



GOVERNMENT OF THE REPUBLIC OF LITHUANIA

Resolution published: Official Gazette "Valstybės Žinios" No35-1488, 2003

RESOLUTION No 433

of 8 April 2003

Amendment to the heading

No 145, 25-02-2009, Official Gazette "Valstybės Žinios", 2009, No 27-1048 (10-03-2009)

APPROVING THE DESCRIPTION OF THE GOVERNMENT INDEMNITY SCHEME FOR FOREIGN MOVABLE CULTURAL PROPERTY TEMPORARILY IMPORTED INTO THE REPUBLIC OF LITHUANIA

Vilnius

Acting pursuant to Article 2(11) and Article 24(8) of the Law of the Republic of Lithuania on Protection of Movable Cultural Property (Official Gazette "Valstybės Žinios" No 14-352, 1996; No 87-2655, 2000; No 123-5559, 2002) and implementing Paragraph 120 of the Measures Implementing the Programme of the Government of the Republic of Lithuania for 2001-2004, approved by Resolution Nr 1196 of the Government of the Republic of Lithuania of 4 October 2001 (Official Gazette "Valstybės Žinios" No. 86-3015, 2001), the Government of the Republic of Lithuania **h a s r e s o l v e d** :

1. To approve the Description of the Government Indemnity Scheme for Foreign Movable Cultural Property Temporarily Imported into the Republic of Lithuania (as appended).

Amendment to the paragraph

No 145, 25-02-2009, Official Gazette "Valstybės Žinios", 2009, No 27-1048 (10-03-2009)

2. (repealed)

Amendment to the paragraph:

No 145, 25-02-2009, Official Gazette "Valstybės Žinios", 2009, No 27-1048 (10-03-2009)

3. To establish that the funds required for granting Government Indemnity shall be allocated to the Ministry of Culture through a resolution of the Government of the Republic of Lithuania.

Prime Minister

Algirdas Brazauskas

Minister of Culture

Roma Dovydenienė

APPROVED

by Resolution No 433 of the Government of
the Republic of Lithuania
of 8 April 2003

Amendment to the heading

No 145, 25- 02- 2009, Official Gazette "Valstybės Žinios", 2009, No 27-1048 (10- 03- 2009)

**THE DESCRIPTION OF THE GOVERNMENT INDEMNITY SCHEME FOR
FOREIGN MOVABLE CULTURAL PROPERTY TEMPORARILY IMPORTED
INTO THE REPUBLIC OF LITHUANIA**

I. GENERAL PROVISIONS

1. The Description of the Government Indemnity Scheme for Foreign Movable Cultural Property Temporarily Imported into the Republic of Lithuania shall set general requirements for publicly funded Lithuanian national and state cultural establishments (hereinafter referred to as the "Lithuanian national or state cultural establishment"), the Lithuanian Archives Department under the Government of the Republic of Lithuania (hereinafter referred to as the "Lithuanian Archives Department") and state archives which are engaged in temporary importation of foreign movable cultural property for the purpose of exhibition in the Republic of Lithuania.

Amendment to the paragraph:

No 360 01-04-2004, Official Gazette "Valstybės Žinios", 2004, No 50-1642 (06- 04- 2004)

No 145, 25- 02- 2009, Official Gazette "Valstybės Žinios", 2009, No 27-1048 (10- 03- 2009)

2. The Government Indemnity for Foreign Movable Cultural Property Temporarily Imported into the Republic of Lithuania (hereinafter referred to as the "Government Indemnity") shall relate to a written obligation by the Ministry of Culture or the Government of the Republic of Lithuania to provide for compensation to a Lithuanian national or state cultural establishment, the Lithuanian Archives Department and state archives in the event of damage to, destruction or loss of temporarily imported foreign movable cultural property for the purpose of exhibition in the Republic of Lithuania.

Amendment to the paragraph:

No 360 01-04-2004, Official Gazette "Valstybės Žinios", 2004, No 50-1642 (06- 04- 2004)

No 145, 25- 02- 2009, Official Gazette "Valstybės Žinios", 2009, No 27-1048 (10- 03- 2009)

II. SCOPE AND DURATION OF GOVERNMENT INDEMNITY

3. The Government Indemnity shall apply to foreign movable cultural property temporarily imported for the purpose of exhibition whose total value shall be at least LTL 1 million. In the cases where the total value of foreign movable cultural property temporarily imported for the purpose of exhibition does not exceed LTL 15 million, a decision on whether to grant Government Indemnity shall be made by the Minister of Culture; in the cases where the total value of foreign movable cultural property temporarily imported for the purpose of

exhibition exceeds LTL 15 million, the decision on whether to grant Government Indemnity shall lie with the Government of the Republic of Lithuania.

Amendment to the paragraph:

No 145, 25- 02- 2009, Official Gazette "Valstybės Žinios", 2009, No 27-1048 (10- 03- 2009)

4. The Government Indemnity shall be valid from the point of entry until the moment of departure of foreign movable property from the territory of the Republic of Lithuania (crossing of the border of the Lithuanian state).

5. (repealed)

Amendment to the paragraph:

No 145, 25- 02- 2009, Official Gazette "Valstybės Žinios", 2009, No 27-1048 (10- 03- 2009)

III. GRANTING GOVERNMENT INDEMNITY

6. The form of an application for Government Indemnity (hereinafter referred to as the "application") shall be approved by the Minister of Culture.

7. A Lithuanian national or state cultural establishment, the Lithuanian Archives Department and state archives shall submit an application to the Ministry of Culture at least 2 months ahead of the planned importation of movable cultural property.

Amendment to the paragraph:

No 360 01-04-2004, Official Gazette "Valstybės Žinios", 2004, No 50-1642 (06- 04- 2004)

No 145, 25- 02- 2009, Official Gazette "Valstybės Žinios", 2009, No 27-1048 (10- 03- 2009)

8. An application shall be supported by the following:

8.1. a list of movable cultural property imported for the exhibition purpose with the specification of catalogue references and the value of each item as well as the total value of the exhibition.

8.2. a draft agreement between a Lithuanian national or state cultural establishment, the Lithuanian Archives Department and state archives and their foreign counterpart setting forth the terms and conditions regarding the transportation, display, safety and insurance of temporarily imported movable cultural property as well as damage compensation.

8.3. a detailed description of the terms and conditions governing the transportation, display, safety, and other conditions falling within the responsibility of a Lithuanian national or state cultural establishment, the Lithuanian Archives Department and state archives engaged in temporary importation of movable cultural property.

8.4. A commitment by a Lithuanian national or state cultural establishment, the Lithuanian Archives Department and state archives to pay 1% in compensation for the damage, destruction or loss of items of movable cultural property temporarily imported for the purpose of exhibition.

Amendment to the paragraph:

No 360 01-04-2004, Official Gazette "Valstybės Žinios", 2004, No 50-1642 (06- 04- 2004)

9. An application shall be considered and subsequent conclusions made by the Commission of Experts on Granting Government Indemnity (hereinafter referred to as the

“Commission”), whose composition and rules of procedure shall be approved by the Minister of Culture. Members of the Commission shall be competent specialists in art, culture and other relevant fields. The Commission shall have 7-9 members for 3-year period.

10. The Commission shall submit its conclusions regarding Government Indemnity within 20 calendar days from the date of filing the application with the Ministry of Culture. On the basis of the Commission’s conclusions, the Minister of Culture shall take a decision regarding Government Indemnity and notify about it a relevant Lithuanian national or state cultural establishment, the Lithuanian Archives Department and state archives within 5 working days following the date of the decision. Where the total value of the exhibition of movable cultural property exceeds LTL 15 million, the Minister of Culture shall submit to the Government of the Republic of Lithuania, within 10 working days from the date of the receipt of the Commission’s conclusion, a draft resolution of the Government of the Republic of Lithuania on granting Government Indemnity, worked out within the procedure prescribed by the Government of the Republic of Lithuania.

Amendment to the paragraph:

No 360 01-04-2004, Official Gazette “Valstybės Žinios”, 2004, No 50-1642 (06- 04- 2004)

No 145, 25- 02- 2009, Official Gazette “Valstybės Žinios”, 2009, No 27-1048 (10- 03- 2009)

11. A Lithuanian national or state cultural establishment, the Lithuanian Archives Department and state archives shall submit a copy of the agreement with a foreign counterpart within a month following the notification of the decision.

Amendment to the paragraph:

No 360 01-04-2004, Official Gazette “Valstybės Žinios”, 2004, No 50-1642 (06- 04- 2004)

12. In case the agreement signed between a Lithuanian national or state cultural establishment, the Lithuanian Archives Department and state archives and a foreign counterpart is in contradiction with the draft agreement submitted to the Commission for deliberation, or in case of failure to submit a copy of the agreement, the Minister of Culture or the Government of the Republic of Lithuania shall have the right to repeal the decision granting Government Indemnity.

Amendment to the paragraph:

No 360 01-04-2004, Official Gazette “Valstybės Žinios”, 2004, No 50-1642 (06- 04- 2004)

No 145, 25- 02- 2009, Official Gazette “Valstybės Žinios”, 2009, No 27-1048 (10- 03- 2009)

Amendment to the heading

No 360 01-04-2004, Official Gazette “Valstybės Žinios”, 2004, No 50-1642 (06- 04- 2004)

IV. RESPONSIBILITIES OF THE COMMISSION, A LITHUANIAN NATIONAL OR STATE CULTURAL ESTABLISHMENT, THE LITHUANIAN ARCHIVES DEPARTMENT AND STATE ARCHIVES DURING THE VALIDITY PERIOD OF THE GOVERNMENT INDEMNITY

13. During the validity period of the Government Indemnity, the Commission shall:

13.1. regularly inspect movable cultural property, technical conditions for its display, fire protection and security systems and safety, and check if the agreement signed between a Lithuanian national or state cultural establishment, the Lithuanian Archives Department and state archives and their foreign counterpart is adhered to.

13.2. failure by a Lithuanian national or state cultural establishment, the Lithuanian Archives Department and state archives to adhere to the agreement signed with a foreign counterpart, shall enable the Commission to make a proposal to the Minister of Culture to prohibit the display of movable cultural property and close the exhibition.

Amendment to the paragraph:

No 360 01-04-2004, Official Gazette "Valstybės Žinios", 2004, No 50-1642 (06-04-2004)

14. During the validity period of the Government Indemnity, a Lithuanian national or state cultural establishment, the Lithuanian Archives Department and state archives shall:

14.1. adhere to the requirements laid down in the agreement signed with a foreign counterpart;

14.2. take part in customs clearings as well as in the reception and dispatch of movable cultural property;

14.3. in the event of damage, destruction or loss of movable cultural property, to rescue and, as far as possible, protect against damage and reduce the damage, and notify special services and the Ministry of Culture.

14.4. submit a list of damaged, destroyed or lost movable cultural property specifying its total value before the mentioned incidents and appending documents needed to establish the damage, destruction or loss of movable cultural property.

Amendment to the paragraph:

No 360 01-04-2004, Official Gazette "Valstybės Žinios", 2004, No 50-1642 (06-04-2004)

V. DAMAGE ESTABLISHMENT AND COMPENSATION

15. The Commission shall investigate cases of damage, destruction or loss of movable cultural property and establish the size of damage with the presence of a foreign counterpart concerned.

16. The damage shall be established and compensated on the basis of the certificate of investigation issued by the Commission.

17. Disputes concerning compensation of damages shall be settled in accordance with the procedure prescribed by the laws of the Republic of Lithuania.

18. Persons responsible for the damage inflicted to movable cultural property shall be liable within the procedure prescribed by the laws of the Republic of Lithuania.

Amendments:

1.

Government of the Republic of Lithuania, Resolution

No 360 01-04-2004, Official Gazette “Valstybės Žinios”, 2004, No 50-1642 (06- 04- 2004)

AMENDING RESOLUTION NO 433 OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA OF 8 APRIL 2003 “APPROVING THE DESCRIPTION OF THE GOVERNMENT INDEMNITY SCHEME FOR FOREIGN MOVABLE CULTURAL PROPERTY TEMPORARILY IMPORTED INTO THE REPUBLIC OF LITHUANIA”

2.

Government of the Republic of Lithuania, Resolution

No 145, 25- 02- 2009, Official Gazette “Valstybės Žinios”, 2009, No 27-1048 (10- 03- 2009)

AMENDING RESOLUTION NO 433 OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA OF 8 APRIL 2003 “APPROVING THE DESCRIPTION OF THE GOVERNMENT INDEMNITY SCHEME FOR FOREIGN MOVABLE CULTURAL PROPERTY TEMPORARILY IMPORTED INTO THE REPUBLIC OF LITHUANIA”