

LAW OF THE REPUBLIC OF MOLDOVA
on the Protection of the Intangible Cultural Heritage
No. ____ of _____ 2010

The Parliament adopts the present organic Law

CHAPTER I. GENERAL PROVISIONS

Article 1. Object and Purpose of the Present Law

- (1) The present Law establishes legal framework of identification, documentation, research, preservation, transmission, promotion, enhancement of the intangible cultural heritage on the territory of the Republic of Moldova.
- (2) The goal of the present Law is to protect the intangible cultural heritage as a part of the national cultural heritage, to foster respect towards the intangible cultural heritage of communities, groups and, in some cases, individuals in order to ensure recognition of values of the heritage at local and national levels.

Article 2. Domain of Application

- (1) The present Law aims exclusively at the intangible cultural heritage that implies not only heritage elements, but also bearers and its traditional institutions as defined in art. 3, 4 and 5.
- (2) Interpreters, preservers and transmitters of elements of the intangible heritage are not authors of these creations, but interpreters of certain personalized variants.
- (3) The present Law cannot be used, totally or partially, by any individual or legal entity in order to obtain the right of ownership or the right of author to an element of the intangible cultural heritage by means of normative acts that regulate intellectual property or right of author.
- (4) The present Law does not cover groups or individuals that operate in the field of cultural industries, amateur promoters or professionals of creations concerned.

Article 3. Definitions

For the purpose of the present Law, the basic notions are defined:

- a) *Intangible cultural heritage* includes the whole of traditional, oral, authentic creations transmitted from generation to generation, expressed in literary, musical, choreographic or theatrical forms as well as the ensemble of practices, representations, expressions, knowledge and abilities – along with instruments, objects, artifacts, specific clothing, accessories and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage.
- b) *Elements of the intangible cultural heritage* are considered as basic forms of manifestation of human creativity naturalized through tradition with various expressions: verbally, by forms of art of writing and oral literature; verbal-

musical, songs, dances, folk games and such-like; syncretic in the form of customs, rituals, holidays, theatricalized representations; knowledge of folk medicine, behavioral and legal norms; children's games and traditional sports games and such-like; materials as a way of visualization and inclusion of associated intangible contents as well as various forms of folk creation in the technical field, including craftsmanship or traditional technologies associated with the intangible cultural heritage.

- c) *Bearer of the Living Thesaurus of Humanity* is an honorific title, conferred to individuals acknowledged by the community of culture bearers as well as by research community that creates, carries and transmits elements of the intangible cultural heritage, in traditional forms and with unaltered traditional means.
- d) *The Intangible Cultural Heritage Inventory of Republic of Moldova (the ICH Inventory)* represents a basic instrument of the state inventory, reflects diversity of valuable elements of the intangible cultural heritage from the historical and cultural points of view as a determinative spiritual thesaurus of human communities.
- e) *Protection* means identification, documentation, research, preservation, transmission, promotion, enhancement of elements of the intangible cultural heritage.
- i) *Safeguarding* implies the ensemble of operative and durable measures taken by institutions, bodies and organisms authorized in the field which ensure the viability at the local level of elements of the intangible cultural heritage in danger of disappearance.
- f) *Heritage dossier* is a collection of texts, audio and video records, photographic images and images of any other type aimed at the presence of an element in traditional cultural media and which is obligatory to inscribe elements both on the ICH Inventory as well as on the UNESCO Representative List of the Intangible Cultural Heritage or UNESCO Urgent Safeguarding List of the Intangible Cultural Heritage.

Article 4. Characteristics of the Intangible Cultural Heritage

- (1) The ICH includes intangible traditional cultural wealth of the society, transmitted from generation to generation, is constantly recreated by communities and human groups on the basis of social inherited models, in their interaction with nature and their history, and provides them with a sense of identity.
- (2) Elements of the intangible cultural heritage are, first of all, transmitted orally, in a non-scriptory and informal mode according to traditional principles, without excluding, however, within the modern epoch the usage of other transmission forms accepted by communities, at the same time promoting respect for cultural diversity, human creativity, as well as raising social cohesion, historical and national awareness.

- (3) In terms of social transformations, elements of the intangible cultural heritage are in danger and need protection measures in order to avoid the danger of deterioration, destruction and disappearance.

Article 5. ICH Fields and Elements

The ICH includes the following domains and elements:

- a) Traditions and expressions of the art of writing having language and word meaning as a main vehicle of cultural expression, such as fairy tales, legends, anecdotes, ritual and non-ritual lyrical poetic creation, greetings, hymeneal poems, incantations, riddles, proverbs, sayings, terms and notions related to elements of the intangible cultural heritage and others.
- b) Traditions and expressions of the art or musical practice, such as vocal melodies, instrumental melodies, playing melodies and others; creations expressed in oral-musical syncretic forms: carols, ballades, doina, musical poems, lullabies, wails, ritual marriage and funeral songs, folk romances, religious folk songs, songs within archaic spring-summer customs, songs with instrumental accompaniment, songs without accompaniment, incantation and others.
- c) Traditions and expressions of the art or choreographic practice such as dances, spaces for dance and institutions that perpetuate them.
- d) Social practices of representation, rites, customs, ceremonies and festive events, art of spectacle having as a means of expression syncretic language: oral, musical, dramatic, choreographic, object, including traditional children's games, adult's games and sports games.
- e) Knowledge, practices and symbols of man's healing, of calendar, signs of the time, plant and animal life as well as of space.
- f) Objects, musical instruments, tools and equipment used to create, reproduce, interpret, transmit and enhance elements of the intangible cultural heritage;
- g) Techniques and knowledge of preparation of food, drinks, related to chemical substances, construction materials, textiles used in traditional craftsmanship and others.
- h) Traditional cultural institutions such as advice of good people and the old, groups of fellows, hora, small talks, and others;
- i) any financial support on which they were printed and transmitted within the history of the intangible cultural heritage.

CHAPTER II: SYSTEM OF PROTECTION OF THE INTANGIBLE CULTURAL HERITAGE

Article 8. Structure of the System of Protection of the ICH

- (1) **The State** shall guarantee and ensure the protection of the intangible cultural heritage under the conditions established by the legislation in force.

(2) **The Parliament** shall ensure the legal framework for the implementation of the state policy on protection of the intangible cultural heritage, shall approve national strategies in the field and their financing from the state budget.

(3) **The Government** shall implement the state policy in the field of protection of the intangible cultural heritage, shall approve normative framework, action plans and state programmes on protection, preservation and enhancement of the intangible cultural heritage.

(4) **The Ministry of Culture** is the authority of specialized central public administration that shall take responsibility for the development of specific policies, strategies and norms with a view to protecting the national intangible cultural heritage and that shall ensure their practical application as well as programmes of identification, documentation, research, preservation, transmission, promotion, enhancement of the intangible cultural heritage.

(5) **The National Commission for the Safeguarding of the Intangible Cultural Heritage** shall represent a specialized research organism, subordinated to the Ministry of Culture, which implements the state policy in the field of identification, documentation, research, conservation, transmission, promotion, enhancement of the intangible cultural heritage.

(6) **Authorities of the local public administration** of the first and second levels shall cooperate with specialized central authorities, in conformity with the law, with a view to developing programmes on identification, documentation, research, preservation, transmission, promotion, enhancement of the intangible cultural heritage. In order to implement these programmes, authorities of local public administration shall provide in the annual budgets means for financing or co-financing activities of safeguarding of elements of the intangible cultural heritage. At the same time, for this purpose authorities of the local public administration shall benefit from transfers with special destination from the state budget, in conformity with the law.

(7) **Academy of Science of Moldova** shall develop and put into practice programmes of scientific research and recovery of elements of the intangible cultural heritage; shall suggest and implement, in cooperation with the Ministry of Culture, with authorities of the local public administration, with other research institutions, measures and state programmes on protection, preservation, and development of the intangible heritage; together with other specialized institutions it shall annually place at disposal of the Ministry of Culture data regarding recorded or discovered elements of the intangible cultural heritage which correspondingly are registered by the state;

(8) **Central public authorities** and specialized institutions subordinated to them as well as authorities of local public administration shall cooperate and take the responsibility, in conformity with the law, for the activity of protecting the intangible cultural heritage.

(9) Works of inventory, documentation, research and recovery of elements of the intangible cultural heritage for the completion of heritage dossiers of elements, data base and the ICH Inventory of Republic of Moldova shall be implemented

according to the provisions of the Regulations on the ICH Inventory of Republic of Moldova complying with norms regarding deontological standards and procedures.

Article 9. Activities of Protection of the Intangible Cultural Heritage.

- (1) Identification, documentation, research, definition, accumulation, safeguarding, preservation, transmission, promotion, enhancement of manifestations of traditional cultural life constitutes a coherent system of activities of the state, institutions authorized in the field and communities that are identified with these elements in order to guarantee the viability and continuity of values of the intangible cultural heritage.

- (2) The State with the help of its authorized structures takes necessary measures for the safeguarding of the intangible cultural heritage present in its territory and in other states where its citizens live complying with the provisions of the international legislation. These measures consisted in:
 - a) adopting a legislative policy, including strategies and programmes for the enhancement of the intangible cultural heritage in the society and for the integration of measures of safeguarding of the intangible cultural heritage within developed programmes;
 - b) creating, at the Ministry of Culture, a Commission for the Safeguarding of the Intangible Cultural Heritage, hereinafter referred to as the ICH Commission, constituted of specialists and researchers in the field of the intangible cultural heritage, ICH Commission shall operate on the basis of a Statutory Regulation;
 - c) supporting the development and publication of the ICH Inventory of Republic of Moldova, including methodological directions regarding inventory, documentation and safeguarding of elements of the intangible cultural heritage, especially of those in danger of disappearance;
 - d) protecting, preserving and promoting the intangible cultural heritage in all forms of its expression, at the same time taking into consideration the will of bearers of this type of the heritage;
 - e) financing strategies, programmes and projects aimed at reinforcing legal framework, measures aimed at identification, documentation, research, accumulation, preservation, protection, promotion, transmission and enhancement of elements of the intangible cultural heritage;
 - f) supporting scientific researches in the field, technical and artistic activities, development and publication of specialized heritage collections, representative audio-visual materials, national magazines in the field;
 - g) reinforcing and developing university framework of training of specialists authorized in the field of the intangible cultural heritage;
 - h) stimulating programmes of systematization and coordination of archives of the intangible cultural heritage present in the country for the purpose of their donation, modernization and improvement, including for the purpose of creating new archives;

- i) reinforcing and developing university framework of training of specialists authorized in the field of the intangible cultural heritage;
- j) ensuring conditions for specialists' professional re-qualification and accreditation in the field of the intangible cultural heritage within the cultural management system and within artistic activity of amateurs with institutionalized nature;
- k) stimulating programmes of systematization and coordination of archives of the intangible cultural heritage present in the country for the purpose of their donation, modernization and improvement, as well as for the purpose of creating new archives;
- l) ensuring financial and logistic means in order to establish an institution specialized in the heritage, the ICH Archive of Republic of Moldova, under the auspices of the Academy of Science of Moldova conceived on the modern scientific basis as an investor and manager of all audio-visual copies of materials accumulated in archives of public educational, research, cultural management and media institutions of the country, such as Academy of Music, Theatre and Plastic Art, Academy of Science of Moldova, National Centre of Folk Art, National Museum of Ethnography and Natural History etc., in funds of the "Teleradio-Moldova" Public Company, within creation associations, regional culture and educational directions, in archives of individuals etc.;
- m) supporting the establishment, at local and/or zone levels, of certain consultative, expertise committees and such-like, aimed at supporting authorities in the process of implementation of strategies, measures and programmes of protection and preservation of the intangible cultural heritage;
- n) ensuring the viability of the intangible cultural heritage by means of financial support of public manifestations of bearers/transmitters of elements of the intangible cultural heritage within holidays, forums, exhibitions, workshops and such-like;
- o) consolidating the informational base in the field of the safeguarding of the intangible cultural heritage at the level of the whole country;
- p) mediating the cooperation among specialists, institutions authorized in the field and preservers of elements belonging to the intangible cultural heritage;
- q) stimulating and supporting programmes of international cultural exchange in the field;
- r) initiating and concluding agreements, minutes or other forms of cooperation between the Ministry of Culture and homologous ministries from other states where communities of Romanian speaking exist, for the purpose of field research, protection and development of their intangible cultural heritage;
- s) protecting elements of the intangible cultural heritage from any form of abusive exploitation of ideological, political, commercial, publicistic nature able to despoil, jeopardize, travesty, undervalue their fundamental characteristics as well as against the counterfeit or any other type of harm;

- t) concluding agreements, minutes or other forms of cooperation between the Ministry of Culture, research institutions authorized in the field of the intangible cultural heritage and other state institutions with a view to ensuring knowledge, education, respect, transmission and enhancement of elements of the intangible cultural heritage.
- (3) Institutions authorized to carry out activities in the field of the safeguarding of the intangible cultural heritage shall contribute to:
- a) promotion of criteria and principles of identification, evaluation, standardization, preservation and methods of enhancement of traditional cultural expressions of communities by means of precise and integral application of regulations, methodologies and such-like developed by the ICH Commission and approved by the Ministry of Culture;
 - b) establishment of advisory, expertise and homologous committees, with obligatory inclusion of at least three member-delegates of the ICH Commission with a view to determining heritage value and authenticity of the repertory promoted by individuals or groups that preserve elements of the intangible cultural heritage;
 - c) reconstruction and public presentation within forums, at local or regional level, of certain segments of tangible and intangible traditional life, preserved in collective memory of communities and transmitted in oral and/or written form;
 - d) creation of local and/or regional archives in the form of record, video, photo, film library and such-like, where elements of the traditional culture are to be preserved safe, guaranteeing specialists' and public's access to them on the basis of a special statute and regulation on functioning approved by the Ministry of Culture;
 - e) informing of the public about factors that jeopardize elements of the intangible cultural heritage as well as about measures taken for its safeguarding;
 - f) development and promotion of educational programmes, programmes on awareness-raising in society and information distribution programmes, in particular young people.

(4) Cultural heritage holding communities shall cooperate with institutions and specialists in the field of the intangible cultural heritage as well as with representatives of the civil society with a view to carrying out actions and programmes in fields concerned, in order to ensure the viability and preservation of the traditional creation in its authentic and unaltered forms.

Article 9.

Enhancement of the intangible cultural heritage shall be made by supporting:

- (a) programmes and projects that inventory, document, research, accumulate, preserve, protect, promote and transmit elements of the intangible cultural heritage;

- (b) community initiatives regarding identification, valuation and enhancement of forms of traditional life, especially of elements of the intangible cultural heritage which may constitute a source of economic and social development at local, regional and/or national levels;
- (c) projects on enhancement of the intangible cultural heritage in institutionalized forms of specialized art education, at pre-university and university levels;
- (d) programmes aimed at the intangible cultural heritage of multicultural communities, source of cultural diversity on the territory of the state;
- (e) activities of organization of local, regional, national and international manifestations of non-commercial, art, scientific and educational nature in the form of holidays, auctions, fairs, forums, expositions, seminars, symposiums, colloquiums, creative ateliers, training courses and such-like;
- (f) actions related to the adequate promotion and mediation (at local and national levels) of authentic forms of the intangible cultural heritage;
- (g) free access to information regarding the intangible traditional culture preserved within archive and documentation institutions, libraries etc.

Article 10.

Actions for the protection of the intangible cultural heritage provided by the present Law shall not be applied to:

- a) actions resulted from abusive adoption of elements of the intangible cultural heritage by which representative creations for a local culture were adopted and introduced by authors within commercial circuit in altered, processed, stylized, plagiarized, compiled, denaturalized forms;
- b) products that lost their primary nature as a result of the circulation in the form of registration, publication, translation, processing, musical, choreographic, oral-narrative or poetic stylizations of all kind;
- c) all commercial products that have as a source of inspiration motives from traditional creation, emblematic products for the national spiritualization and that fall under provisions of the Law on the right of author and related rights.

Article 11. Title of the Bearer of the Living Thesaurus of Humanity

- (1) The title of the *Bearer of the Living Thesaurus of Humanity* is of honorary nature and is conferred to a creator, a family group or a team acknowledged by culture holding community as well as by research community as a model bearer of some very valuable elements of the intangible cultural heritage which is the only capable to create, preserve and transmit them in the form and by unaltered traditional means.
- (2) Candidates for the honorary title of the *Bearer of the Living Thesaurus of Humanity* are recommended in written form to the Commission for the Safeguarding of the Intangible Cultural Heritage of Republic of Moldova, hereinafter referred to as the ICH Commission, by communities, family groups, local public administration, specialists and/or institutions within the system of the Ministry of Culture.

- (3) With a view to obtaining the title, the nomination dossier containing recommendation and documents that confirm the candidate's abilities shall be submitted to the ICH Commission.
- (4) The ICH Commission assesses the candidature and, in case of its approval, recommends the Ministry of Culture to confer the title of the *Bearer of the Living Thesaurus of Humanity* to the candidate.
- (5) The honorary title of the *Bearer of the Living Thesaurus of Humanity*, having the value of normative act, is given on the basis of the certificate by the Ministry of Culture. The Regulations on Certification, developed by the ICH Commission and approved by the Ministry of Culture, shall include detailed provisions related to the procedure of conferring the title of the *Bearer of the Living Thesaurus of Humanity*.
- (6) Institutions authorized in the field, support costs necessary to ensure the educational process, to produce successes in the art and procedure applied by the individual, family group or team that obtained the title of the *Bearer of the Living Thesaurus of Humanity*.
- (7) Holders of the title of the *Bearer of the Living Thesaurus of Humanity* are promoted within the framework of holidays and certain cultural events organized by institutions authorized in the field, in order to express, represent, disseminate and transmit values of the intangible cultural heritage.
- (8) With a view to maintaining, confirming and advancing the level of competence of holders of the honorary title of the *Bearer of the Living Thesaurus of Humanity*, as well as to identifying new candidates for this title, the ICH Commission in cooperation with central and local authorities shall coordinate the measures related to the organization of the Forum of the Intangible Cultural Heritage, periodically carried out within local communities and/or in regions of the country on the basis of a Special Regulation of the Forum, having the value of normative act, developed by the ICH Commission and approved by the Ministry of Culture.

Article 12. The ICH Inventory of Republic of Moldova

- (1) The Inventory of the Intangible Cultural Heritage is established, playing a role of the state record system where elements, constituting the intangible cultural heritage on the territory of the Republic of Moldova, are inscribed, the Inventory that shall be constantly completed, updated and extended.
- (2) The ICH Inventory shall have more volumes. Elements inscribed on the ICH Inventory obtain the status of the heritage protected by the state and are circumscribed by a special regime that ensure their protection, transmission and development.
- (3) The ICH Inventory of Republic of Moldova includes:
 - a) representative elements of the intangible cultural heritage;
 - b) elements of the intangible cultural heritage in danger of disappearance.
- (3) In conformity with the article 12, item 1 of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (Paris, October 17, 2003), ratified by the Republic of Moldova by the Law No. 12-XVI of 10.02.2006 for each

element proposed to be inscribed on the ICH Inventory, a heritage dossier shall be developed.

(4) The ICH Inventory is drawn up in the official language and one of the international languages in order to be able to be referred to within submission procedures with a view to inscribing elements on the UNESCO Representative List of the Intangible Cultural Heritage or UNESCO List of the Safeguarding of the intangible cultural heritage.

(5) The ICH Inventory is completed by specialists from specialized research and development institutions within the Academy of Science of Moldova as well as from those of the system of the Ministry of Culture, namely the National Museum of Ethnography and Natural History, National Centre of Folk Art coordinated by the ICH Commission.

(6) With a view to archiving materials of the intangible heritage, authorized institutions along with the completion of the ICH Inventory can cooperate with organisms, institutions specialized in the field, heritage holding communities as well as with representatives of the civil society of the country and abroad.

(7) The ICH Inventory is managed by the Ministry of Culture.

Charter III: Authorities, institutions and organisms authorized in the field of the intangible cultural heritage

Article 13. Duties of the Ministry of Culture

In the field of the intangible cultural heritage, the Ministry of Culture is a central authority that exercises its functions directly or by means of subordinate institutions and structures and has the following duties:

- b) to develop state policies, strategies and programmes in the field;
- c) to coordinate at the national level public activities being authorized in implementation of strategies, programmes and projects on the protection of elements of the intangible cultural heritage;
- d) to financially support institutions, specialists and non-governmental organizations authorized in activities of identification, preservation, protection and enhancement of elements that constitutes the intangible cultural heritage;
- e) to develop according to UNESCO requirements nomination dossiers of elements recorded by the ICH Inventory for the purpose of their inscription on UNESCO Representative List of the Intangible Cultural Heritage of Humanity or UNESCO List of the Intangible Cultural Heritage in Need of Urgent Safeguarding;
- f) together with the National Commission of the Republic of Moldova for UNESCO to take responsibility for the promotion and inscription of elements of the intangible cultural heritage on UNESCO Representative List of the Intangible Cultural Heritage of Humanity or UNESCO List of the Intangible Cultural Heritage in Need of Urgent Safeguarding;
- g) on the basis of interstate agreements to reinforce the promotion of elements of the national intangible cultural heritage of the Republic of Moldova at the

international level, including by proposing multinational elements on UNESCO Representative List of the Intangible Cultural Heritage of Humanity or UNESCO List of the Intangible Cultural Heritage in Need of Urgent Safeguarding;

- h) in order to implement policies of the protection of the intangible cultural heritage, the Ministry of Culture establishes by ministerial decision the ICH Commission. At the proposal of the ICH Commission, it supports programmes on research, publication of specialized heritage collections, including representative audio-visual materials.

Article 15. Duties of the ICH Commission

The ICH Commission is a specialized research body of the Ministry of Culture which is subordinated to it and which performs duties of coordinating activities of identification, documentation, research, preservation, transmission, promotion and enhancement of the intangible cultural heritage. Organization, operation and duties of the ICH Commission are established by the Statutory regulation and, in some cases, by other legal regulations of the Ministry of Culture.

Article 16.

(1) The ICH Commission draws up component lists of the ICH Inventory provided in the article 12, para. (2).

(2) With a view to inscribing on UNESCO Lists, the ICH Commission proposes representative elements and elements in danger of disappearance to the Ministry of Culture.

(3) The ICH Commission develops in conformity with the provisions of the legislation in force, together with institutions authorized in the field and with representatives of heritage holding communities, candidate dossiers for the inscription on Lists provided by the UNESCO Convention on the Safeguarding of the Intangible Cultural Heritage of 2003.

(4) In conformity with the art. 8, paragraph (3) of the present Law, the ICH Commission recommends to the Ministry of Culture individuals, family groups and teams with a view to conferring the title of the *Bearer of the Living Thesaurus of Humanity*.

(5) According to the article 8, paragraph (8) of the present Law, the ICH Commission coordinate and monitor measures on the organization of certain Forums of the Intangible Cultural Heritage, periodically carried out, within local administrative units, with cooperation and with the support of central and local authorities having as a basis a special Regulation with value of normative act, developed by the ICH and approved by the Ministry of Culture.

Article 19.

Authorized institutions along with the development and completion of the ICH Inventory, according to the article 12, paragraph 4:

- a) initiate and extend projects and programmes on activities of identification, documentation, preservation, protection, enhancement and promotion of the intangible cultural heritage on the territory of the state;
- b) support projects, programmes and activities of research, preservation, protection, enhancement and promotion of the intangible cultural heritage on the territory of the country and, in some cases, within national diaspora, introduced by individuals or legal entities, of public and private rights, in conformity with state strategies and policies in the field;
- c) methodologically support the activity of representatives of the territory in the field of the intangible cultural heritage;
- d) cooperate with specialized institutions with a view to implementing research programmes and activities in the field;
- e) implement legislative programmes of constant education in the field of traditional cultural expressions;
- f) facilitate training of young specialists, including within the system of specialized education at pre-university and university levels;
- g) publish and spread books and other publications in the field of the intangible cultural heritage on any material and/or electronic support.

Article 20.

Functions of archives of the intangible cultural heritage:

- a) institutions specialized in the field organize and manage archives of the intangible cultural heritage;
- b) administration of institutions specialized in the field of the intangible cultural heritage takes administrative and, in some cases, criminal responsibility for the manageable heritage;
- c) in conformity with the Law on Archives, according to modern scientific criteria, documents regarding elements of the intangible cultural heritage and those related to their vital framework are collected, inventoried and preserved in archives;
- d) elements of the heritage are archived by means of fixation on any type of material support, electronic (digital) version of which being obligatory;
- e) correct description of elements of the intangible cultural heritage is obligatory and is made according to requirements accepted within the research, with exact indication of the name of the locality where the element was certified, the interpreter/bearer that registered it, the date of collection, the name of the researcher that made fixation, the inventory number of the support on which it was initially fixed and the order number of the creation of the archived support, the current inventory number;
- f) researches of the intangible cultural heritage are obliged to present field materials for their archiving to institutions which financed their researches;
- g) in case when field investigations were made by private financial assets of the researcher, it is appropriate that the National Archive of the Intangible Cultural Heritage acquires, on the basis of a purchase agreement, at the

- recommendation and on the basis of the Conformity Certificate, original records or copies of collected materials, issued by the ICH Commission;
- h) initiatives of archives on the purchase of materials collected by private researches, including on the improvement of systematization, registration, preservation and digitization of the heritage shall be supported by the state by updating and strengthening capacities of these institutions.
 - i) with a view to improving activities of archives, increasing the number of units of archived heritage and cooperating in the field of solving certain common problems, archives shall be assessed once within four years by the ICH Commission, which shall present a report to the Ministry of Culture of the Republic of Moldova, thus proposing to issue a certificate.

CHAPTER IV. RESPONSIBILITY FOR VIOLATIONS OF THE PROVISIONS OF THE PRESENT LAW

Article 21.

With a view to organizing the registration and scientific assessment, institutions that manage archives have the following duties:

- a) to comply with scientific criteria, legislation, regulations as well as national and international normative acts in force regarding value assessment and principles of creating documents of the intangible cultural heritage in order to avoid degradation of any type;
- b) to create the system of scientific documentation, comprising files, catalogues and such-like, including in electronic form that would allow operative identification of data related to each element of the manageable intangible cultural heritage;
- c) to ensure optimal conditions for preservation and protection of each document in order to avoid physical degradation and fraudulent use;
- d) to develop and periodically put into practice programmes for research of the current stage of the viability of elements of the intangible cultural heritage;
- e) to publish, including in electronic form, syntheses of assessment of results in the field;
- f) to support projects which stimulate interest of the young for the field of the intangible cultural heritage.

Contraventions and violations:

In terms of the present law, contraventions and violations imply the following facts and actions:

- (1) Interdiction of communities, groups and, in some cases, individuals to practice elements of the intangible cultural heritage;
- (2) Carrying-out of activities which affect integrity or jeopardize viability of the intangible cultural heritage;
- (3) Abusive taking-out of elements of the intangible cultural heritage from the medium of their functioning in order to change their cultural background;

(4) Use of elements of the intangible cultural heritage held by communities, groups and, in some cases, individuals for commercial purposes, without the consent of holders;

(5) Destruction of collections of the intangible cultural heritage within archives of all types;

(6) Non-informing of public authorities regarding research, audio registration, filming of the intangible cultural heritage on the territory of the administrative unit;

(7) Non-indication of the names of creators, interpreters, heritage holders in materials registered by them and included in the scientific, cultural, social circulation;

(8) Unauthorized commercial use which leads to the distortion of new peculiarities of the intangible cultural heritage;

(9) Non-compliance with the provisions of the present law regarding the creation of data base or archives of the ICH elements, comprising heritage dossiers of elements in all research and culture institutions authorized in the field and in public administrative units of the grade two;

(10) Non-compliance with warnings of bodies authorized for activities which lead to affection and/or disappearance of the ICH elements provided by the present law;

(11) Carrying-out without the authorization of competent authority of any type of activity which may affect the ICH potential in communities;

(12) Non-compliance with obligations of ICH protection by individuals and legal entities;

(13) Violation of the provisions related to free access of specialists, representatives of the civil society, media representatives, to creations that bear and transmit ICH elements;

(14) Violation of the provisions related to the redress of the situation within communities where losses of the ICH potential have been produced.

Chapter V. FINAL AND TRANSITORY DISPOSITIONS

Article 22. Law Implementation

(1) The present Law shall come into force on the date of its publication in the *Monitorul Oficial* of the Republic of Moldova.

(2) Within 3 months from the date of the publication of the present law, the Government of the Republic of Moldova:

a) shall submit to the Parliament proposals on bringing the legislation in force into compliance with the present law;

b) shall ensure the implementation of the present law by central and local authorities of public administration.

(3) The Ministry of Culture within 3 months from the date of coming into force of the law:

a) shall develop and submit the National Strategy for Safeguarding of the Intangible Cultural Heritage to the Government for approval;

b) shall approve:

- the Regulations of the ICH Inventory of the Republic of Moldova;
- the Regulations for Certification on conferment of the title of the *Bearer of the Living Thesaurus of Humanity*;
- the Regulations on Forum of the Intangible Cultural Heritage.