

THE LAW OF THE REPUBLIC OF AZERBAIJAN ON CULTURE

This Law defines the objectives and principles of the state culture policy in the Republic of Azerbaijan, rights and obligations of subjects of culture activity, legal, economic and social provisions in the field of culture, regulates the relations formed in the field of creation, collection, research, propaganda and protection of cultural wealth in accordance with Clause 1 of Part 1 of Article 94 of the Constitution of the Republic of Azerbaijan.

CHAPTER I

Article 1. General definitions

1.0. The definitions used in this Law express the below-given meanings:

- 1.0.1. **Culture** --the collection of features defining the material, moral, intellectual and emotional specifications of society or social groups covering the life style, co-existing rules, system of moral values, including literature and art;
- 1.0.2. **Culture activities** (activity in the field of culture) - activity in the field of creation of cultural wealth, its spreading, protection, study and promotion, as well as rendering and organization of cultural services;
- 1.0.3. **Public policy in the field of culture** -- the collection of objectives, principles, norms, concepts, strategy and state programs guided by the state in events realized in the field of creation of cultural heritage and cultural wealth, its identification, protection, development and propaganda;
- 1.0.4. **Culture products** - the results of human activities embracing the cultural self-expressing forms in view of usage kinds or purposes, specific features, irrespective of commercial value;
- 1.0.5. **Culture services** -- services and established condition for purposes of meeting the cultural- moral--esthetic needs of persons;
- 1.0.6. **Culture space** -- the area of creation and spreading of cultural wealth and traditions;
- 1.0.7. **Cultural content** -- traditions and cultural values created and expressed from cultural self-peculiarities;
- 1.0.8. **Culture industry** -- the area of activity providing the production and realization of culture products and services;
- 1.0.9. **Artistic value** the features forming the esthetic significance of culture, literature and art works, which are results of artistic creation work;
- 1.0.10. **National cultural heritage** -- the collection of cultural samples belonging to Azerbaijani nation, having all-Azerbaijani importance and universal values;

- 1.0.11. **Intangible cultural heritage** – traditions, forms of description and expression, knowledge and skills, tools, items, artifacts and culture spaces used in its creation, accepted by persons, groups and society as samples of its cultural heritage samples;
- 1.0.12. **Tangible cultural heritage** – movable and immovable cultural heritage;
- 1.0.13. **Immovable cultural heritage** – immovable archeological, architectural, garden-park, monumental, memorials, samples of arts and crafts, including monuments of culture, architecture, art, ethnography, nature and historical preservations, cultural spaces, tombs, archeological complexes, architectural company, religious sites and ethnoparks;
- 1.0.14. **Movable cultural heritage** – the collection of historical, natural, archeological, documentary, ethnographic, culinary, artistic, scientific – research, painting, art, cinematographic, numismatic, philatelist, heraldic, bibliographic, epigraphic, aesthetic, ethnology and anthropology movable wealth;
- 1.0.15. **Samples of cultural heritage** – the collection of cultural wealth reflecting the samples of tangible and intangible cultural heritage of one nation, national minority. It includes underground, surface and underwater samples;
- 1.0.16. **Underwater cultural heritage**- cultural, historical or archeological traces of human being remained entirely or partly, permanently or from time to time under the water;
- 1.0.17. **Natural heritage**- natural monuments, geological and physiographic combinations, zones of fauna and flora habitats, natural zones having universal values and composed of physical and biological combinations;
- 1.0.18. **Arts and crafts** -- the area of tangible cultural heritage aimed at creation of art works on various items;
- 1.0.19. **The cultural self expressing diversity (cultural diversity)** -- various forms of separate groups and societies in which the cultures are expressed and transferred among groups and societies and inside of them. The cultural diversity emerges not just with application of various self-expressing means expressed, enhanced and transferred global cultural heritage but irrespective of using of any means and technologies with the aid of various kinds of creative art, production of items of cultural self-expressing, its spreading and mastering of them;
- 1.0.20. **Cultural self-expression** – the form of expression of results of creativity of separate persons, groups or societies, and having cultural content;
- 1.0.21. **Cultural wealth** -- moral and aesthetic ideals, morality norms and samples, languages, dialects and accents, national customs and traditions, historical toponyms, folklore, artistic professions, cultural, as well as literature and art works, publication works, results and methods of scientific researches in the field of culture, buildings, structures, items, unique natural areas and objects with historical – cultural importance, tombs, preservations, archeological complexes, items of archeological and numismatic features;
- 1.0.22. **National culinary samples** -- the results of human activity aimed at preparation of *foodstuff*, *beverages combining in self technology*, form, ornament, items, equipment and recipe complexes belonging to culture of one nation;
- 1.0.23. **Socially important actions** -- culture days, festivals, demonstration, competition, presentation, *jubilee and memory actions*, as well as cultural events held for purposes of perpetuation of memory of culture and figures;

1.0.24. **Creative activity** – activity aimed at creation of cultural wealth;

1.0.25. **Creative person** – the natural person engaged in creation of cultural wealth, including in pedagogic or scientific-research activities in the field of culture;

Article 2. The legislation of the Republic of Azerbaijan on culture

The legislation of the Republic of Azerbaijan on culture consists of the Constitution of the Republic of Azerbaijan, this Law and laws of the Republic of Azerbaijan stipulated in Article 20.2 of this Law and international treaties joined by the Republic of Azerbaijan.

CHAPTER II

THE STATE REGULATION OF CULTURE POLICY

Article 3. Main directions of public policy in the field of culture

3.1. The public policy in the field of culture in the Republic of Azerbaijan is an integral part of interior and foreign policy of the Republic of Azerbaijan.

3.2. The main directions of the public policy in the field of culture in the Republic of Azerbaijan are as follows:

3.2.1. administrating of public culture system and coordination of activity in this field;

3.2.2. ensuring of protection of rights of creative persons, public, private and municipal entities dealing in the field of culture and implementation of creative activity;

3.2.3. training of qualified cadres in the field of culture and enhancing of their professional level;

3.2.4. protection and increase of cultural wealth;

3.2.5. social defense of subjects of culture activity and perpetuation of memory of outstanding culture figures;

3.2.6. stimulation of creation of cultural works serving the using modern global culture by the national culture, development of national traditions, satisfying the moral demands of population;

3.2.7. identification of national cultural heritage, its systematization and development;

3.2.8. creation of national cultural heritage samples and culture objects, its protection and promotion;

3.2.9. provision of development of national cultural heritage with financial courses;

3.2.10. conduction of educational work in the field of global cultural heritage;

3.2.11. provision of establishment and development of cooperation among persons, public bodies, municipalities and international organizations;

3.2.12. development and promotion of cultural, ecological, biological and sport tourism;

3.2.13. application and development of automation and most advanced communication, information, electronic control and communication technologies;

3.2.14. provision of establishment and promotion of intercultural dialogue;

3.2.15. development of culture, including amusement industry, support of competitiveness of various forms of culture;

3.2.16. prevention of monopolism in cultural field.

Article 4. Principles of public policy in the field of culture

4.0. the public policy in the field of culture is implemented based on following principles:

4.0.1. balance -- creation of balance between industry of culture and cultural products and services market, ensuring of development of activities of cultural societies;

4.0.2. equality- the provision of realization of cultural and creative rights and capabilities of every person under the equal conditions;

4.0.3. democracy - upbringing of population in the spirit of free thinking, expansion of rights and freedoms in the organization and administration of cultural field with state-social bases, provision of aesthetic thinking freedom, stimulating of establishment of new cultural organizations;

4.0.4. humanity -- accepting as priority the secular values, free development of personality, rights and freedoms, health and safety, care of environment and men and respect

4.0.5. integration -- without being isolated from global culture, accepting universal values of global culture, ensuring the popularization of national culture in the world, its enrichment and development;

4.0.6. quality -- provision of conformity of products and services in culture to most advanced standards, norms, social-economic requirements, interests of personality, society and state;

4.0.7. universalism - ensuring of creation, protection and development of universal values;

4.0.8. effectiveness - organization of creativity in the cultural field with constantly developing, useful and aimed at final result methods;

4.0.9. legacy -- passing of cultural wealth, knowledge and experience to next generation;

4.0.10. the factor of talent - special care of increase of creative achievements of talented persons.

Article 5. Obligations of state in the field of culture

5.1. The obligations of the state in the field of culture are as follows:

5.1.1. formation and implementation of public policy in the field of culture, including adoption of normative legal acts and standards, state programs, plan of actions, strategies and conceptions on the field;

5.1.2. execution of actions aimed at restoration, protection, development and promotion of national culture;

5.1.3. organization of socially important events for free mastering of people the cultural samples and wealth of Azerbaijan and world;

5.1.4. support of professional development of talented persons;

5.1.5. development of international cooperation in the field of culture and creation of conditions for experience exchange;

5.1.6. presentation of culture of Azerbaijan at international events and execution of actions ensuring its promotion;

5.1.7. support of participation of international organizations, municipalities, natural and legal persons, as well as non-commercial entities in the cultural activities;

5.1.8. approval of classification of national cultural objects;

5.1.9. maintenance of state register in the field of culture;

5.1.10. organization of inspiration actions of culture staff and creative persons for their merits and services in the development of culture;

5.1.11. creation and development of necessary infrastructure, conditions, material-technical base of the national culture;

5.1.12. providing of relevant support in carrying out of cultural events of foreign countries;

5.1.13. establishment of cultural centers of Azerbaijan in foreign countries, its development and coordination of activities;

5.1.14. carrying out of cultural events of Azerbaijan in foreign countries;

5.1.15. implementation of other actions for development of culture;

5.2. The definition of priorities of the public policy in the field of culture and adoption of target projects, state programs, strategies and plan of actions on its basis and control over its execution

is implemented by relevant executive body. Preparation of actions in the field of culture and its execution is implemented under the conditions of cooperation with persons acting in the cultural field.

5.3. The obligations of state in the field of culture cover the following areas of activities:

5.3.1. cultural heritage - tangible and intangible cultural heritage;

5.3.2. art activity;

5.3.3. cultural industry (cinematography, publication, including electronic publication, architecture and design, multimedia, culinary and advertisement);

5.3.4. cultural services (activities of museums, parks and preservations of historical and cultural importance);

5.3.5. Folklore creativity.

CHAPTER III

Basic human and freedoms of citizen and citizen

Article 6. Provision of rights and freedoms:

6.1. The rights and freedoms of every person in the Republic of Azerbaijan, being guided by principles and norms of the international law;

6.2. The state guarantees a realization of rights and freedoms of every person in the field of culture irrespective of sex, race, language, religion and political faith, nationality, social status, social origin, health potential, belonging to public unions;

6.3. The following equalities are provided by the state in the field of culture;

6.3.1. equality of culture, rights and freedoms of peoples, national minorities coexisting within one state;

6.3.2. protection of the equality of peoples within the state, protection of own cultures by national minorities, identification of cultural belonging, restoration of cultural wealth, its strengthening and development;

Article 7. Right of participation in the cultural life.

7.1. The right on participation in the cultural life in Republic of Azerbaijan is provided by the state.

7.2. Every person is entirely free in identification of cultural belonging and definition of relevant life style and choosing of creative activity, formation of cultural wealth, using cultural benefits equally.

Article 8. Self peculiarities rights in the cultural field;

8.1. Every person is entitled to preserve own national cultural self-peculiarities, define the cultural identity, freely choose moral, aesthetic and other values;

8.2. The cultural societies is entitled to promote and develop own self-peculiarities and restore own historical culture area;

8.3. The state supports protection and development of self peculiarities of any cultural societies.

Article 9. Creative Freedom

In accordance with Part I of Article 51 of the Constitution of the Republic of Azerbaijan every person is entitled with creative freedom. Every person in the Republic of Azerbaijan is entitled with to be engaged in any creative activity on professional basis and on free creativity (amateur) basis according to their interests and talent, to protect the results of their creative activity with the copyright in accordance with the Law of the Republic of Azerbaijan "On copyright and relevant rights", to demonstrate cultural wealth, to sell, present, as well as to take out aboard the cultural wealth possessed by them for these purposes in view of the requirements of this Law.

Article 10. The right of cultural activity in abroad

10.1. The citizens of the Republic of Azerbaijan may be engaged in the cultural activities in accordance with this Law and international treaties joined by the Republic of Azerbaijan.

10.2. The Republic of Azerbaijan supports the cultural activities of their citizens in abroad.

10.3. The cultural activities of the citizens of the Republic of Azerbaijan in the territory of foreign countries are realized both individually and through organization in accordance with legislation of those states, if otherwise is not stipulated in the international treaties joined by the Republic of Azerbaijan.

Article 11. The property in the filed of culture

11.1. The property of every person in the field of culture is protected by the state.

11.2. Every person has property on results of their creative activity and legally acquired cultural products.

11.3. The acquirement, usage and disposal of culture products and services is regulated according to Article 20.2 of this Law.

Article 12. Foreign trade with cultural wealth

The import, export and transiting of cultural wealth via territory of the Republic of Azerbaijan is implemented under the order established by the relevant executive committee.

Article 13. The right of entrepreneurship in the field of the culture

Every person in the Republic of Azerbaijan may be engaged in entrepreneurship activity in the field of culture according to Article 20.2 of this Law.

Article 14. The right on using of cultural enterprises and cultural wealth

14.1. The right on using of cultural enterprises and cultural wealth in the Republic of Azerbaijan is provided by the state.

14.2. In order to ensure the execution of Article 14.1 of this Law the state:

14.2.1. implements the integration of the national culture in global culture, realizes the relevant projects in the field of national culture for purposes of provision of development of intercultural dialogue and formation of the unified culture space;

14.2.2. implements the investment project aimed at development of culture industry or creates favorable conditions for investments for purposes of improvement of investment environment;

14.2.3. implements the projects aimed at simplification of opportunities of using of cultural enterprises and cultural spaces by population;

14.2.4. ensures the privileged using of cultural wealth by less-paid population, handicaps and children under age of 18 with limited health, war veterans under the rules defined by the relevant executive body;

14.2.5. implements the projects stimulating the cultural activities of children and youths and using of cultural wealth through economic, social, legal, scientific-technical, advanced technology and other measures;

14.2.6. implements the relevant projects for purposes of strengthening of aesthetic bringing up, education, as well as additional education;

14.2.7. maintains the state register and carries out monitoring and the state control in the field of culture;

- 14.2.8. implements the projects on development of mobile activity in the field of culture;
- 14.2.9. applies the modern information and communication technologies in the field of culture;
- 14.2.10. adopts the standards on the cultural activity and controls its monitoring;
- 14.2.11. carries out actions on development of entrepreneurship in the field of culture;
- 14.2.12. ensures the state control on implementation of the public culture policy;
- 14.2.13. informs the population on the field of culture.

Article 15. The right of education in the field of culture.

- 15.1. Every person in the Republic of Azerbaijan is entitled to get education and be engaged in scientific activity in the field of culture according to Law of the Republic of Azerbaijan "On Education".
- 15.2. The state creates conditions for conduction of scientific researches in the field of culture.
- 15.3. The state creates conditions for using of cultures enterprises and cultural wealth for science and education purposes.
- 15.4. The state supports establishment of education and scientific enterprises, strengthening of its material-technical base and application of international practice and knowledge in the field of culture.
- 15.5. pedagogic and scientific research activity in the field of culture in the Republic of Azerbaijan is equated with creative activity.

Article 16. NGO-s in the field of culture

- 16.1. The establishment of non-governmental organizations (NGO-s) in the Republic of Azerbaijan in the field of culture is implemented according to Law of the Republic of Azerbaijan "On non-governmental organizations (public unions and funds)".
- 16.2. Every person in the Republic of Azerbaijan defines his/her belonging to any union independently and participates in the activity of the union on equal bases.
- 16.3. The state cooperates with NGO-s, as well creative unions, which function in the field of culture, in organization of events realized in the field of culture.

Article 17. The freedom of information in the field of culture

17.1. Every person has a freedom of search, acquire, pass, prepare and disseminate any desired information in the field of culture by observing the requirements of Laws of the Republic of Azerbaijan "On freedom of information", "On information, informing and protection of information".

17.2. The exchange of information in the field of culture may be carried out through mass media and other broadcasting means by observing the requirements of Article 17.1 of this Law.

17.3. The mass media provides information support to promotion of cultural heritage and cultural wealth of Azerbaijan according to the Law of the Republic of Azerbaijan "On mass media".

CHAPTER IV

ACTIVITY IN THE FIELD OF CULTURE AND ITS SUBJECTS

Article 18. Subjects of cultural activity

The subjects of cultural activity in the Republic of Azerbaijan may be public bodies, natural, including creative persons, legal persons, as well as cultural enterprises and non-governmental organizations.

Article 19. Establishment and termination of activities of cultural enterprises.

19.1. The establishment and termination of activities of cultural enterprises is implemented in accordance with Article 20.2 of this Law.

19.2. The cultural enterprises may be established in any organizational-legal form stipulated in the Civil Code of the Republic of Azerbaijan.

19.3. The foundation documents of the cultural enterprises should reflect directions of its cultural activities.

Article 20. Directions of activities in the field of culture

20.1. The following are directions of activities in the field of culture:

20.1.1. revealing, protection, promotion and propaganda of national cultural heritage;

20.1.2. protection, promotion and propaganda of tangible and intangible cultural heritage;

20.1.3. protection, promotion and propaganda of historical and cultural monuments;

- 20.1.4. activities of historical architectural preservations;
- 20.1.5. protection, promotion and propaganda of natural heritage;
- 20.1.6. professional and amateur creative activity;
- 20.1.7. creation and dissemination of audiovisual works;
- 20.1.8. cinematography activities;
- 20.1.9. theatre-concert activities;
- 20.1.10. activities in poligraphy, publication;
- 20.1.11. culinary activity;
- 20.1.12. activity on organization of cultural--leisure time;
- 20.1.13. activity in the field of aesthetic education;
- 20.1.14. education and pedagogic activity in the field of culture and art;
- 20.1.15. scientific--research activity in the field of culture;
- 20.1.16. museum and gallery activity;
- 20.1.17. cultural educational and library activity;
- 20.1.18. activities of cultural centers, clubs and parks;
- 20.1.19. the informative activities for purposes of promotion of cultural field;
- 20.1.20. propoganda and promotion of folklore creations;
- 20.1.21. activity on organization of tours;
- 20.1.24. educational and propaganda activities;
- 20.1.25. TV&Radio Broadcasting activity;
- 20.1.26. circus activity.

20.2. The relations on direction of activities in the Republic of Azerbaijan are regulated with Laws of the Republic of Azerbaijan "On protection of historical and cultural monuments", "On publication works", "On cinematography", " On theatre and theatre activity", "On library work", "On museums", "On legal protection of folklore samples of Azerbaijan", "On protection and development of Azerbaijani carpet art", "On TV & Radio broadcasting", "On copyright and relevant rights", "On education" and Civil Code of the Republic of Azerbaijan.

20.3. The state creates conditions for equal development of directions of activities in the field of culture.

Article 21. Organizational activity in the field of culture

21.1. natural, legal persons, as well as non-commercial entities may implement the following organizational activities in the field of culture, taking in view of requirements of Article 20.2 of this Law:

21.1.1. organization of art and artistic measures for purposes of propaganda, promotion and development of Azerbaijani culture, national cultural heritage, arrangement of creative competitions, fairs, creation parties, cultural and art presentations, festivals, conferences and symposiums;

21.1.2. organization of seminars, educational, roundtables and other relevant actions for purposes of aesthetic, ethic and moral education of children, youths;

21.1.3. organization of events easing the use of national and global achievements by population;

21.1.4. definition of talents in the field of culture, organization of events in connection with development of their creation;

21.1.5. organization of actions in connection with provision of legal, social and economic interests of creative persons;

21.1.6. organization of actions in connection with creation, propaganda and promotion of folklore samples;

21.1.7. organization of actions in connection with development and propaganda of folk creation, creative usage folk traditions in development of culture, preservation of historical monuments and its enrichment;

21.1.8. organization of actions in connection with propaganda of universal values;

21.1.9. organization of actions in connection with patriotic, cultural and intellectual development of children and youth, moral-ethic and aesthetic education together with pedagogic collectives;

21.1.10. organization of actions for popularization, propaganda and protection of customs and traditions of nationalities living in the Republic of Azerbaijan.

21.2. The organizational activity implemented in the field of culture is coordinated by relevant executive body.

Article 22. Specifications of activity in the field of culture.

22.1. The cultural organizations may be engaged in production of cultural works and rendering cultural services.

22.2. The implementation and protection of intellectual property in the field of culture in the Republic of Azerbaijan, as well copyright and relevant rights is regulated with Laws of the Republic of Azerbaijan "On provision of intellectual property and fighting against piracy", "On copyright and relevant rights".

22.3. Copying, multiplication of cultural wealth related to national cultural heritage, including museum, ethnography, library, film funds or archives, production of souvenirs, printed materials based on them is executed under the order established by the relevant executive body.

22.4. The wealth related to national cultural heritage of the Republic of Azerbaijan may not be used as bank guarantee.

22.5. Using of cultural wealth belonging to national cultural heritage, including museums, archeology, ethnography, library, film funds or archives by natural and legal persons for commercial and non-commercial purposes is implemented with consent of relevant executive bodies.

Article 23. Issuance of special status to state cultural enterprises

23.1. The status confirming the national, international and republican importance is issued to public cultural enterprises by relevant executive bodies for their historical and cultural roles, importance of creative activity, richness of funds, its uniqueness, and achievements in the field of protection and propaganda of national values.

23.2. Funds and property of cultural entities with national status are considered as national wealth and are protected by state as objects with special importance.

23.3. The rules of issuance of special statuses to cultural entities are established by relevant executive body.

CHAPTER V

CREATIVE PERSONS

Article 24. Creative Persons

24.1. Every person may be engaged in professional or amateur creative activity.

24.2. The creative activity in the Republic of Azerbaijan is supported by the state.

24.3. The economic actions are implemented by state for purposes of development of professional creations.

24.4. The criteria of professional creation are established by relevant executive body.

Article 25. Social security of creative persons

25.1. The relevant executive bodies award honorary titles, grants and prizes established by relevant executive bodies to creative persons having special services in development, propaganda and promotion of culture.

25.2. Persons with exclusive merits in the development of Azerbaijani culture are awarded orders and medals according to Clause 23 of Article 109 of the Constitution of the Republic of Azerbaijan.

25.3. The database on professional and creative activities and biography of cultural workers, creative persons and collective with merits in the development of culture is created by the relevant executive body.

CHAPTER VI

PUBLIC REGULATION IN THE FIELD OF CULTURE

Article 26. State register system in the field culture.

26.1. The state register system of the Republic of Azerbaijan in the field of culture means registers, catalogues, stocking systems, inventory of cultural property and data collection.

26.2. The state register in the field of culture is a collection of data consisting of quality and quantity parameters of cultural objects.

26.3. The State inventory of national cultural property of the Republic of Azerbaijan and inventory of protection of cultural wealth included in state register system in the field of culture.

26.4. Inclusion of cultural wealth in the State inventory of national cultural property of the Republic of Azerbaijan and inventory of protection of cultural wealth is carried out under the order established by relevant executive body.

Article 27. The state monitoring in the field of culture

27.1. The state monitoring in the field of culture in the Republic of Azerbaijan is carried out by relevant executive body under the order established by relevant executive body.

27.2. The purpose of state monitoring in the field of culture is a study of current situation of implementation of public policy in the field of culture, identification of shortages and directions of public cultural policy and cultural policy measures to be implemented.

27.3. The public monitoring in the field of culture consists of observance of status and rules of using of cultural wealth and current situation, status of cultural industry, cultural products and quality and quantity of services, status of tangible and intangible cultural heritage, status of cultural diversities of national minorities, observation of current situation of material and technical supply, education process in educational institutions and science in the field of culture and curriculums.

Article 28. Maintenance of official statistics in the field of culture

28.1. The official statistics is maintained In order to provide objectivity and comparativeness of information in the field of culture.

28.2. Maintenance of official statistics in the field of culture in the Republic of Azerbaijan, as well as collection, processing, uploading in database, transfer and dissemination of information is implemented as per rules defined in the Law of the Republic of Azerbaijan "On Official statistics".

Article 29. Electronic data system in the field of culture

29.1. The electronic system is created in the field of culture by relevant executive body for purposes of development of relations among subjects operating in the field of culture, for provision of public policy in the field of culture, maintenance of state register and state monitoring.

29.2. The electronic information system in the field of culture is a complex software facilitating establishment of mutual contacts in the field of culture among public bodies, municipalities, natural and legal persons, including non-government organizations, conduction of information exchange among subjects of cultural activity and ensuring of effective management in the field of culture.

29.3. The electronic information system in the field of culture embraces local and central electronic information systems.

29.4. The electronic information system in the field of culture consists of open and limited accessible information for common use, taking into account of Laws of the Republic of Azerbaijan "On obtaining of information", "On information, informing and protection of information", "On state secret", "On individual information".

29.5. The composition, organization and managing rules of the electronic information system in the field of culture are defined by relevant executive body.

CHAPTER VII

THE CULTURAL WEALTH AND CULTURAL HERITAGE OF THE REPUBLIC OF AZERBAIJAN

Article 30. Cultural wealth

30.1. The cultural wealth means:

30.1.1. movable and immovable wealth with importance for cultural heritage of each nation (architectural, art or historical, religious or universal monuments; archeological excavation sites; architectural complexes with historical or artistic importance; art works; manuscripts, books and other items with artistic, historical or archeological importance; scientific collection; important collections of books or archive materials, or reproduction of above mentioned wealth);

30.1.2. Building (museums, libraries, archives, as well as shelters used for storage of movable cultural wealth during armed conflicts) with purposes of storage or exhibiting of movable cultural wealth, mentioned in Article 30.1.1 of this Law;

30.1.3. The centers of accumulation of cultural wealth mentioned in Articles 30.1.1 and 30.1.2. of this Law.

30.2. The cultural wealth includes:

30.2.1. painting art works, including boards, pictures, paintings, gravures, stamps, lithography, ornaments, sculptor works, original artistic collection and assembling;

30.2.2. cinema, TV of special importance, radio, video materials, photo works and photo materials, design works and architecture projects;

30.2.3. manuscripts, books and booklets of special importance, periodic press materials, autographs, marks, cards, archives of culture and historical profiles and archive documents, notes, letters, scientific-historical booklets, rare publications;

30.2.4. applied art works -- carpets and carpet products, items made of gold, platinum, silver, precious gems, copper and clay, ceramic products;

30.2.5. scene and screen clothes, decorations, props and requisites;

30.2.6. ancient unique collections and museum important items of over 30 years old (including furniture, musical tools etc);

30.2.7. samples of oral folk creation;

30.2.8. archeological complexes, archeological and numismatic items;

30.2.9. architecture monuments, construction samples, memorials and tombs;

30.2.10. parks and natural landscape objects;

30.2.11.flora and fauna, mineralogy, anatomy samples and interesting palcontology museum items;

30.3. Cultural wealth may be at ownership of state, municipalities, legal and natural persons, non-government organizations, including public and creative unions;

30.4. Referring of cultural samples in the Republic of Azerbaijan to national cultural wealth is defined by the relevant executive power body through expertise. The proprietor of national cultural wealth is obliged to provide its proper storage and protection.

30.5. The cultural samples of national minorities living in the Republic of Azerbaijan are integral part of the national cultural wealth of the Republic of Azerbaijan.

30.6. The cultural wealth of national minorities living in the Republic of Azerbaijan are protected by the state.

Article 31. National cultural archives

31.1. Establishment of library, museum, photo and other archives and funds and its protection is implemented in accordance with Article 20.2. of this Law and Law of the Republic of Azerbaijan "On National archive fund".

31.2. The integrity and inviolability of national, library, museum, photo, film archives and funds are ensured by state.

31.3. The alienation of archives (funds) mentioned in the Article 31 of this Law belonging to state is prohibited.

Article 32. Cultural heritage samples

32.1. The national cultural heritage includes museum, art, audio-visual (including cinema), theatre, library, manuscripts, archive, folklore, archeology, ethnography, architectural, decorative-applied art samples and historical-cultural preservations.

32.2. The protection of cultural heritage samples in the Republic of Azerbaijan, its protection and use is implemented according to Article 20.2of this Law, by the relevant executive body.

Article 33. Immovable cultural heritage

33.1. The places of location or construction of immovable cultural heritage monuments in the Republic of Azerbaijan is protected.

33.2. The following is included in immovable cultural heritage:

33.2.1. the architectural, cultural and historical, religious and universal monuments having importance for national cultural heritage, including archeological, natural areas and architectural complexes, art works with historical and artistic interest;

33.2.2. buildings and structures, museums, libraries and archives providing protection of movable cultural wealth or its demonstration, shelters providing protection of cultural wealth;

33.2.3. the places of accumulation of cultural wealth.

33.3. the inventory of immovable cultural heritage monuments in the list of State List of national culture property and protection of cultural wealth of the Republic of Azerbaijan is implemented by the relevant executive power body. The conservation zone and borders of preservations of cultural heritage monuments included in that List is defined by the relevant executive power body.

Article 34. Underwater cultural heritage

34.1. The rules of reference of underwater cultural heritage in the territorial waters of the Republic of Azerbaijan to the underwater cultural heritage samples are defined by the relevant executive body.

34.2. The underwater cultural heritage consists of following natural and archeological environment together with whatever is under water:

34.2.1. objects, structures and its remains, artifacts and paleontological remains;

34.2.2. ships, flying and transport means or its parts, its load and other items inside;

34.2.3. ancient historical items.

34.3. The rules of using of underwater cultural heritage are defined by the relevant executive power.

Article 35. National cultural objects

35.1. The identification of cultural heritage objects having unique historical, archeological, artistic, scientific, aesthetic values and having a special importance for Azerbaijani nation is regulated by laws of the Republic of Azerbaijan stipulated in the Article 20.2 of this Law.

35.2. The reference of cultural objects with special importance to the national cultural heritage is implemented by relevant executive power.

35.3. The national cultural heritage objects of the Republic of Azerbaijan may not be appropriated by other states.

Article 36. Intangible cultural wealth

36.1. The intangible cultural heritage samples in the Republic of Azerbaijan are protected by the state.

36.2. The protection of samples of intangible cultural heritage is provided with activities implemented in the direction of restoration of various aspects of cultural heritage including in self identification, systematization storage, protection, improvement, passing from generation to generation.

36.3. For purposes of identification, systematization and promotion of intangible cultural heritage the relevant executive power maintains the state register of intangible cultural heritage samples included in the state register in the field of culture.

36.4. The intangible cultural heritage includes:

36.4.1. *local lore (customs and traditions, holiday and ceremonies, historical symbol samples and secrets);*

36.4.2. *folklore (performance, music and dance, oral creativity, games and spectacles);*

36.4.3. *craftsmanship (applied art, traditional decorative art, national painting creation).*

Article 37. National culinary samples

37.1. The systematization, protection, propaganda of national culinary samples in the Republic of Azerbaijan is implemented by the relevant executive power.

37.2. Reference of culinary samples to national cultural heritage is implemented by the relevant executive power.

Article 38. Obligations for protection of national cultural heritage

38.1. To protect national historical, natural and cultural heritage objects in the Republic of Azerbaijan, including *historical, natural and cultural monuments is a duty of everybody.*

38.2. Declaration of natural complexes, historical areas and cultural heritage monuments in the Republic of Azerbaijan is implemented by the relevant executive power.

38.3. The system of protection of national cultural heritage consists of legal, material-technical and organizational actions implemented by municipalities.

38.4. Provisions are provided to owners of national cultural heritage objects for purposes of ensuring of protection of those objects by the relevant executive powers.

38.5. The protection of national cultural heritage objects in the field of culture is provided through the state register.

Article 39. Protection of cultural wealth

39.1. The cultural wealth is applied preventive, conservative, restorative and special protective grades under the orders defined by the relevant executive power.

39.2. The destruction, disassembling, splitting, reorganization, shifting to new place and changing of appearance of the cultural wealth applied with preventive grade of the protection without coordination with relevant executive body is prohibited.

39.3. The conservative grade of the protection is applied on cultural wealth which should be removed from usage completely or to be used in limited manner under the control of relevant executive body.

39.4. The restorative grade of the protection is applied on cultural wealth being in need of restorative works for enabling to return them for primary cultural purpose. Until the restorative grade of the protection is applied the conservative grade may be applied on object.

39.5. The special protective grade is applied on cultural wealth included in the State List of national culture property of the Republic of Azerbaijan.

39.6. The relations between owner or user of the cultural wealth with protective grade and the relevant executive body are established with protection contract.

CHAPTER VIII

REGULATION OF USAGE OF CULTURAL WEALTH

Article 40. The regime of using of cultural objects

40.1. Usage of cultural objects being at the public and municipality ownership is implemented according to its historical and artistic purposes and under the rule defined by this Law.

40.2. In case of giving of cultural objects being at the public and municipality ownership to the usage or management of third parties, the usage of cultural objects as per purposes of cultural objects should be provided.

40.3. In order to provide the protection of historical, archeological, city-building and monumental art monuments, natural-landscape objects the conservation zone of those objects will be fixed by relevant executive power.

40.4. The license for implementation of scientific-research works in contact with them in order to carry out archeological excavations and study of archeological cultural wealth in the territory of Republic of Azerbaijan is issued by the Academy of Sciences of Republic of Azerbaijan and is registered at the relevant executive power. The person executing the works mentioned in this article submits report on the fulfilled research works to the Academy of Sciences of Republic of Azerbaijan and the relevant executive power.

40.5. The projects of works on restoration, repair and construction, reconstruction and conservation carried out on cultural objects being at the public protection are to be agreed with relevant executive power. The works under the project are realized with participation of specialist appointed by the relevant executive power.

40.6. The restoration, conservation, repair and construction, reconstruction, accomplishment of territories of immovable historical and cultural monuments is carried out in accordance with the Law of Republic of Azerbaijan "On protection of historical and cultural monuments".

40.7. The income received at result of usage of cultural objects being at the public and municipality ownership is to be used for protection, restoration and storage of cultural objects.

Article 41. The list of protected cultural wealth

41.1. The inventory of the protected cultural wealth is implemented by the relevant executive power.

41.2. The certificate is issued by the relevant executive power for each cultural wealth included in the list of protected cultural wealth.

Article 42. The export of the cultural wealth

42.1. The possibility of export of cultural wealth is defined by the certificate on protection of the cultural wealth issued by the relevant executive power.

42.2. Except the cases of arrangement of fair, tours, restoration works, presentations, international cultural events the taking out (export) of cultural wealth included in the State List of national cultural property of the Republic of Azerbaijan from the territory of the Republic of Azerbaijan is prohibited.

42.3. The rules of temporary export of cultural wealth in connection with holding of fair, tours, restoration works, presentations, international cultural events is defined by the relevant executive power.

Article 43. Prohibitions in the field of culture

43.0. The following actions are prohibited in the field of culture:

43.0.1 The conducting of propaganda that may damage independence, sovereignty, territorial integrity, the constitutional structure, economic, defense, scientific-technical potential and national interests of the Republic of Azerbaijan;

43.0.2. holding of cultural events aimed for propaganda and promotion of war, social, racial, national, religious, strata, generation advantages;

43.0.3. holding of cultural events aimed for propaganda and promotion of violence, pornography, drug-addiction;

43.0.4. the illegal export of national cultural heritage samples from the Republic of Azerbaijan;

43.0.5. the limitation of basic human and citizen's rights and freedoms in the field of culture irrespective of race, nationality, religion, language, social origin, service position, belief, belonging to social unions;

43.0.6. usage in a manner being not in conformity with historical and artistic purpose of the cultural and natural heritage;

43.0.7. Copying, as well as using of cultural wealth for tourism, excursion and advertisement purposes without permission of proprietor or user by observing the requirements of Law of the Republic of Azerbaijan "On copyright and relevant rights";

43.0.8. dissembling, destruction, splitting, reformation, shifting and changing of appearance.

CHAPTER IX

FINANCIAL-ECONOMIC REGULATION OF THE FIELD OF CULTURE

Article 44. The financial-economic provision of the field of culture

44.1. The following are financial sources of the field of culture in the Republic of Azerbaijan:

44.1.1. allotments from the state budget;

44.1.2. allotments from local budget;

44.1.3. incomes earned from activities in the field of culture;

44.1.4. other legal financial sources.

44.2. The state financing of the field of culture is the basic provision of the protection and development of the cultural heritage. This financial provision is realized in accordance with Law of the Republic of Azerbaijan "On budget system".

44.3. The tax privileges are applied on subjects engaged in the field of culture for purposes of development of the field of culture in accordance with Tax Code of the Republic of Azerbaijan.

Article 45. Financing of projects in the field of culture

45.1. The relevant executive power implements the financing of projects for restoration, strengthening of material-technical base of cultural enterprises, improvement of knowledge and skills of cadres in accordance with Law of the Republic of Azerbaijan "On State procurements".

45.2. The rule of state financing of events held in the field of culture by the non-government organizations is defined by the relevant executive power.

45.3. The state financing is purposeful in development of literature, art, design, architecture, music, choreography, theater and circus, cinema, museum and library, painting and sculpture, folk arts, folklore directions and implementing of projects on education and scientific studies in the field of culture.

Article 46. The charity activities in the field of culture

The charity and sponsorship activities in the field of culture are implemented in accordance with Laws of the Republic of Azerbaijan "On Non-government organizations (social unions and funds)", "On Grants", "On TV and Radio Broadcasting" and "On Advertisement".

Article 47. The issues of privatization in the field of culture

47.1. Privatization of state property included in the list of world natural and cultural heritage, as well as related to national cultural and natural heritage is prohibited. The list of that property is approved by the relevant executive power.

47.2. The alienation of the property mentioned in the Article 47.1. of this Law by the municipalities is not allowed.

47.3. The privatization of cultural enterprises and the cultural wealth belonging to them, including libraries, clubs, archives, museum, art funds and cultural objects of archives, buildings of location of historical and cultural monuments, cultural enterprises is regulated by the Law of the Republic of Azerbaijan "On privatization of the public property".

47.4. In accordance with the Law of the Republic of Azerbaijan "On privatization of the public property" the privatization of the public property is allowed by observing one of the following conditions:

47.4.1. when restoration, protection and propaganda of cultural wealth is defined as basic activity;

47.4.2. when the production of cultural products or rendering services is defined as basic activity;

47.4.3. when the presenting of cultural products and rendering of services to the population by the relevant executive power on the privileged base is defined as basic activity;

Article 48. The fund of financing of culture

48.1. In order to attract additional funds in financing of field of the culture the funds on financing of culture are established by the relevant executive power in accordance with the Law of the Republic of Azerbaijan "On budget system".

48.2. The funds on financing of culture may be established by legal and natural persons for purposes stipulated in Article 48.1 of this Law.

48.3. The funds on financing of culture implement their activities in accordance with principles of transparency, openness, equality and effectiveness.

CHAPTER X

INTERNATIONAL COOPERATION

Article 49. International cooperation in the field of culture

49.1. The international cooperation in the field of culture is a priority direction of public policy implemented in the field of culture of the Republic of Azerbaijan.

49.2. The cooperation with international organizations and inter-state cooperation in the field of culture is implemented in accordance with international treaties joined by the Republic of Azerbaijan.

49.3. The purpose of the international cooperation in the field of culture is strengthening and expansion of position of the Republic of Azerbaijan in the market of cultural wealth.

49.4. The international cooperation in the field of culture is implemented based on principle of exchange of knowledge and skills, experience and achievements of the persons at the international level;

Article 50. Priorities of the public cultural policy in the field of international cooperation

50.1. The expansion of international cooperation in the field of culture is accepted by the Republic of Azerbaijan as priority.

50.2. The following are basic directions of international cooperation in the field of culture:

50.2.1. the propaganda of national culture abroad through cooperation with international organizations.

50.2.2. stimulating of joint production of cultural wealth;

50.2.3. supporting of inter-cultural dialogue;

50.2.4. supporting of protection, restoration and development of heritages of the foreign states;

50.2.5. supporting of protection, restoration and development of world cultural heritage;

50.2.6. international exchange of new technologies;

50.2.7. international exchange of most advanced practices;

50.2.8. application of international information systems.

Article 51. The cultural activities in foreign states.

51.1. The Republic of Azerbaijan ensures implementation of measures for purposes of protection, restoration and development of Azerbaijani culture in foreign states.

51.2. The Republic of Azerbaijan establishes and develops cultural relations with Azerbaijanis living abroad, assists in the purposeful activities of their cultural centers, funds and other entities in the field of culture.

51.3. The cultural centers established in the territory of foreign state by the legal and natural persons for purposes of protection and development of Azerbaijani culture implement their activities in accordance with legislation of that state, if otherwise is not stipulated in the international treaties joined by the Republic of Azerbaijan.

Article 52. National cultural and natural heritage of Azerbaijani people abroad.

52.1. The Republic of Azerbaijan carries out purposeful policy for revealing, restoration and protection of national cultural and natural heritage of Azerbaijani people located (existing) in the territory of foreign states.

52.2. The Republic of Azerbaijan carries out purposeful policy based on international treaties joined by Republic of Azerbaijan for returning of national cultural heritage samples taken out from the territory of the Republic of Azerbaijan illegally to the other states.

52.3. The samples of national cultural heritage taken out from the territory of the Republic of Azerbaijan illegally should be returned to the Republic of Azerbaijan irrespective of country, place, time and conditions of existing.

Article 53. International protection of national cultural and natural heritage of the Azerbaijani people

In order to prevent damage or danger of damage to national cultural and natural heritage of the Azerbaijani people in accordance with the international treaties joined by the Republic of Azerbaijan demands providing of international assistance or internationally enhanced protection status.

Article 54. Allotment of financial assets to cultural entities of the Republic of Azerbaijan by foreign states

Allotment of financial assets to cultural entities of the Republic of Azerbaijan by foreign states and international organizations is implemented in accordance with international treaties joined by the Republic of Azerbaijan.

Article 55. Activity of international cultural entities in the territory of the Republic of Azerbaijan

Activity of international cultural entities in the territory of the Republic of Azerbaijan is regulated in accordance with international treaties joined by the Republic of Azerbaijan and this Law.

CHAPTER XI

FINAL PROVISIONS

Article 56. Liability for violation of the Law

Persons violating the requirements of this Law will be liable in accordance with Administrative Violations Code of the Republic of Azerbaijan and the *Criminal Code of the Republic of Azerbaijan*.

Article 57. Transitional provisions

Upon inuring of this Law the Law of the Republic of Azerbaijan "On culture" No 430-IQ dated Feb 06, 1998 (The Collection of Laws of the Republic of Azerbaijan, 1998, No 4, Article 223; 2001, No 11, Article 688; 2002, No 5, Article 245, No 12, Article 706,; 2006, No 12, Article 1016; 2011, No 2, Article 71) is annulled.

Ilham Aliyev

The President of the Republic of Azerbaijan

Baku city, December 21, 2012

No 506-JVQ

