

The Law of Ukraine

On Architectural Activity

(Journal of Verkhovna Rada (JVR), 1999, № 31, p. 246)

(As amended by the Laws of Ukraine

№ 1407-IV (1407-15) of February 3, 2004, JVR, 2004, № 16, p. 238

№ 3370-IV (3370-15) of January 19, 2006, JVR, 2006, № 22, p. 184

№ 58-V (58-16) of August 1, 2006, JVR, 2006, №39, h. 342

№ 1026-V (1026-16) of May 16, 2007, JVR, 2007, №34, p. 444)

(In the text of the Law the words “ordering party” in all cases are supplemented with the word “(developer)”; the words “State Committee on Building, Architecture and Housing of Ukraine” in all cases are replaced with the words “central executive authority for building, city planning and architecture” pursuant the Law № 58-V (58-16) of August 1, 2006)

Present Law defines legal and organizational principles of architectural activity. It is aimed at forming of favorable living environment, achievement of aesthetic expressiveness, economic expediency and reliability of houses, constructions and their complexes.

Chapter I

GENERAL PROVISIONS

Article 1. Terms and definitions

For the purposes of the present Law terms shall have the following meaning:

architectural activity – activity on creation of objects of architecture involving creative process of searching architectural decision and its evocation, coordination of actions of the participants of elaboration of all components of the projects on planning, development and improvement of the territory, building (new building, reconstruction, restoration, capital repair) of the buildings and constructions, provision of architectural and building control and designer’s field supervision, as well as scientific and research activity and teaching in this field; (Second abstract of the first paragraph of Article 1 is as amended pursuant the Law № 58-V (58-16) of August 1, 2006)

objects of architectural activity (objects of architecture) – houses and constructions of civil housing, municipal, industrial and other intended purpose, complexes of them, objects of redevelopment, gardening and landscape architecture, monumental art, territories (areas of territory) of administrative territorial entities and settlements; (Third abstract of the first paragraph of Article 1 is as amended pursuant the Law № 58-V (58-16) of August 1, 2006)

architectural activity actors – architects, other persons who participate in preparation and elaboration of documentation for building, reconstruction, restoration, capital repair of houses and constructions, for redevelopment, objects of gardening and landscape architecture and in research and teaching activity, ordering parties (developers) of projects and building of objects

of architecture, contractors for the fulfillment of project and building works, producers of building materials, owners and users of the objects of architecture, as well as authorities with the competence in city development;

architectural concept – author’s idea concerning spatial, planning, functional organization, facade and interior of the object of architecture, as well as engineering and other support of its embodiment, which is presented in architectural part of the design project on each stage of designing and is fixed in any form; (Fifth abstract of the first paragraph of Article 1 is as amended pursuant the Law № 58-V (58-16) of August 1, 2006)

design project – documentation for building of objects of architecture, which include architectural drawings, graphical and text materials, engineering and cost sheet calculations, architectural, construction, technical and technological concepts, value indexes of particular object of architecture and correspond to the state standards, building norms and rules requirements; (Sixth abstract of the first paragraph of Article 1 is as amended pursuant the Law № 58-V (58-16) of August 1, 2006)

architectural plan target – document, which consists of city planning and architectural requirements and special conditions of design and building of the object of architecture deriving from the provisions of the enforced city planning documentation, local rules of settlements development, relevant executive authorities and self-government bodies decisions, including the requirements and conditions of the protection of cultural and historical artefacts, environment, legal rights and interests of citizens and legal persons while placing the object of architecture on the particular land plot;

planning permission – document which include reasoned within legislation demands of the ordering party (developer) concerning planning, architectural, engineering and technological concepts and characteristics of the object of architecture, its main properties, value and organization of building and is prepared in accordance with architectural plan target and technical conditions; (Eighth abstract of the first paragraph of Article 1 is as amended pursuant the Law № 58-V (58-16) of August 1, 2006)

design project approval – the procedure of acknowledging of conformity of design project concepts with the input data for designing; (First paragraph of Article 1 is supplemented with abstract nine pursuant the Law № 58-V (58-16) of August 1, 2006)

expertise – activity of experts, who have appropriate qualification certificates and on the ordering party’s (developer’s) order deliver conclusions concerning the conformity of the design project concepts with the legislation, national norms, standards, building norms and rules, and who are responsible for the authenticity of those conclusions; (First paragraph of Article 1 is supplemented with abstract ten pursuant the Law № 58-V (58-16) of August 1, 2006)

developer – person, who has legal right of property or exploitation of land plot in city planning purposes and makes envisaged in legislation actions, necessary for building or development; (First paragraph of Article 1 is supplemented with abstract eleven pursuant the Law № 58-V (58-16) of August 1, 2006)

engineering activity in the sphere of building (engineering) – activity on rendering services of engineering and technical nature, which include the fulfillment of preliminary technical and economic motivation and investigation, design project expertise, elaborations of building financing programs, organization of the preparation of project documentation, tendering, conclusion of the contracts of works, coordination of activity of all participants of the

building, as well as technical supervision over the object of architecture building and giving economic, financial and other consultations; (First paragraph of Article 1 is supplemented with abstract twelve pursuant the Law № 58-V (58-16) of August 1, 2006)

architect (engineer) with the qualification certificate – professional, who obtained such certificate as the result of attestation. Certificate entitles him to have personal activity in the sphere of architectural activity. Professional is responsible for the results of his activity; (First paragraph of Article 1 is supplemented with abstract thirteen pursuant the Law № 58-V (58-16) of August 1, 2006)

technical supervision – fulfillment by the ordering party (developer) of the control over adherence to the design project concepts and the requirements of state standards, building norms and rules (including the demolition) of the city planning object. (First paragraph of Article 1 is supplemented with abstract fourteen pursuant the Law № 58-V (58-16) of August 1, 2006)

Article 2. State facilitation of the architectural activity

The state facilitates the architectural activity by means of:

fostering scientific research, training and raising of qualification in the field of city planning, architecture and building;

attracting investments to the objects of architecture designing and building;

holding city developing and architectural tenders on creation of new, reconstruction and restoration of existing objects of architecture of national significance; (Abstract fourth of the first paragraph of Article 2 is amended by the Law № 58-V (58-16) of August 1, 2006)

protection of copyright and guaranteeing the freedom of creativity of architects;

setting favorable organizational, legal and economic conditions for the activity of architects' creative units;

rewarding architects and other architectural activity actors for the prominent success in the field of city development and architecture;

providing the participation of Ukraine in the international organizations and events on the issues of architecture, city development and monuments protection; (First paragraph of Article 2 is supplemented with abstract pursuant the Law № 58-V (58-16) of August 1, 2006)

providing the adaptation of the legislation and professional training programs to the international requirements, extending the fundamental scientific knowledge, new designing and building technologies in the field of city development; (First paragraph of Article 2 is supplemented with abstract pursuant the Law № 58-V (58-16) of August 1, 2006)

facilitating the activity of self-governing professional organizations of architects and engineers; (First paragraph of Article 2 is supplemented with abstract pursuant the Law № 58-V (58-16) of August 1, 2006)

guaranteeing the safety of building, longevity of houses and constructions, promoting measures aimed at energy saving, environmental protection, as well as securing economic and

other aspects which are important in the interests of society; (First paragraph of Article 2 is supplemented with abstract pursuant the Law № 58-V (58-16) of August 1, 2006)

taking other measures aimed at the development of national architecture.

Article 3. Legislation concerning the architectural activity

Legislation concerning the architectural activity is composed of the Constitution of Ukraine (254k/96- VR), laws of Ukraine “On the Principles of City Planning” (2780-12), “On Planning and Development of the Territories” (1699-14), “On the Liability of Enterprises, Their Units, Institutions and Organizations for the Violation of Law in the Sphere of City Development” (208/94-VR), present Law and other regulatory legal acts.
(Article 3 is as amended pursuant to Law № 58-V (58-16) of August 1, 2006)

Chapter II

ORGANIZATION OF ARCHITECTURAL ACTIVITY

Article 4. Range of works concerned with the creation of the object of architecture

For the creation of the object of architecture the range of works is fulfilled, including:

preparing the input data for the designing;

fulfillment of the pre-design works if necessary, as well as taking measures on protection of newly found while building or making changes (including wrecking) of the objects of city development, which have anthropological, archeological, aesthetic, ethnographic, historical, cultural or art significance; (Abstract third of paragraph first of Article 4 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

search of architectural concept, elaboration, adjustment and approval of the design project; (Abstract fourth of paragraph first of Article 4 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

preparing of working documentation for building, and in case of preparing of it or of its part by another contractor – executing author supervision over such preparing; (Abstract fifth of paragraph first of Article 4 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

building (new building, reconstruction, restoration, capital repair) and wrecking of the object of architecture, architecturally building control, technical and author supervision in the course of building or making changes (including wrecking) of the object of city development; (Abstract sixth of paragraph first of Article 4 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

putting of erected object in operation.

Article 5. Input data for designing

The design projects of the objects of architecture shall be elaborated on the grounds of input data for designing, which include: (Abstract first of paragraph first of Article 5 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

architectural plan target;

planning permission;

technical conditions concerning the engineering maintenance of the object of architecture.

Input data for designing shall be compiled on the basis of the enforced documentation on city development, local rules of settlements development, relevant executive authorities and self-government bodies decisions.

Architectural plan target shall be rendered by the bodies of city development and architecture on demand of the ordering party (developer) in one month term.

Technical conditions concerning the engineering maintenance of the object of architecture shall be rendered by the relevant enterprises, institutions and organizations on demand of the ordering party in fifteen days term.

The place of connection of utility network of the ordering party (developer) with the main or other networks shall be on the border of the ordering party's (developer's) land plot or on the territory of this land plot, if the ordering party (developer) consents so. Prompt approaching of the main or other engineering networks to the border of land plot of the ordering party (developer), as well as increasing their conducting capacity shall be fulfilled by the owners of these networks, this process being coordinated and controlled by the competent body of self-government within legislation. (Article 5 is supplemented with paragraph pursuant to the Law № 58-V (58-16) of August 1, 2006)

Input data for designing of the object of architecture shall be valid for 2 years at least or till the end of building of the relevant object, if it was started during the period of validity of the input data, but shall not be valid more than 5 years. (Paragraph sixth of Article 5 is as amended by the Law № 58-V (58-16) of August 1, 2006)

Specially authorized body of the issues of city development and architecture can reasonably set another term of validation of the input data for the objects of architecture of particular complexity, objects with a bulk building, and also in case of special conditions of the building. The architectural plan target's terms of validity shall be extended on request of the ordering party (developer) by the specially authorized body of the issues of city development and architecture, which issued this architectural plan target. The term of validity of the technical conditions shall be extended by the enterprises or organizations, which issued them. (Article 5 is supplemented with paragraph pursuant to the Law № 58-V (58-16) of August 1, 2006)

Requirements concerning architectural and engineering concepts of the object of architecture, its interior, other conditions and requirements, if they don't derive from the provisions of the acts of legislation, state standards, norms and rules, enforced documentation on city development, local rules of the development of settlements, not meaningful for preserving

the nature of existing building, state of environment and the protection of the monuments of history and culture can't be included into the architectural plan target.

Changes to the delivered architectural plan target and technical conditions concerning engineering maintenance of the object of architecture shall be made only upon the consent of the ordering party (developer).

The delivery of the architectural plan target and technical conditions concerning engineering maintenance of the object of architecture can be turned down, if the allocation and building of the objects of architecture on the particular land plot is prohibited by the documentation on city development and other regulatory legal acts.

The refusal to deliver the architectural plan target and technical conditions concerning engineering maintenance of the object of architecture can be contested in the court.

The procedure of the delivery of the architectural plan target and technical conditions concerning engineering maintenance of the object of architecture, as well as amount of payment for the delivery of the architectural plan target shall be defined by the Cabinet of Ministers of Ukraine. (Paragraph twelfth of Article 5 is as amended by the Law № 58-V (58-16) of August 1, 2006)

Article 6. Architectural and city development tenders

Architectural and city development tenders (local, regional, state, international) shall be held with the view to finding best architectural planning, engineering technical and economic design project proposals concerning objects of city development and architecture, and also with the view to finding the contractors for the preparation of the design project documentation.

Architectural and city development tenders can be organized as well with the aim of finding of the best design project proposal for the building up of particular land plots.

Solely tendering procedure shall be envisaged for the elaboration of design projects for the objects of architecture, embodiment of which influences greatly the improvement and organization of the development of settlements, as well as for the objects, which are located in the area of protection of the monuments of history and culture or can influence negatively the territories and objects of natural-reserved fund.

Need of holding such tenders shall be defined pursuant to the provisions of the city planning documentation, local rules of settlements development, relevant executive authorities and self-government bodies decisions, local bodies of city development, and upon request of the ordering party (developer) and units of professional architects. (Article 6 is supplemented with paragraph pursuant to the Law № 58-V (58-16) of August 1, 2006)

Winners of the architectural and city development tenders are defined by the jury, panel of which shall consist not less than two thirds of highly qualified professionals in the field of city development and architecture.

Author of the design project-winner shall have the prerogative right of further elaboration of project documentation, unless other is not envisaged by the conditions of the tender.

Person whose tender design project is defined as the best one enjoys the prerogative right of its embodiment.

Regulation on the procedure of the architectural and city development tenders shall be approved by the Cabinet of Ministers of Ukraine.

Schedule and conditions of the architectural and city development tenders shall be formed with the participation of National Unit of Architects of Ukraine or its local organizations.

Tenders shall be financed by the ordering party (developer). (Article 6 is supplemented with paragraph tenth pursuant to the Law № 58-V (58-16) of August 1, 2006)

Information concerning announcement and results of the tender shall be published in relevant printed mass media. (Article 6 is supplemented with paragraph eleventh pursuant to the Law № 58-V (58-16) of August 1, 2006)

Article 7. Elaboration, agreement and approval of the design project

(Title of Article 7 is as amended by the Law № 58-V (58-16) of August 1, 2006)

Design project of the object of architecture shall be elaborated under the guidance or with the mandatory participation of the architect, who has the qualification certificate.

Design project of the object of architecture shall be witnessed with the signature and personal seal of the architect, who has the qualification certificate.

Before the approval of the design project in cases, defined by the Cabinet of Ministers of Ukraine, expertise or correspondingly complex expertise shall be made.

The expertise of the architectural concept of the design project of the object of architecture shall be fulfilled with the mandatory participation of the architect who has the qualification certificate.

The approval of the design project by the ordering party (developer) can be given in case of existence of decision of the body of city development and architecture concerning the agreement of the design project. Decision to refuse the agreement of the design project or the absence of any decision in a month term can be contested in the court.

Amendments to the approved design project shall be made solely on the architect – author’s of the design project consent, and in case of deviation from the input data for designing – correspondingly on the consent of the body of city development and architecture, enterprises, institutions and organizations which delivered these input data, as well as on the consent the ordering party (developer).

Amendments to the approved design project that are concerned with amending state standards, norms and rules shall be made on the consent of the ordering party (developer), unless other is envisaged by the law.

List of objects, design project of which shall not need the conclusion of expertise shall be formed by central body on building, city development and architecture.

Persons participating in elaboration of design projects have no right to fulfill the expertise of these design projects, agree them or issue permission to fulfill building works under these design projects. (Article 7 is supplemented with paragraph pursuant to the Law № 58-V (58-16) of August 1, 2006)

(Paragraph tenth of Article 7 is excluded pursuant to the Law № 1026-V (1026-16) of May 16, 2007)

Article 8. Working documentation for building

Working documentation for building (reconstruction, restoration, capital repair) of the object of architecture shall be prepared according to the state standards, norms and rules on the basis of approved design project.

Working documentation for building or author's supervision over the preparation of it shall be executed with the participation of architect – author of the approved design project according to the concluded contract of elaboration of the design project of this object of architecture. (Paragraph second of Article 8 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

Article 9. Building of the object of architecture

Building (new building, reconstruction, restoration, capital repair) of the object of architecture shall be performed according to the approved design project documentation, state standards, norms and rules, local rules of settlements development due to the procedure, envisaged in Article 24 of the Law of Ukraine “On planning and development of the territories” (1699-14). (Paragraph first of Article 9 is amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

The architect – author of the design project or his competent representative shall participate in putting the object of architecture into operation and sign relevant document.

Present document shall be invalid without signature of the architect – author of the design project.

Article 10. State architectural and building control and supervision

(Title of Article 10 is as amended by the Law № 1026-V (1026-16) of May 16, 2007)

State architectural and building control and supervision shall be performed according to the legislation with the view of guaranteeing during the development of the territories, allocation and building of the objects of architecture the adherence by the actors of architectural activity of the enforced city development and other design project documentation, local rules of settlements development, input data requirements, and with the view of state protection of the rights of consumers of building materials. (Paragraph first of Article 10 is as amended by the Law № 1026-V (1026-16) of May 16, 2007)

State architectural and building control and supervision shall be performed by the central executive body on the issues of building, city development and architecture. State control and supervision in the framework of the central executive body on the issues of building, city development and architecture shall be performed by the State Architectural and Building Inspection of Ukraine and its territorial bodies (hereinafter referred to as inspections of state architectural and building control). (Paragraph second of Article 10 is as amended by the Law № 1026-V (1026-16) of May 16, 2007)

Article 11. Author and technical supervision

(Title of Article 11 is as amended by the Law № 58-V (58-16) of August 1, 2006)

Author and technical supervision shall be performed in the course of building of the object of architecture. (Paragraph first of Article 11 is as amended by the Law № 58-V (58-16) of August 1, 2006)

Technical supervision shall be guaranteed by the ordering party (developer) and performed by persons having qualification certificate. (Article 11 is supplemented with the paragraph pursuant to by the Law № 58-V (58-16) of August 1, 2006)

Author supervision shall be performed by the architect - author of the design project of the object of architecture, other elaborators of the approved design project or their competent representatives. Author supervision shall be performed according to the legislation and contract with the ordering party (developer).

If deviations from design project concepts, which are done during the building of the object of architecture, are found and the contractor refuses to remove them, the person performing author and technical supervision shall inform about this fact the ordering party (developer) and relevant inspection of state architectural and building control with the view to taking measures according to the legislation. (Paragraph forth of Article 11 is as amended by the Law № 58-V (58-16) of August 1, 2006)

The procedure of author and technical supervision (903-2007-p) shall be set by the Cabinet of Ministers of Ukraine. (Article 11 is supplemented with paragraph fifth pursuant to the Law № 58-V (58-16) of August 1, 2006)

Article 12. Architecturally technical passport of the object of architecture

Each finished object of architecture before putting in operation shall obtain architecturally technical passport of the object of architecture.

Architecturally technical passport of the object of architecture shall be prepared by the general designer of the object of architecture with the participation of contractor and shall be approved by the body of city development and architecture.

Architecturally technical passport of the object of architecture shall bear the information about the ordering party (developer), architect – author of the design project of the object of architecture and other elaborators of the design project, contractor, place and term of deposit of the design project documentation, as well as main characteristics of the object of architecture and guarantee obligation of the performers of design and building works.

Architecturally technical passport of the object of architecture shall include special conditions concerning operation of the object of architecture, as well as its separate elements (facade parts, interiors, provision of amenities, pieces of monumental and decorative arts, et cetera), which shall not undergo changes without architect – author’s of the design project and of the body of city building and architecture consent, in case of absence of architect – author of the design project without consent of the body of city building and architecture consent.

Regulation on architecturally technical passport of the object of architecture shall be approved by the central executive body on the issues of building, city development and architecture.

Chapter III

SPECIAL COMPETENT BODIES OF CITY DEVELOPMENT AND ARCHITECTURE. CREATIVE UNITS OF ARCHITECTS

Article 13. Special competent bodies of city development and architecture

Special competent bodies of city development and architecture are:

central executive body on the issues of building, city development and architecture;

competent body on the issues city development and architecture of the Council of ministers of the Autonomous Republic of Crimea;

departments of city development and architecture of district, Kyiv and Sevastopol city, units of the territorial state administrations;

executive bodies of the village, township and city councils.

Competent body on the issues city development and architecture of the Council of ministers of the Autonomous Republic of Crimea, departments of city development and architecture of district, Kyiv and Sevastopol city, units of the territorial state administrations shall fall under control and supervision of relevant executive bodies within legislation.

Bodies of self-government shall act in the field of city development and architecture in compliance with the Law of Ukraine “On Self-government in Ukraine” (280/97-VR).

Executive bodies of the village, township and city councils shall fall under control of relevant executive bodies on issues of delegated competence, envisaged in subparagraph “b” of paragraph one of Article 31 of the Law of Ukraine “On Self-government in Ukraine”.

Article 14. Chief architects

Heads of the bodies of city development and architecture, defined in Article 13 of present Law, ex officio are the chief architects of the relevant territorial administrative units (Autonomous Republic of Crimea, district, territory, city, city district).

Appointment to the post of chief architect shall be done solely upon the competition results.

Competition shall be open for persons with higher architectural education and organizational and professional work experience in the field of city development and architecture not less than 5 years. (Paragraph third of Article 14 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

Competitions for holding the post of chief architect shall be held with participation of the local organizations of National Unit of Architects of Ukraine.

Chief architects and other officials of the special competent bodies of city development and architecture as the authors or co-authors shall participate in elaboration of city development documentation and local rules of particular territory development. Chief architects and other officials of the special competent bodies of city development and architecture may have creative activity concerned with designing of the objects of architecture, envisaged for building on the territory of their administrative activity within the legislation. In such cases the approval of relevant architectural concepts shall be performed by the bodies of city development and architecture of the higher level. (Paragraph fifth of Article 14 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

Article 15. Architectural and city development councils

Architectural and city development councils shall be established in the framework of local bodies of city development and architecture with the view of guaranteeing professional collegial discussion of the city development, architectural and engineering design concepts of the objects of architecture, as well as main provisions of the architectural plan targets if necessary. Architectural and city development councils shall perform their activity according to the frame regulation on them which is approved by the central executive body on the issues of building, city development and architecture.

Architectural and city development council can overview separate architectural design projects or their parts and deliver relevant conclusions on the demand of territorial community, relevant territorial integrities, authors of the design projects, ordering parties (developers), as well as in case of conflicts concerning discovered deviations from the approved city developing documentation or architectural plan target conditions. (Article 15 is supplemented with paragraph two pursuant to the Law № 58-V (58-16) of August 1, 2006)

Article 16. Creative units of architects

The unit of professional architects conducts activity in Ukraine – National Unit of Architects of Ukraine, also other creative units of architects and self-governed integrations in the field of architecture can be established pursuant to the legislature. (Paragraph first of Article 16 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

Activity of creative units of architects and self-governed integrations in the field of architecture shall be regulated by their registered in established order statutes. (Article 16 is supplemented with paragraph three pursuant to the Law № 58-V (58-16) of August 1, 2006)

Chapter IV

PERFORMANCE OF THE ARCHITECTURAL ACTIVITY

Article 17. Licensing and professional attestation of the contractors of works, concerned with the creation of the objects of architecture

Entrepreneurial activity concerned with the creation of the objects of architecture shall be subject to licensing pursuant to the legislation. (Paragraph first of Article 17 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

Contractors of the particular types of works, concerned with the creation of the objects of architecture, can go through professional attestation with regard to the procedure, established by the Cabinet of Ministers of Ukraine.

Having gone through the professional attestation citizens shall receive relevant qualification certificate with the 5 years term of duration.

Citizens who have higher architectural education of the specialist or master qualification and have professional work experience not less than 3 years, as well as citizens who have no higher architectural education and have professional work experience in the field of city development and architecture not less than 10 years may receive relevant qualification certificate of the architect.

Data about person who received relevant qualification certificate shall be included to the register of the attested persons.

Persons who received relevant qualification certificate may perform particular types of entrepreneurial activity concerned with the creation of the objects of architecture without relevant license.

Article 18. Architectural and building attesting committee

Architectural and building attesting committee performs the attestation of contractors of works concerned with the creation of the objects of architecture.

Architectural and building attesting committee shall:

define professional specialty, level of qualification and knowledge of the architects and other persons;

give deliver relevant qualification certificates, cancel decisions concerning their delivery;

keep the register of the attested persons;

set the professional ethics rules;

exercise other powers pursuant to the Regulation on Architectural and building attesting committee, approved by the central executive body on the issues of building, city development and architecture on the introduction of the National Unit of Architects of Ukraine.

Article 19. Design project works which shall not need relevant qualification certificate

Relevant qualification certificate for the performance of the design project works concerned with the creation of the objects of architecture shall not be necessary in case of:

performance of the works by professionals under the supervision of the architect with the qualification certificate on fulfillment of works of relevant type;

elaboration of design project materials, not envisaged for embodiment (sketches, searching, conceptual, et cetera), proposals on the possibility and conditions of the development of any land plot;

performance of the works concerned with participation in city development and architectural tenders, unless the conditions of the tender foresee other;

designing the objects that do not demand building permission pursuant to the legislation. (Article 19 is supplemented with paragraph five pursuant to the Law № 58-V (58-16) of August 1, 2006)

Article 20. Performance of the architectural activity by foreigners and apatrides

Foreigners and apatrides who legally reside on the territory of Ukraine shall enjoy the same rights and bear same duties in the course of performance of the architectural activity as the citizens of Ukraine do, unless other is foreseen by the laws or international agreements of Ukraine, which got the agreement on ratification be Verkhovna Rada of Ukraine.

On the territory of Ukraine foreigners and apatrides without relevant qualification certificate may fulfill works, defined in Article 19 of present Law, and participate in elaboration of city development documentation, perform the design projecting of the objects of architecture, prepare working documentation for building only on the basis of contracts with the entrepreneurs having license on particular types of entrepreneurial activity in building or with professionals having qualification certificate. (Paragraph second of Article 20 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

Article 21. Performance of the architectural activity by individuals and entities of Ukraine on the territory of foreign states

Individuals and entities of Ukraine perform the architectural activity on the territory of other states according to the laws or international agreements of Ukraine, which got the

agreement on ratification be Verkhovna Rada of Ukraine, as well as legislation of the state of residence.

Chapter V

RIGHTS AND DUTIES OF ACTORS OF ARCHITECTURAL ACTIVITY IN THE COURSE OF CREATION AND PUTTING IN TO OPERATION OF THE OBJECTS OF ARCHITECTURE

Article 22. Rights of the architect

Architects in the course of design projecting and building of the objects of architecture shall be entitled to:

elaborate design project proposals concerning the development of any land plot without preliminary permission with the view to defining the possibilities and conditions of performance of building of the object of architecture on it;

participate in preparation of the design project task, get in established way on the order of the ordering party (developer) the architectural plan target and technical specifications of engineering maintenance of the object of architecture, agree the design project with enterprises, institutions, organizations who issued technical specifications;

choose means and measures of the embodiment of the object of architecture freely;

make amendments of the approved design project within input data of design projecting upon the agreement with the ordering party (developer);

participate in preparation of contracts, organization of tenders on defining the contractor of design projecting and building on the order of the ordering party (developer), represent the ordering party (developer) in other cases, envisaged by contract;

engage other professionals on the contractual basis to the design project elaboration, be in charge of these works or participate in the preparation of working documentation; (Paragraph seventh of Article 22 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

fulfill expertise of the design project documentation according to his professional specialty which is mentioned in the qualification certificate of the architect;

to cover his professional responsibility with the insurance pursuant to the law. (Article 22 is supplemented with paragraph nine pursuant to the Law № 58-V (58-16) of August 1, 2006)

Article 23. Rights of ordering parties (developers)

Ordering parties (developers) of the design projecting and building of the objects of architecture shall be entitled to:

choose the architect – elaborator of the design project or engage him on the results of architectural or city development tenders, choose contractor for building or engage him on the results of building tender; (Paragraph second of Article 23 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

approve design project task, design project if they shall not contradict the legislation, architectural plan target and technical specifications concerning engineering maintenance of the object of architecture;

perform control and supervision over adherence to the requirements of architectural plan target, design project task in the course of design projecting of the object of architecture, approved design project in the course of building;

engage persons with qualification certificate with the view of performing of the ordering party (developer) functions and engineering functions. (Article 23 is supplemented with paragraph five pursuant to the Law № 58-V (58-16) of August 1, 2006)

Article 24. Rights of contractors

Contractor for design projecting and building of the objects of architecture shall be entitled to:

choose on their own the technology, means and measures of elaboration and embodiment of the design project of the objects of architecture within state building standards, norms and rules; (Paragraph second of Article 24 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

prepare the working documentation for object of architecture building according to the approved design project with direct participation or under author supervision of architect or his authorized agent on his written consent; (Paragraph third of Article 24 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

perform other actions which are envisaged by contracts according to the established by law order.

Article 25. Rights of citizens and public organizations

Citizens and public organizations not participating directly in the creation of the objects of architecture shall be entitled to:

receive from the authorities the information concerning elaboration and making decisions on planning, development and reconstruction of settlements, separate territories and particular objects of architecture, adherence to requirements of the legislation on protection of the

monuments of history and culture and protection of environment in the course of the mentioned process;

participate in the discussion of the architectural concepts of design projects in established order;

protect their interests in the course of the design projecting and building of new and operation of existing objects of architecture according to the legislation.

The procedure of public discussion of city developing documentation and the projects of building, as well as the procedure of taking into account of the points of view of publicity shall be established by law. (Article 25 is supplemented with paragraph five pursuant to the Law № 58-V (58-16) of August 1, 2006)

Article 26. Duties of architect and other designers

Architect and other designers who fulfill works on concerned with the creation of the objects of the architecture shall be obliged:

to adhere to the state standards, norms and rules, local rules of the development of settlements, input data for design projecting requirements;

not to violate legal rights and interests of owners and users of houses and constructions neighboring with the land plot under development in the course of design projecting, organization and performance of building works;

not to disseminate information which constitutes the commercial secret of the design project without the consent of the ordering party (developer).

Article 27. Duties of ordering parties (developers) and contractors

Ordering parties (developers) and contractors in the course of creation of the objects of architecture shall be entitled to:

authorize persons having relevant license (qualification certificate) to perform particular types of design project and building works;

choose the contractors for the preparation of working documentation for building with regard of the provisions of Article 8 of present Law;

maintain building of the objects of architecture according to working documentation, use building materials, goods and constructions that correspond to the state standards, norms and rules and which are certified, in case of mandatory certification;

respect and not violate legal rights and interests of users land plots neighboring with the land plot under development, owners of houses and constructions, allocated on such land plots, remunerate damage inflicted on them in the course of organization and performance of building works according to the law;

inform local bodies of protection of the monuments of history and culture in three days term about the objects discovered in the course of building works and that are of anthropological, archeological, aesthetic, ethnographic, historical, cultural, scientific or art significance; (Paragraph sixth of Article 27 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

avoid inclusion into the design projecting task of requirements which contradict the legislation of Ukraine, approved city developing documentation, state standards, norms and rules. (Article 27 is supplemented with paragraph seven pursuant to the Law № 58-V (58-16) of August 1, 2006)

With the exception of cases defined in first paragraph of present Article the ordering parties (developers) shall be also obliged to:

participate along with the contractors in the process of organization of agreement of the design project documentation by the competent executive bodies and the bodies of self-government;

approve only agreed in the established way design projects;

hand over to the owner of the object one set of the design project documentation on ground of which the object of architecture was erected for permanent deposition. (Article 27 is supplemented with paragraph two pursuant to the Law № 58-V (58-16) of August 1, 2006)

Article 28. Duties of owners and users of objects of architecture

Owners and users of objects of architecture shall be obliged to:

keep houses and constructions, as well as attached to them land plots in appropriate condition, while operation of object of architecture adhere to the requirements, mentioned in its architecturally technical passport, envisaged in local rules of settlement development, as well as the legislation requirements;

get in established by legislation order permission to perform works concerned with reconstruction, restoration or capital repair of the object of architecture;

prepare relevant design project documentation in case of volume-and-spatial, planning and other concepts of object of architecture according to the requirements of architecturally technical passport of object of architecture if necessary, agree, approve this documentation and perform building works according to the legislation; (Paragraph fourth of Article 28 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

keep one set of design project documentation according which the object of architecture was created and hand it over to new owner. (Article 28 is supplemented with paragraph five pursuant to the Law № 58-V (58-16) of August 1, 2006)

Chapter VI

COPYRIGHT ON THE OBJECTS OF ARCHITECTURAL ACTIVITY

Article 29. Objects and actors of copyright in the field of architecture

Relations in the course of creation and operation the objects of architecture as the objects of copyright shall be regulated by the Civil Code of Ukraine (435-15), the Law of Ukraine “On copyright and related rights” (3792 – 12), present Law and other legislative acts of Ukraine. (Paragraph first of Article 29 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

Creations of architecture, city development and landscape architecture, as well as schemes, architectural drawings, sculptural creations, illustrations, maps and sketches that concern architecture are the objects of copyright in the field of architecture.

Person (persons) who created the objects of architecture as the objects of copyright as the result of own creative work shall be considered to be the author (co-author) of mentioned objects.

Persons rendering to the author of the object of architecture technical, consultative or organizational assistance or those who fulfill the organization of design projecting and building (reconstruction, restoration, capital repair), control over performance of mentioned works can not be considered to be co-authors.

Article 30. Property rights on the object of architecture

Property rights on the object of architecture the object of copyright, created pursuant to the concluded labor agreement, belong to the worker who created the object and to the legal entity or individual for whom he works collectively, unless other is envisaged by the agreement.

Property rights on the object of architecture as the object of copyright, created by order belong to the creator of this object and to the ordering party (developer) collectively, unless other is envisaged by the agreement.

Mandatory conditions of agreement on management of property rights on the object of architecture as the object of copyright shall be defined by the Civil Code of Ukraine (435-15), the Law of Ukraine “On copyright and related rights” (3792 – 12).

Author of the design project of creations of architecture, city development and landscape architecture shall have the exclusive rights to participate in subsequent embodiment of the design project, unless other is envisaged by the agreement with the ordering party (developer) or legal entity or individual for whom he works, as well as to amend not accomplished or accomplished creations of architecture, city development and landscape architecture in case of change of functional intended use or reconstruction.

The design project of creations of architecture, city development and landscape architecture shall be available for the embodiment only once, unless other is envisaged by the contract, according to which the design project is elaborated.

Author of the design project of creations of architecture as the object of copyright shall have right to receive royalty for creation and operation of it in established by the legislation order.

Article 31. Personal non-property rights of the author (co-authors) of the object of architecture

Personal non-property rights of the author (co-authors) of the object of architecture as the object of copyright are those relevant rights, defined in the Civil Code of Ukraine (435-15), the Law of Ukraine “On Copyright and Related Rights” (3792 – 12), in particular:

right to make photos, perform video filming of the relevant object of architecture as the object of copyright with the exceptions, defined by the law;

right to authorship (co-authorship) recognition by means of indicating of name in a proper way on the object of architecture, shall it be practically possible. (Paragraph first of Article 31 is as amended pursuant to the Law № 58-V (58-16) of August 1, 2006)

Personal non-property rights on the object of architecture as the object of copyright shall belong to the author (co-author) of it notwithstanding the conditions of the contract concluded between author and the ordering party (developer) or legal entity or individual for whom he works. (Chapter VI is as amended pursuant to the Law № 1407-IV (1407-15) of February 3, 2004)

Chapter VII

LIABILITY FOR VIOLATION OF THE LEGISLATION ON ARCHITECTURAL ACTIVITY

Article 32. Liability for violation of the legislation on architectural activity

Violation of the legislation on architectural activity shall entail disciplinary, administrative, civil or criminal liability according to the laws of Ukraine.

Article 33. Dispute settlement in the course of architectural activity performance

Disputes arising in the course of architectural activity performance, including disputes with the participation of foreign legal entities and individuals, shall be settled according to the procedure set by the legislation.

Chapter VIII

FINAL PROVISIONS

1. Present Law shall enter into force on the day of its publication with the exception of:

paragraphs first, second and fourth of Article 7, which shall enter into force in two years after the establishment of the Architectural and building attesting committee envisaged in article 18 of present Law and after introduction into force of the procedure of professional attestation performance in architectural activity (paragraph second of Article 17);

paragraph first of Article 12, which shall enter into force from the 1 of January, 2000.

2. The laws now effective in Ukraine and other regulatory legal acts shall apply until the legislation of Ukraine is brought into conformity with the Law of Ukraine “On Architectural Activity”, unless such laws conflict with present Law.

3. The Cabinet of Ministers of Ukraine shall in three months term from the date of publishing of the Law of Ukraine “On Architectural Activity”:

present for the consideration of Verchovna Rada of Ukraine the proposals concerning bringing the Laws of Ukraine in conformity with the Law of Ukraine “On Architectural Activity”;

within its competence guarantee the adoption of regulatory legal acts, envisaged by present Law;

bring its regulatory legal acts in conformity with present Law;

guarantee the revision and repealing by the ministers and others central executive authorities of Ukraine of their regulatory legal acts, which contradict present Law.

President of Ukraine

L. Kuchma

Done in Kyiv, 20 of May, 1999
№ 687- XIV