fine from LTL 15000 to LTL 30000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in paragraph 1 of this Article.

**Article 47. Liability of legal persons for violations of legal acts laying down requirements applied to design of a construction works, expert examination of the design of a construction works and expert examination of a construction works**

1. A fine from LTL 3000 to LTL 15000 shall be imposed on designers of a construction works for submitting to the client of the design documentation the design documentation the solutions of which contradict the essential requirements for the construction works related to safety of the construction works or solutions of territorial planning documents. A fine from LTL 6000 to LTL 30000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

2. Contractors of an expert examination of the design documentation of a construction works shall be punished with a fine from LTL 10000 to LTL 20000 for submitting to the client of an expert examination of the design documentation of the construction works an act on an expert examination containing the positive evaluation of the design documentation of the construction works, where the said design documentation of the construction works contradict the essential requirements for the construction works related to safety of the construction works or solutions of territorial planning documents. A fine from LTL 20000 to LTL 40000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in paragraph 3 of this Article.

3. A fine from LTL 4000 to LTL 15000 shall be imposed on contractors of an expert examination of a construction works for submitting to the client of an expert examination of the construction works an act on an expert examination of the construction works which does not meet the requirements set out by legal acts. A fine from LTL 10000 to LTL 30000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

**Article 48. Liability of legal persons for unauthorised construction**

1. A fine from LTL 5000 to LTL 50000 shall be imposed on builders for unauthorised construction of a new construction works of exceptional significance. A fine from LTL 40000 to LTL 75000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

2. A fine from LTL 40000 to LTL 750000 shall be imposed on builders for unauthorised construction of a new construction works of exceptional significance in the protected area. A fine from LTL 50000 to LTL 100000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.



3. A fine from LTL 5000 to LTL 50000 shall be imposed on builders for unauthorised construction of a new construction works of non-exceptional significance. A fine from LTL 10000 to LTL 30000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

4. A fine from LTL 10000 to LTL 20000 shall be imposed on builders for unauthorised construction of a new construction works of non-exceptional significance in the protected area. A fine from LTL 15000 to LTL 30000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

5. A fine from LTL 1000 to LTL 2000 shall be imposed on builders for unauthorised construction of a new simple construction works. A fine from LTL 2000 to LTL 3000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

6. A fine from LTL 2000 to LTL 3000 shall be imposed on builders for unauthorised construction of a new simple construction works in the protected area. A fine from LTL 3000 to LTL 5000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

7. A fine from LTL 20000 to LTL 40000 shall be imposed on builders for unauthorised reconstruction of a construction works of exceptional significance. A fine from LTL 40000 to LTL 60000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

8. A fine from LTL 40000 to LTL 60000 shall be imposed on builders for unauthorised reconstruction of a construction works of exceptional significance in the protected area. A fine from LTL 60000 to LTL 80000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

9. A fine from LTL 7000 to LTL 15000 shall be imposed on builders for unauthorised reconstruction of a construction works of non-exceptional significance. A fine from LTL 20000 to LTL 25000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

10. A fine from LTL 20000 to LTL 25000 shall be imposed on builders for unauthorised reconstruction of a construction works of non-exceptional significance in the protected area. A fine from LTL 20000 to LTL 40000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

11. A fine from LTL 500 to LTL 1000 shall be imposed on builders for unauthorised reconstruction of a simple construction works. A fine from LTL 1000 to LTL 2000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

12. A fine from LTL 1000 to LTL 2000 shall be imposed on builders for unauthorised reconstruction of a simple construction works in the protected area. A fine from LTL 2000 to LTL 4000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

13. A fine from LTL 10000 to LTL 20000 shall be imposed on builders for unauthorised overhaul of a construction works of exceptional significance. A fine from LTL 15000 to LTL 30000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

14. A fine from LTL 15000 to LTL 30000 shall be imposed on builders for unauthorised overhaul of a construction works of exceptional significance in the protected area. A fine from LTL 25000 to LTL 40000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

15. A fine from LTL 3000 to LTL 5000 shall be imposed on builders for unauthorised overhaul of a construction works of non-exceptional significance. A fine from LTL 5000 to LTL 8000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

16. A fine from LTL 5000 to LTL 8000 shall be imposed on builders for unauthorised overhaul of a construction works of non-exceptional significance in the protected area. A fine from LTL 8000 to LTL 15000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

17. A fine from LTL 500 to LTL 1000 shall be imposed on builders for unauthorised overhaul of a simple construction works. A fine from LTL 1000 to LTL 2000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

18. A fine from LTL 1000 to LTL 2000 shall be imposed on builders for unauthorised overhaul of a simple construction works in the protected area. A fine from LTL 2000 to LTL 4000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

19. A fine from LTL 10000 to LTL 20000 shall be imposed on builders for unauthorised simple repairs of a construction works of exceptional significance. A fine from LTL 2000 to

LTL 4000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

20. A fine from LTL 2000 to LTL 4000 shall be imposed on builders for unauthorised simple repairs of a construction works of exceptional significance in the protected area. A fine from LTL 3000 to LTL 6000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

21. A fine from LTL 500 to LTL 1000 shall be imposed on builders for unauthorised simple repairs of a construction works of non-exceptional significance. A fine from LTL 1000 to LTL 2000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

22. A fine from LTL 1000 to LTL 2000 shall be imposed on builders for unauthorised simple repairs of a construction works of non-exceptional significance in the protected area. A fine from LTL 1500 to LTL 3000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

23. A fine from LTL 100 to LTL 200 shall be imposed on builders for unauthorised simple repairs of a simple construction works. A fine from LTL 200 to LTL 400 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

24. A fine from LTL 200 to LTL 400 shall be imposed on builders for unauthorised simple repairs of a simple construction works in the protected area. A fine from LTL 400 to LTL 800 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

25. A fine from LTL 20000 to LTL 30000 shall be imposed for unauthorised demolition of a construction works of exceptional significance on persons who demolished the construction works without authorisation. A fine from LTL 30000 to LTL 45000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

26. A fine from LTL 30000 to LTL 45000 shall be imposed for unauthorised demolition of a construction works of exceptional significance in the protected area on persons who demolished the construction works without authorisation. A fine from LTL 45000 to LTL 60000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

27. A fine from LTL 5000 to LTL 10000 shall be imposed for unauthorised demolition of a construction works of non-exceptional significance on persons who demolished the

construction works without authorisation. A fine from LTL 8000 to LTL 15000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

28. A fine from LTL 8000 to LTL 15000 shall be imposed for unauthorised demolition of a construction works of non-exceptional significance in the protected area on persons who demolished the construction works without authorisation. A fine from LTL 12000 to LTL 20000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

29. A fine from LTL 500 to LTL 1000 shall be imposed for unauthorised demolition of a simple construction works on persons who demolished the construction works without authorisation. A fine from LTL 1000 to LTL 2000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

30. A fine from LTL 1000 to LTL 2000 shall be imposed for unauthorised demolition of a simple construction works in the protected area on persons who demolished the construction works without authorisation. A fine from LTL 2000 to LTL 4000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this paragraph.

#### **Article 49. Liability of legal persons for carrying out construction operations in violation of requirements of legal acts**

1. A fine from LTL 500 to LTL 2500 shall be imposed for construction operations carried out by a legal person, provided that a head of construction operations or heads of special construction operations have not been assigned (hired) in accordance with the procedure laid down by legal acts. A fine from LTL 2500 to LTL 5000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violation provided for in this paragraph.

2. A fine from LTL 5000 to LTL 1500 shall be imposed on builders or contractors for carrying-out of construction operations without possessing the required documents, defined by legal acts, to start construction operations, expect documents permitting the construction. A fine from LTL 15000 to LTL 25000 shall be imposed on builders or contractors for the same acts committed by a legal person who has already been punished with a fine for the violation provided for in this paragraph.

**Article 50. Liability of legal persons for construction in violation of solutions of the design documentation of a construction works**

A fine from LTL 200 to LTL 500 shall be imposed for the construction of a construction works in violation of solutions of the design documentation of the construction works, except essential solutions of the design documentation of the construction works. A fine from LTL 400 to LTL 1000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violation provided for in this Article.

**Article 51. Liability of legal persons for misuse of a construction works**

A fine from LTL 5000 to LTL 25000 shall be imposed for misuse of a construction works. A fine from LTL 10000 to LTL 30000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violation provided for in this Article.

**Article 52. Liability of legal persons for non-compliance with rules of technical supervision of construction works**

1. A fine from LTL 5000 to LTL 25000 shall be imposed for non-application of measures provided for in rules of technical supervision of construction works where there is a dangerous deformation of a construction works and a threat of the collapse thereof.

2. A fine from LTL 1000 to LTL 5000 shall be imposed for non-compliance with rules of technical supervision of construction works, except the violation referred to in paragraph 1 of this Article.

**Article 53. Liability of legal persons for non-fulfilment of lawful orders of officials exercising state supervision of construction or for preventing them from performing their duties**

A fine from LTL 2000 to LTL 10000 shall be imposed for non-fulfilment of lawful orders of officials exercising state supervision of the construction or for preventing them from performing their duties. A fine from LTL 5000 to LTL 25000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this Article.

**Article 54. Liability of legal persons for non-fulfilment of lawful orders of officials exercising supervision of the use of construction works or for preventing them from performing their duties**

A fine from LTL 2000 to LTL 10000 shall be imposed for non-fulfilment of lawful orders of officials exercising supervision of the use of construction works or for preventing them from performing their duties. A fine from LTL 5000 to LTL 25000 shall be imposed for the same acts committed by a legal person who has already been punished with a fine for the violations provided for in this Article.

**Article 55. Procedure of application of violations specified in Articles 46, 47, 48, 49, 50, 51, 52, 53 and 54 of this Law and consideration thereof**

Violations specified in Articles 46, 47, 48, 49, 50, 51, 52, 53 and 54 of this Law shall be applied also to branches of legal persons as well as to other foreign organisations; the indicated violations shall be investigated, considered, judgments shall be appealed against and executed in accordance with the same procedure as the violations referred to in the relevant articles of the Code of Administrative Offences.

**Version of the Annex until 1 January 2013:**

Annex to  
the Republic of Lithuania  
Law on Construction

**LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW**

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.

6. Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings.

**The Law shall be supplemented with new Annex 1 as of 1 January 2013:**

Annex 1 to  
the Republic of Lithuania  
Law on Construction

### **PRINCIPLES OF PAYMENT OF A FEE FOR LEGALIZATION UNAUTHORISED CONSTRUCTION**

1. A fee for legalization of unauthorised construction (hereinafter referred to as a “fee”) shall be paid by builders (clients), owners, managers, users of construction works (parts thereof), owners, managers, users of plots of land (parts thereof) who implement the possibility provided for by this Law to obtain a document permitting the construction in the case of unauthorised construction.

2. A fee rate shall change depending on the value of costs of construction operations carried out without authorisation, including construction products which were used, however, a fee may not be less than LTL 300 or more than LTL 500000. A fee rate shall be calculated according the formula  $F=V^2/LTL\ 1\ m$ , where:

- 1) “F” stands for “fee rate”;
- 2) “V” stands for “value of costs”.

3. The value of costs shall be determined by performing the expert examination of a construction works or the design documentation of a construction works according to tariffs of construction operations and prices of construction products at the time of drawing up an act on the unauthorised construction.

4. Expert examination of a construction works or the design documentation of a construction works shall be performed on the initiative and at the expense of the person

presented with the requirements specified in subparagraph 1 or 2 of paragraph 2 of Article 28 of this Law.

5. A fee due shall be calculated by an institution issuing a document permitting the construction, pursuant to an act on the expert examination of a construction works or the design documentation of a construction works submitted by the person presented with the requirements specified in subparagraph 1 or 2 of paragraph 2 of Article 28 of this Law.

6. A fee shall be paid prior to the issuing of a document permitting the construction.

7. The procedure for paying a fee shall be laid down by the Ministry of Environment in conjunction with the Ministry of Finance.

8. A fee shall be paid into the account of the State Tax Inspectorate and shall be reckoned in the account of the State Treasury in which funds of the Environmental Protection Support Programme are accumulated.

9. Upon determining that too little fee has been paid or that a fee has not been paid at all through the fault of natural persons, legal persons, an institution issuing a document permitting the construction or other institutions, the lacking or the whole sum of the fee shall, in accordance with the procedure laid down by the law, be recovered to the state budget from natural persons, legal persons, an institution issuing a document permitting the construction or other institutions respectively.

10. Upon determining that a fee has been overpaid, the overpayment shall, in accordance with the procedure laid down by the law, be refunded to the person who paid the fee.

**The former Annex of the Law shall be regarded as Annex 2 as of 1 January 2013:**

Annex 2 to  
the Republic of Lithuania  
Law on Construction

## **LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW**

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.

6. Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings.