

**LAW No. 3028/2002**

**ON THE PROTECTION OF ANTIQUITIES  
AND CULTURAL HERITAGE IN GENERAL**



## LAW No. 3028

### On the Protection of Antiquities and Cultural Heritage in General

*THE PRESIDENT OF THE HELLENIC REPUBLIC*

*We hereby promulgate the law enacted by Parliament:*

#### CHAPTER ONE

#### BASIC PROVISIONS

##### Article 1

##### Scope

1. The protection afforded by the provisions of the present law covers the cultural heritage of the country from ancient times up to the present day. This protection aims at preserving historical memory for present and future generations and enhancing the cultural environment.
2. The cultural heritage of the country consists of cultural objects found within the boundaries of Greek territory, including territorial waters and other maritime zones over which Greece exercises relevant jurisdiction in accordance with international law. The term cultural heritage also includes intangible cultural heritage.
3. Within the framework of international law, the Greek State shall care for the protection of cultural objects originating from Greek territory whenever they may have been removed from it. The Greek State shall also care, within the context of international law, for the protection of cultural objects, which are connected historically with Greece wherever they are located.

## Article 2

### Definitions

For the purposes of the present law:

- a) "Cultural objects" shall mean testimonies of the existence and the individual and collective creativity of humankind;
- b) "Monuments" shall mean cultural objects which constitute material testimonies and belong to the cultural heritage of the country and which deserve special protection on the basis of the following distinctions:
  - (i) "Ancient monuments or antiquities" shall mean all cultural objects dating back to prehistoric, ancient, Byzantine and post-Byzantine times up to 1830, subject to the provisions of article 20. Archaeological monuments shall also include caves and paleontological remains, for which there is evidence that they are related to human existence.
  - (ii) "Recent monuments" shall mean cultural objects dating after 1830, which deserve protection due to their historical, artistic or scientific significance, in accordance with the distinctions of article 20.
  - (iii) "Immovable monuments" shall mean monuments which have been attached to, and remain on the ground or on the seabed or on the bed of lakes or rivers, as well as monuments which are found on the ground or on the seabed or on the bed of lakes or rivers and cannot be removed without damage to their value as testimonies. Immovable monuments shall also include installations, structures and the decorative and other elements, which form an integral part of the monuments, as well as their surroundings.

(iv) "Movable monuments" shall mean monuments, which are not immovables.

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- c) "Archaeological sites" shall mean areas on land or at sea or in lakes or rivers which contain or there is evidence that they contain, ancient monuments, or which have constituted or there is evidence that they have constituted monumental, urban or burial groups from ancient times up to 1830. Archaeological sites shall also include the necessary open space so as to allow the preserved monuments to be considered in an historical, aesthetic and functional unity.
- d) "Historical sites" shall mean areas on land or at sea or in lakes or rivers which have constituted, or there is evidence that they have constituted, the site of exceptional historical or mythical events, or areas which contain or there is evidence that they contain monuments dating after 1830, or combined works of man and nature dating after 1830, which constitute distinctive, homogeneous and topographically definable sites, and which deserve protection due to their folk, ethnological, social, technical, architectural, industrial or in general historical, artistic or scientific significance.
- e) "Intangible cultural heritage" shall mean expressions, practices, knowledge and information, such as myths, customs, oral traditions, dance, rituals, music, songs, skills or techniques which constitute testimonies of the traditional, folk and literary culture.
- f) "Service" shall mean the competent Central or Regional Service of the Ministry of Culture.
- g) "Council" shall mean the *ad hoc* competent advisory collective body, as defined in articles 49-51.

### **Article 3**

#### **Content of protection**

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1. The protection of the cultural heritage of the country consists primarily in:
    - a) the location, research, recording, documentation and study of its elements;
    - b) its preservation and prevention of destruction, disfigurement or in general any kind of damage, direct or indirect, to it;
    - c) prevention of illegal excavations, theft and illegal export;
    - d) its conservation and, in appropriate circumstances, restoration;
    - e) facilitation of access to and communication of the public with it;
    - f) its enhancement and integration into contemporary social life, and
    - g) education, aesthetic enjoyment and public awareness of the cultural heritage.
  2. The protection of monuments, archaeological and historical sites shall be included among the objectives at all stages of town and country planning, environmental and development plans or plans of equivalent effect or their substitutes.

### **Article 4**

#### **National Inventory of Monuments**

1. The monuments shall be recorded, documented and registered in the National Inventory of Monuments, which shall be kept at the Ministry of Culture.
2. The organization and functioning of the National Inventory of Monuments shall be determined by presidential decree, issued upon proposal by the Minister of Culture, which shall specify the manner of recording monuments and protecting data, the conditions of the



exercise of the right of access to them for research and other purposes, as well as any other necessary detail. In the National Inventory of Monuments shall be registered, at the latest every three years, a report on the condition of each immovable monument, which shall be prepared by the competent Service of the Ministry of Culture.

#### **Article 5**

##### **Protection of intangible cultural heritage**

The Ministry of Culture shall care for the textual as well as the sound or visual or sound and visual recording, listing and documentation of intangible cultural heritage of traditional, folk and literary culture presenting special interest. The manner of listing and recording intangible cultural heritage, the competent services and bodies for implementing such activities, as well as any other necessary detail shall be determined by presidential decree, issued upon proposal by the Minister of Culture.

### **CHAPTER TWO**

#### **IMMOVABLE MONUMENTS AND SITES**

##### **FIRST PART**

##### **GENERAL PROVISIONS**

#### **Article 6**

##### **Distinctions of immovable monuments – Classification**

1. Immovable monuments shall include:
  - a) antiquities dating up to 1830;
  - b) recent cultural objects more than one hundred years old, which are classified as monuments due to their architectural, urban, social, ethnological, folk, technical, industrial or in general historical, artistic or scientific significance;



c) recent cultural objects less than one hundred years old, which are classified as monuments due to their particular architectural, urban, social, ethnological, folk, technical, industrial or in general historical, artistic or scientific significance.

2. Classification of an immovable monument may include movables that are related to a certain use of the immovable, uses compatible with its character as a monument, as well as its surroundings or its elements.
3. The Minister of Culture, following an opinion of the Council, shall decide on the possibility of removing the monuments referred to in article 2, paragraph b(ii), as well as on their character as immovables.
4. Ancient immovable monuments are protected by law, without need for the issuance of any administrative act. The immovables referred to in paragraph 1(b) and (c), shall be classified as monuments by a decision of the Minister of Culture, issued following a recommendation of the Service and an opinion of the Council and published in the *Official Gazette*.
5. The recommendation shall be promptly notified care of the Service to the owner, possessor or holder\* of the monument, who may submit his objections within two months from the date of notification. If notification turns out to be impossible because the owner, possessor or holder cannot be traced by the Service, an announcement of the recommendation shall be published in a daily or weekly newspaper issued in the capital of the province where the immovable to be classified or its main part is located, and if such a newspaper does not exist, in a daily newspaper of Athens or Thessaloniki, for the provinces of Central Macedonia, Eastern Macedonia and Thrace. At the same time, the announcement shall be affixed on the wall of the immovable to be classified and the Service shall prepare a report thereon. In such

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\* *Translator's note:* Greek law distinguishes between the exercise of physical control over a thing with the intent to own it (possession *stricto sensu*/possessor) (in Greek "nomi") and the exercise of physical control over a thing absent such an intent, i.e. by recognizing that the thing belongs to a third party (possession/holder) (in Greek "katochi"). In the few instances, where the law refers to the notion of "possession *stricto sensu*", the term appears in italics (cf. articles 7, 21 and 30(1) respectively).

a case, the time limit for submitting objections commences from the date of publication of the announcement.

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6. The owner or anyone with real property rights over the immovable to be classified, as well as the possessor, holder or user shall allow even prior to the issuance of the decision the employees of the Service to visit and inspect the immovable. He shall also provide them with all the relevant information.
  7. The effects of the classification shall apply from the date of notification or publication of the announcement in the newspaper and shall cease to apply if within one year thereafter the decision on classification has not been published. Within the same period, any intervention or activity on the immovable to be classified shall be prohibited.
  8. Any necessary detail for the implementation of the preceding paragraphs shall be determined by a decision of the Minister of Culture.
  9. The decision to classify an immovable monument, which has been issued in accordance with the preceding paragraphs, may only be revoked due to material error. The decision on revocation shall be issued in accordance with the procedure provided for in paragraphs 4 and 5 and shall become effective upon publication in the *Official Gazette*. The decision on classification or its revocation shall be communicated to the competent town planning service, the relevant municipality or community as well as to *Ktimatologio S.A* (Land Registry).
  10. The demolition of recent immovables more than one hundred years old or the execution of works for which a building license is required, shall not be permitted without authorization by the Service, even if these immovables have not been classified as monuments. For this purpose, the interested party shall notify the Service of his intentions. Authorization shall be deemed to have been given, if within four (4) months from the date of notification, the publication requirements of the

recommendation to classify the immovable provided for in paragraph 5 have not been completed.

11. The Minister of Culture, following an opinion of the Council, shall decide on the necessity to waive the protection of an immovable monument, either in whole or in part, on a permanent or on a temporary basis, so that another monument can be protected.

## **Article 7**

### **Ownership of immovable monuments**

1. Ancient immovable monuments dating up to 1453 belong to the State in terms of ownership and *possession*, are *extra commercium* and imprescriptible.
2. Immovable antiquities, which have been or are revealed during excavations or in the course of other archaeological research belong to the State in terms of ownership, are *extra commercium* and imprescriptible.
3. The right of ownership of other immovable monuments dating after 1453 shall be exercised in accordance with the terms and conditions of the present law.
4. Immovable antiquities dating up to 1453 shall not be subject to confiscation. The provisions of article 22, paragraph 2 to 4 apply *mutatis mutandis*.

## **Article 8**

### **Declaration, indication of the location of immovable antiquities and reward**

1. Any person who discovers or finds an immovable antiquity must declare it without undue delay to the nearest archaeological, police or port authority. The declaration must contain the exact location where the antiquity was discovered or found and any other useful detail. The



particulars of the declaration shall be recorded in a report drawn up by the aforementioned authority. If the antiquity is discovered or found in an immovable where works are carried out, these must be stopped immediately until the Service renders its decision.

2. The Service shall inspect and record the antiquity without undue delay and shall take all the necessary measures for its protection and safeguarding, after notifying the owner of the immovable where it was found, if possible.
3. By a decision of the Minister of Culture, following an opinion of the Council, the person who declares the existence of an immovable antiquity in accordance with paragraph 1 shall receive monetary reward commensurate to the importance of the antiquity and his contribution to its discovery and rescue.
4. Reward may also be granted with a similar decision to anyone indicating the location of immovable antiquities unknown to the Service, which shall be commensurate to the importance of the antiquities and his contribution to their discovery and rescue.
5. If the declaration or indication is made by more than one person, the reward shall be divided between them in percentages which shall be stipulated in the same decision in accordance with the relative contribution of each one of them and, in case of doubt, in equal shares. If the antiquity is discovered or found in a private immovable and the person declaring it is not owner or lessee of the immovable, the reward shall be divided between the person who declared it and the owner or lessee of the immovable in equal shares. With respect to underwater antiquities, if the person who declares them is not owner or lessee of the means by which they have been located, the reward shall be divided between the owner or lessee of the means and the person who declared them.
6. Reward shall not be paid if:
  - a) the antiquity is already known to the Service;

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- b) the antiquity is found or discovered in a designated archaeological site or an archaeological site to be designated, in the course of excavations or other activities requiring the presence of a representative of the Ministry;
  - c) the person who declares it or indicates its location is an employee of the State, local government agencies or other legal persons of public law or legal persons of private law of the broader public sector as it may be occasionally defined, and acting within the framework of his duties.

Likewise, reward shall not be paid to the person who discovers or finds an antiquity while acting in violation of the legislation on the protection of the cultural heritage and, in the case of paragraph 5, to the person who attempts to conceal the antiquity or proceeds to activities which may damage it; in such a case, the reward shall be paid proportionally to the other person.

## Article 9

### Preservation of immovable antiquities

1. It shall be the responsibility of the Service to decide by a reasoned report on the preservation or not of an immovable antiquity, following a preliminary excavation, if so required. If the issue is considered to be of primary importance, it may be referred to the Council within two (2) months after finding or discovery of the antiquity at the latest, which shall render its opinion within two (2) months from the date of referral at the latest. In such a case, the Minister shall decide on the issue of preservation.
2. Whenever it is decided to inter the antiquity or not to preserve it *in situ*, the same shall be previously photographed, recorded and documented and a comprehensive scientific report along with a detailed list of the finds shall be submitted.

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3. If it is decided to preserve the antiquity, the owner of the immovable may be obliged to allow its visit under conditions to be determined by decision of the Minister of Culture, following an opinion of the Council.
  4. If the antiquity is found in a private immovable, the right-holder shall be entitled to compensation for the deprivation of its use in accordance with the provisions of article 19, three (3) months after declaration or finding of the antiquity, if the relevant decision has not been issued.
  5. If it has been decided to carry out a preliminary excavation, the right-holder shall be entitled to compensation for the deprivation of the use of the immovable and for any damage resulting from excavation at the latest one (1) year after declaration or finding of the antiquity.
  6. The right-holder shall be indemnified for the expenses incurred for protecting the antiquity in accordance with the instructions of the Service until the issuance of the decision on its preservation.

## SECOND PART

### INTERVENTIONS ON IMMOVABLE MONUMENTS AND THEIR SURROUNDINGS

#### Article 10

##### *Activities on immovable monuments and their surroundings*

1. Any activity on an immovable monument that may result directly or indirectly in its destruction, damage, pollution or disfigurement shall be prohibited.
2. The exploitation of quarries, the extraction of building material, the conduct of mineral exploration, the exploitation of mines as well as the designation of mining sites shall be prohibited without authorization by the Minister of Culture, following an opinion of the Council which shall be granted within three (3) months from the date of receipt at the Ministry of Culture of the application and the plans required by the legislation on minerals and mines. If the aforementioned time limit has elapsed, it shall be presumed that there are no prohibitive reasons.



Authorization shall not be granted if, due to the distance from an immovable monument, the visual contact with it, the morphology of the ground and the nature of the activities for which authorization has been requested, the monument is threatened with direct or indirect damage.

3. The establishment or operation of an industrial, handicraft or commercial enterprise, the installation of telecommunications or other structures, the execution of any kind of technical or other work as well as building activity in the vicinity of an antiquity shall be permitted only upon authorization by the Minister of Culture, following an opinion of the Council. Authorization shall be granted if the distance from an immovable monument or the relationship with it is such that the monument is not threatened with direct or indirect damage due to the nature of the work or the type of business or the activity.
4. For any work, intervention or change of use of immovable monuments, even if the same does not result in any of the consequences referred to in paragraph 1, authorization shall be required pursuant to a decision of the Minister of Culture following an opinion of the Council.
5. In case of emergency and in order to prevent an immediate and serious danger, reparation work, provided that it does not disfigure the existing architectural, aesthetic and other related elements of the monument, may be undertaken without the authorization required under paragraphs 3 and 4, after fully and promptly informing the Service, which in turn may stop the work upon providing notice thereon.
6. Where authorization is required pursuant to the preceding paragraphs, the same shall take precedence over all licenses issued by other authorities with respect to the businesses in question or the execution of the work and its particulars shall be recorded in these licenses upon penalty of nullity. Authorization shall be granted within three (3) months from the date of submission of the relevant application.
7. For the protection of immovable monuments, restrictions may be imposed on their use and function as well as on their building terms in

derogation from existing provisions by a decision of the Minister of Culture, following an opinion of the Council.

8. By presidential decree, issued upon proposal by the Ministers of the Environment, Town Planning and Public Works, and Culture, following an opinion of the respective advisory bodies, special terms may be imposed on building and use for the purpose of protecting monuments.

#### Article 11

##### **Duties of the owners, possessors or holders of immovable monuments**

1. The owner, the possessor or the holder of an immovable monument or an immovable where an immovable antiquity is preserved, shall cooperate with the Service and follow its instructions for the preservation, enhancement and protection of the monument in general. He shall also allow periodic or *ad hoc* inspection of the monument by the Service, following notification in writing and shall inform it without undue delay of every incident, which may endanger the monument.
2. The owner or the possessor of a monument shall be responsible for undertaking prompt conservation, consolidation or protection measures for a dilapidated monument without undue delay, at his own expense, under the supervision and instructions of the Service and in accordance with the provisions of articles 40 and 41. If the owner or the possessor takes no action, the holder shall be under the same duty and may turn against the owner or the possessor. If the Service considers that conservation or consolidation work has been delayed for any reason or has proved inadequate, it may take all the necessary measures, while reserving the right to recover the total amount or part of the expenses from the person liable in accordance with the provisions on the collection of public revenues. The State or local government agencies shall pay the total amount or part of the expenses incurred for conservation, consolidation or other works for the protection of a monument which does not belong to them, provided that the expenses relate to a monument which has been determined to



be accessible to the public by a decision of the Minister of Culture, following an opinion of the Council and exceed a reasonable amount of money, that the owner, the possessor or the holder shall not be responsible for the deterioration which the monument has suffered and the financial situation of the person liable does not allow him to defray the expenditure. In such a case, the owner, the possessor or the holder shall allow public access to the monument under certain conditions and for a time period to be specified by a decision of the Minister of Culture, following an opinion of the Council.

3. The owner, the possessor or the holder of an immovable monument or an immovable where an antiquity is preserved, shall facilitate its photography and study by the Service or by specialists who have been granted a relevant permit by the Service.
4. The provisions of the preceding paragraphs shall apply *mutatis mutandis* with respect to other real property rights holders.

### PART THREE

#### TERRITORIAL REGULATIONS

##### Article 12

##### **Designation of archaeological sites**

1. Archaeological sites shall be declared and designated or re-designated on the basis of data derived from archaeological research *in situ* by a decision of the Minister of Culture, issued following an opinion of the Council, accompanied by a topographic plan and jointly published in the *Official Gazette*.
2. If archaeological sites have not been designated within areas to be covered by pending General Town Plans or Territorial and Urban Organization of Open Cities Plans or other plans with territorial regulations, they shall be designated temporarily pursuant to a plan of a scale of at least 1:2000 prepared by the Service on the basis of adequate scientific data and in particular finds bearing witness to the

existence of monuments, which shall be approved by the Minister of Culture by a decision published in the *Official Gazette*. The relevant act together with the plan shall be communicated to the competent authority within six (6) months from the date of receipt by the Service of the relevant request, and shall apply until the decision referred to in paragraph 1 has been issued.

3. If there has been no delimitation of legally existing settlements, which is necessary for the application of articles 13, 14, 16 and 17, the Minister of Culture shall request the competent body, while sending the relevant plan, to proceed with absolute priority to the delimitation of the settlement to the extent that is necessary for the application of the aforementioned articles. Until this takes place, by a joint decision published in the *Official Gazette*, the Ministers of Culture, and Environment, Town Planning and Public Works shall delimit it temporarily to the extent above referred to and shall regulate any issue relating to the protection of the part of the archaeological site which falls within its temporary limits, such as suspension of building activities and issuing building licenses, or permissible activities.
4. The provisions of article 10, paragraphs 1 to 6, apply *mutatis mutandis* to archaeological sites. Before issuing the decision referred to in paragraph 1, the opinion of the competent Minister *ratione materiae* shall be required for existing activities falling under his competence, in order to determine whether and under which conditions they shall continue to operate within the context of article 10. This opinion shall be rendered within two (2) months from the day on which the relevant request was sent. If the aforementioned time limit has elapsed, the decision of the Minister of Culture shall be issued without this opinion.

## Article 13

### Archaeological sites beyond settlements

#### Protection zones

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1. In archaeological sites on land located beyond "city plans" or beyond the limits of legally existing settlements, agriculture, stock-breeding, hunting or other related activities as well as building activity may be carried out upon permit being granted by a decision of the Minister of Culture, following an opinion of the Council. The conditions for exercising agriculture, stock-breeding, hunting or other related activities may also be established normatively by a decision of the Minister of Culture.
  2. Within the sites referred to in the preceding paragraph, an area may be designated, where building shall be totally prohibited (*Protection Zone A*), by a decision of the Minister of Culture, following an opinion of the Council and the conduct of a survey by some of its members or a committee composed of its members and specialists, accompanied by the relevant plan and jointly published in the *Official Gazette*. In this area, only the construction of edifices or additions to existing buildings may be allowed, where necessary for the enhancement of the monuments or sites as well as for facilitating their use, upon a decision of the Minister of Culture specifically justifying the *rationale* behind it, following an opinion of the Council. The same decision shall determine the location of the edifice within the zone or the part of the building where the addition shall be made. Within the sites referred to in paragraph 1, provided that they are extensive, an area may be designated by a decision of the Minister of Culture, following an opinion of the Council and the conduct of a survey by its members or a committee established by it, accompanied by the relevant plan and published in the *Official Gazette*, in which or in a part of which special rules shall apply pursuant to the joint decision referred to in the following section with respect to building terms, land use or permissible activities or all the aforementioned restrictions (*Protection Zone B*). A



joint decision of the Minister of Culture and the *ad hoc* competent Minister, issued following an opinion of the respective advisory bodies, shall further determine special building terms, land uses, permissible activities, as well as the conditions under which the operation of existing legal activities may be continued. The joint decision shall be issued within three (3) months from the date that the Ministry of Culture sent the draft to the co-competent Ministries.

3. The limits of a protection zone may be re-designated by the same procedure on the basis of data derived from archaeological research and the conditions for the protection of archaeological sites or monuments. Immovables which contain visible antiquities and fall within a *Protection Zone A'*, shall be expropriated if they are subject to article 19, paragraph 3.

#### **Article 14**

##### **Archaeological sites within settlements**

##### **Settlements constituting archaeological sites**

1. In archaeological sites located within "city plans" or within the limits of legally existing active settlements, protection zones may be established in accordance with the provisions of article 13. In non-active settlements or in their parts which are located within "city plans" or within the limits of legally existing settlements which constitute archaeological sites, subject to the preceding section, it shall be prohibited to erect new buildings, while it shall be permitted to restore ruined edifices and to demolish those which have been characterized as dilapidated under the conditions provided for in paragraphs 2(b) and (c) of the present article respectively. In all other respects, the remaining provisions of paragraphs 2, 3, 4 and 5 of this article shall be applicable.
2. In active settlements constituting archaeological sites or in their parts, any intervention impairing the character and the urban web of the buildings or disrupting the relationship between the buildings and open

spaces shall be prohibited. Upon permit being granted by a decision of the Minister of Culture, following an opinion of the respective advisory body, it shall be allowed:

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- a) to erect new edifices provided that they are compatible in terms of size, structural material and function with the character of the settlement;
  - b) to restore ruined edifices provided that their original form can be established;
  - c) to demolish existing edifices provided that the character of the settlement shall not be impaired or that they have been characterized as dilapidated pursuant to the provisions of article 41;
  - d) to execute any kind of work on existing edifices, private unbuilt spaces and spaces of common use always taking into account the character of the settlement as an archaeological site;
  - e) to use an edifice and/or its free spaces, provided that such use is in harmony with their character and structure.

3. In case of emergency and to prevent an immediate danger, reparation work may be undertaken without the aforementioned permit after informing the Service, which in turn may stop the activities upon providing notice thereon.
4. The permit required under the preceding paragraph shall be issued prior to all licenses by other authorities relating to the execution of the work and, in any case, within sixty (60) days from the date of submission of the relevant application, its particulars being recorded, upon penalty of nullity, in these licenses. The permit for a change of use shall be issued within ten (10) days.
5. In the aforementioned archaeological sites, all activities and uses of the edifices and their free spaces or spaces of common use which are not in harmony with the character and structure of individual edifices or spaces or the settlement as a whole shall be prohibited. For the

determination of the use of an edifice or its free space or space of common use a permit shall be granted by a decision of the Ministry of Culture, following an opinion of the Council.

6. Within archaeological sites which are active settlements, special rules shall apply with respect to restrictions to ownership, land use or use of buildings, building terms or permissible activities pursuant to a presidential decree, issued upon proposal by the Ministers of Culture, the Environment, Town Planning and Public Works and any other *ad hoc* co-competent Minister.

## Article 15

### Underwater archaeological sites

1. In underwater archaeological sites, fishing, anchorage and underwater activities with respiratory apparatus shall be prohibited, unless a permit has been granted by the Minister of Culture, following an opinion of the Council.
2. The conditions for the exercise of these activities in underwater archaeological sites shall be determined by a decision of the Minister of Culture and the *ad hoc* co-competent Minister, following an opinion of the Council.
3. By a similar decision, the conditions for the exercise of underwater activities with respiratory apparatus, submersibles or other means of surveying the seabed or the bed of lakes or rivers shall be determined for reasons relating to the protection of the underwater cultural heritage.
4. Around underwater monuments and archaeological sites, a zone may be established where the aforementioned activities shall not be allowed without a prior permit (*Protection Zone*), granted by a decision of the Minister of Culture, following an opinion of the Council.
5. The execution of any type of harbor works shall be prohibited without a prior permit having been granted by a decision of the Minister of

Culture, following an opinion of the Council. This permit shall precede all licenses relating to the work, and its particulars shall be recorded upon penalty of nullity in the other licenses required.

#### **Article 16**

##### **Historical sites**

Upon decision of the Minister of Culture, issued following an opinion of the Council, accompanied by a delimitation plan and jointly published in the *Official Gazette*, areas or combined works of man and nature pursuant to the more specific distinctions of article 2(d) shall be designated as historical sites. In historical sites, the provisions of articles 12, 13, 14 and 15 shall apply *mutatis mutandis*.

#### **Article 17**

##### **Protection zones around monuments**

1. Around monuments, a *Protection Zone A'* may be established in accordance with article 13.
2. The designation of a site in an area beyond "city plans" or legally existing settlements as Zone A' shall entail its compulsory expropriation if its original use is suspended.
3. Around monuments, a *Protected Zone B'* may also be established in accordance with article 13.

**PART FOUR**  
**EXPROPRIATION – DEPRIVATION OF USE**

**Article 18**  
**Expropriation**

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1. Where necessary for the protection of monuments, the State may proceed, pursuant to a joint decision of the Ministers of Economy and Finance, and Culture, following an opinion of the Council, either to the expropriation, in whole or in part, or the direct purchase of a monument or an immovable which contains monuments, as well as adjacent immovables or monuments.
  2. By a similar decision issued under the same procedure, there may be an expropriation in whole or in part or direct purchase of an immovable, if this is considered necessary for the protection of archaeological or historical sites or for carrying out excavations. The purchase shall be effected in accordance with the procedure provided for in article 2 of Law 2882/2001, while in the committee referred to in article 15 of the said law, instead of an expert, an employee of the Service shall participate in case the pecuniary value of a monument must be assessed.
  3. It shall be the responsibility of the Service to preserve and protect immovable monuments which are located within immovables owned by local government agencies or other legal persons of public law or ecclesiastical legal persons without the State having to proceed to expropriation.
  4. The expropriation or direct purchase shall be effected on behalf of the State at its expense or at the expense of another legal or natural person.
  5. The decision referred to in paragraph 1 may be challenged within thirty (30) days from the date of its notification to the interested party; this issue shall be determined by the Minister of Culture, following an opinion of the Council.

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6. The recommendation of the Service for a total or partial expropriation or direct purchase of an immovable shall include the justified rejection of other solutions for protecting the monuments, archaeological or historical sites, as well as basic guidelines on their preservation and enhancement within the immovable to be expropriated.
  7. Provided that the owner consents to it, the amount of compensation may be paid in installments, bonds or in kind or by another arrangement, as specifically stipulated in the joint decision of the Ministers of Economy and Finance, and Culture.
  8. Provided that the owner consents to it, a private immovable may be exchanged with another immovable of the same value, owned by the State or a local government agency, or compensation may be paid by other legal means. In such cases, a joint decision by the Ministers of Economy and Finance, and Culture shall be issued to be implemented care of the Public Real Estate Company and part of the price of the immovable or the compensation assessed may be paid. The provisions of paragraph 7 shall apply *mutatis mutandis*. In case of issuing bonds, the special terms and conditions for their issue shall be determined by a decision of the Minister of Economy and Finance.
  9. The unconditional acceptance of the compensation in kind or the bonds or the first installment or the object of the arrangement under paragraph 7 or the part of the compensation under paragraph 8, shall be deemed to constitute written consent.

#### **Article 19**

##### **Compensation for the deprivation of the use of an immovable**

1. For the protection of monuments, archaeological or historical sites or for carrying out excavations, the Minister of Culture may order the temporary or permanent deprivation or restriction of the use of an immovable.

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2. In case of substantial temporary restriction or substantial temporary deprivation of the original use of an immovable as a whole, full compensation shall be paid. The latter shall be assessed on the basis of the average original return of the immovable before the restriction or deprivation of use, taking into account the character of the immovable as a monument, if applicable.
  3. In case of substantial permanent restriction or permanent deprivation of the original use of an immovable as a whole, full compensation shall be paid. In this case too, the character of the immovable as a monument shall be taken into account, if applicable.
  4. In case of temporary deprivation of the original use of the whole or part of an immovable containing monuments or other adjacent immovables, where necessary for the protection of the monuments, anyone affected may apply for compensation, which shall be determined in accordance with the provisions of paragraph 2.
  5. In case of substantial permanent restriction or permanent deprivation of the original use of part of the immovable required for the protection of the monument, compensation shall be paid for this part only, if the restriction or deprivation does not result in a substantial permanent restriction or permanent deprivation of the original use of the immovable as a whole; in such a case, the compensation provided for in paragraph 3 shall be paid.
  6. By a decision of the Minister of Culture, following an opinion of a committee, it shall be determined whether compensation is payable pursuant to paragraphs 1 to 5, as well as the amount of compensation. The composition and competence of the committee, the procedure for rendering its opinions, the elements to be taken into account, the kind and the manner of payment of compensation as well as any other relevant detail shall be determined by a joint decision of the Ministers of Economy and Finance, and Culture.
  7. In case the amount which has been or shall be paid as compensation for the deprivation or restriction of the use of an immovable

approximates the value of the immovable, it shall be declared as being subject to expropriation.

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8. The protection or the enhancement of monuments which are located within immovables owned by local government agencies, legal persons of public law, ecclesiastical legal persons, legal persons of private law of the broader public sector, institutions or non-profit-making associations that aim *inter alia* at enhancing and promoting the cultural heritage, shall be deemed to be included within the original use of these immovables.
  9. In case substantial restrictions have been imposed on the building terms of an immovable for which there is no provision for compensation or transfer of the coefficient of building surface, non-monetary compensation may be paid to the owner. The kind of compensation, the conditions and the procedure for its assessment shall be determined by presidential decree, issued upon proposal by the Ministers of Economy and Finance, Environment, Town Planning and Public Works, and Culture.
  10. The provisions of paragraphs 2 to 9 of this article shall also apply in case of establishing zones in accordance with articles 13, 14, 16 and 17.

**CHAPTER THREE**  
**MOVABLE MONUMENTS**  
**PART ONE**  
**GENERAL PROVISIONS**

**Article 20**

**Distinctions of monuments – Classification**

1. Movable monuments shall include:
  - a) monuments dating up to 1453;

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- b) monuments dating after 1453 and up to 1830 which constitute finds from excavations or other archaeological research, or have been removed from immovable monuments, as well as icons and other religious objects used for worship, dating from the same period;
- c) monuments dating after 1453 and up to 1830 which are not subject to subparagraph b' and are classified as monuments due to their social, technical, folk, ethnological, artistic, architectural, industrial or in general historical or scientific significance;
- d) recent cultural objects more than one hundred years old which are classified as monuments due to their social, technical, folk, ethnological, artistic, architectural, industrial or in general historical or scientific significance, and
- e) recent cultural objects less than one hundred years old which are classified as monuments due to their particular social, technical, folk, ethnological or in general historical, artistic, architectural, industrial or scientific significance.
2. Ancient movable monuments referred to in paragraph 1(a) and (b) are protected by law, without need for the issuance of any administrative act. Cultural objects referred to in paragraph 1(c), (d) and (e) shall be classified as monuments by a decision of the Minister of Culture, issued following a recommendation of the Service and an opinion of the Council and published in the *Official Gazette*.
3. A summary of the recommendation shall be sent to customs, port and police authorities. The recommendation shall be notified to the owner and/or the holder, who may submit their objections within one (1) month from the date of notification. The effects of classification shall apply from the date of notification of the recommendation and shall cease to apply, if the decision on classification is not published within six (6) months from notification.
4. Any necessary detail for the implementation of this provision shall be determined by decision of the Minister of Culture. For the classification of monuments referred to in paragraph 1(3), the prior consent of their

creator shall be required, so long as he/she retains ownership of the monuments.

5. The decision on classification, issued in accordance with the preceding paragraphs, may only be revoked due to material error. The decision of the Minister of Culture on revocation shall be issued in accordance with the procedure provided for in paragraphs 2 and 3 and published in the *Official Gazette*.
6. A decision of the Minister of Culture, issued upon the recommendation of the Service, following an opinion of the Council and published in the *Official Gazette*, may exceptionally classify as monuments categories of movable cultural objects of the same kind that present particular social, technical, folk, ethnological or in general historical, artistic or scientific interest, provided that they are rare, their identification is difficult and there is danger of being lost or damaged.
7. Revocation of the decision to classify an individual monument that has been issued pursuant to the provisions of paragraph 6, may be allowed upon a decision of the Minister of Culture issued following an opinion of the Council and published in the *Official Gazette*, if the movable in question lacks the historical, artistic or scientific significance, for which the relevant category of monuments has been classified.

## **Article 21**

### **Ownership of movable monuments**

1. Movable ancient monuments dating up to 1453 belong to the State in terms of ownership and *possession*, are imprescriptible and *extra commercium* according to article 966 of the Civil Code.
2. The right of ownership of imported antiquities dating up to 1453 shall be recognized under the terms and the conditions of article 33, paragraph 3 and article 28, paragraphs 5 and 7.
3. Ancient movable monuments, which constitute finds from excavations or other archaeological research, regardless of their dating, belong to

the State in terms of ownership and *possession*, are *extra commercium* and imprescriptible

4. The right of ownership of other movable monuments dating after 1453 shall be exercised in accordance with the terms and conditions of this law.
5. The exception referred to in the second section of article 1039 of the Civil Code shall not apply to movable monuments.

## **Article 22**

### **Confiscation of movable monuments**

1. Movable antiquities dating up to 1453 shall not be subject to confiscation and shall not constitute bankrupt's property.
2. The confiscation of more recent monuments belonging to private individuals shall be effected in the presence of an employee of the Service. For this purpose, the employees executing the confiscation shall notify it to the Service in time. The value of the monuments shall be determined by the Committee referred to article 73, paragraph 11.
3. The State shall be appointed as the sequestrator, while the confiscated monuments shall remain in the location where they are found, unless the Service decides otherwise. A copy of the confiscating report shall be submitted to the Service as soon as confiscation has been completed. The Service shall be summoned at any hearing for the correction of the confiscating report, if the latter concerns monuments referred to in paragraph 2, in which case the relevant decision shall be notified to it.
4. The affixing of seals on monuments that constitute bankrupt's property shall be effected in the presence of an employee of the State. The State shall be appointed as the sequestrator. The monuments shall remain in the location where they are found, unless the Service decides otherwise and shall be evaluated at the inventory in

accordance with the provisions of the last two sections of paragraph 2. Any decision on their sale shall be notified to the Service in time.

5. Upon petition by the State to be adjudicated under the procedure on provisional remedies, the price of a confiscated monument or a monument belonging to bankrupt's property shall be determined by a decision of the Single-Member Court of First Instance. Upon submission of the petition, the monument shall be taken by the Service. In the trial shall be summoned the creditor who has initiated the proceedings of bankruptcy or the receiver respectively, who shall be entitled to inspect the monument by a person of their choice in order to evaluate it. The court shall take into account the price determined by the Committee referred to in article 73, paragraph 11, as well as data on the value of the monument submitted by the creditor or the receiver. The State shall acquire ownership of the monument whose price has been determined, upon payment of the amount to the employee of the auction within thirty (30) days from the date of publication of the decision. Only if the amount has not been paid, shall the monument be auctioned. Any necessary detail for the implementation of the aforementioned provisions shall be determined by a joint decision of the Ministers of Culture and Justice.

## **Article 23**

### **Possession of movable monuments**

1. By a decision of the Minister of Culture, following an opinion by the Council, a permit for possession of an ancient movable monument, the ownership of which belongs to the State, may be granted to a natural or legal person.
2. A permit for possession shall be granted to the person who declares, in accordance with the provisions of article 24, paragraph 1, a movable antiquity dating up to 1453, upon his application, unless:

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- a) the antiquity is of particularly great scientific or artistic significance and must be under the direct protection of the State;
  - b) the applicant does not ensure its satisfactory safeguarding and preservation, particularly if he does not indicate a suitable location for its safeguarding; or
  - c) the applicant does not provide the necessary safeguards of compliance with the duties of the holder, in particular if he has been sentenced irrevocably for a felony, violation of the legislation for the protection of the cultural heritage, forging, bribery, theft, embezzlement or receiving products of crime. Such impediment shall exist also for as long as criminal proceedings are pending for any of the aforementioned acts. The application may also be rejected if stay of execution of the penalty which has been imposed for any of the aforementioned acts has been ordered or if criminal proceedings for any of those acts have finally ceased due to prescription. If the applicant is a legal person, the aforementioned impediments must not be applicable to the persons who are or have been administering it.
3. When the holder of an antiquity dating up to 1453 dies, a permit of possession shall be granted to his heir, provided that the heir submits a relevant application, unless the negative conditions under subparagraphs (b) and (c) of the preceding paragraph are applicable. The relevant decision shall be issued within reasonable time.
  4. The permit of possession may be revoked by a decision of the Minister of Culture if one of the conditions for its issuance has ceased to exist in accordance with paragraph 2 or there has been a violation of the provisions of articles 27, 28 and 29. The permit shall be revoked *ipso jure* if the holder has been sentenced irrevocably for one of the offenses referred to in paragraph 2(c). The permit may also be revoked if it is determined *ex post facto* that the antiquity presents particularly

great scientific or artistic interest and must be under the direct protection of the State. In such a case, the reward provided for in article 24, paragraph 3, shall be payable as compensation. In any other case of revocation, the antiquities shall be taken by the State without compensation.

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5. If the movable antiquity which has been declared in accordance with the provisions of article 24, paragraph 1, is considered to be of very small scientific and commercial value, it shall be recorded by the Service and left in the free use of the applicant by a decision of the Minister of Culture, following an opinion of the Council.

#### **Article 24**

##### **Declaration, indication of the location of movable monuments and reward**

1. Any person who finds or acquires possession of a movable ancient monument dating up to 1453 shall declare it without undue delay to the nearest archaeological, police or port authority and shall make it available to them. The declaration shall include the exact location where the antiquity was found, the manner in which it came to the possession of the person who declared it, the personal data of the previous holder and any other useful detail. The particulars of the declaration shall be recorded in a report drawn up by the aforementioned authority. If the antiquity is discovered or found in an immovable where works are being carried out, these must stop immediately until the Service renders its decision.
2. Any person who acquires ownership of a monument dating after 1453 and subject to article 20, paragraphs 1(b) and 6, shall submit without undue delay to the authorities referred to in the preceding paragraph a declaration on the manner in which it came to his possession and the personal data of the previous holder.
3. When possession of the antiquity passes to the State, reward shall be paid to the person who made the declaration in accordance with

paragraph 1. The amount of the reward shall be determined by a decision of the Minister of Culture, following an opinion of the Council, and shall be commensurate to the importance of the antiquity and the contribution of the person, who declared it, with regard to its discovery and rescue. The Service shall promptly pay the reward, if it considers that the pecuniary value of the antiquity does not exceed €1,500. This amount may be re-adjusted by a decision of the Minister of Culture.

4. The aforementioned reward shall also be paid to the person who indicates the location of movable antiquities unknown to the Service, by a similar decision, following an assessment of his contribution to their discovery and rescue, as well as the importance of the antiquities.
5. If the declaration or indication is made by more than one person, the reward shall be divided between them in percentages which are stipulated in the same decision in accordance with the relative contribution of each one of them or in case of doubt in equal shares. If the antiquity is found in a private immovable which does not belong to the person who declared it, the reward shall be divided in equal shares between that person and the owner or lessee of the immovable. With respect to underwater antiquities, if the person who declares or indicates them is not owner or lessee of the means by which they have been located, the reward shall be divided between the owner or the lessee of the means and the person who indicated them.
6. Reward shall not be paid if:
  - a) the antiquity is already known to the Service;
  - b) the antiquity is found or discovered in a designated archaeological site or an archaeological site to be designated, in the course of excavations or other activities requiring the presence of a representative by the Ministry;
  - c) the person who declares or indicates an antiquity is an employee of the State, local government agencies or other legal person of public law or legal person of private law of the broader public sector, as it may be occasionally defined, and acting

within the framework of his duties. Likewise, reward shall not be paid to the person who finds an antiquity while acting in violation of the legislation on the protection of cultural heritage and in the case of paragraph 5, to the person who attempts to conceal the antiquity or proceeds to activities which may damage it, in which case the reward shall be paid proportionally to the person who acts lawfully.

## Article 25

### Loan and exchange of movable monuments which belong to the State

1. The loan of published movable monuments, which belong to the State and are in its possession, to museums or educational organizations for display or educational purposes may be allowed in exceptional cases upon decision of the Minister of Culture, following a recommendation of the Service and an opinion of the Council. The loan to museums shall take place on condition of reciprocity. The loan for educational purposes may be allowed only if the monuments are not of particular significance to the cultural heritage of the country. The loan shall be agreed for a definite period of time, which shall not exceed five (5) years and may be renewed under the same procedure.
2. By a decision of the Minister of Culture, following a recommendation of the Service and an opinion of the Council, the exchange of published movable monuments which belong to the State and are in its possession may be allowed on condition that they are not of particular significance to the cultural heritage of the country, that they are not needed for the completion of collections of other museums in the country and that the unity of important collections is not affected *vis-à-vis* cultural objects of equal importance, which belong to other States or foreign legal persons of non-profit character and are of particular significance to the collections of the public museums of the country.

## Article 26

### Activities on movable monuments

Any activity on a movable monument that may result directly or indirectly in its destruction, damage, pollution or disfigurement shall be prohibited.



## SECOND PART

### RIGHTS AND DUTIES OF OWNERS AND HOLDERS OF MOVABLE MONUMENTS

## Article 27

### Safeguarding and conservation of movable monuments

1. The holder of a movable antiquity and the owner of an antiquity or other movable monument shall be responsible for its safety and preservation. They shall notify the Service of the exact location for its safeguarding, any intention to remove it or its eventual loss. They shall also allow its periodic or *ad hoc* inspection by the Service following notification in writing, inform it without undue delay of every incident likely to put it at risk and follow its instructions. If the monument is threatened by an imminent danger of deterioration, loss or destruction, the Service may take all the necessary measures and charge the relevant expenses to the owner or the holder of the monument or decide to transfer it for its safeguarding to a public museum or other appropriate place, until it is definitely out of danger.
2. The holder of a movable antiquity and the owner of an antiquity or other movable monument shall take all the necessary conservation measures, in accordance, *inter alia*, with the provisions of article 43. If the Service considers that preservation is inadequate, it shall take all the necessary measures, while reserving the right to charge the relevant expenses, in whole or in part, on the person liable in

accordance with the relevant provisions on the collection of public revenues.

3. If the holder of a movable antiquity or the owner of an antiquity or other movable monument dies, the heir or the executor of the will or the receiver of vacant succession, shall notify without undue delay the Service and shall safeguard the objects temporarily, until the latter takes over. In case of dissolution of the legal person, which is the owner or the holder of a monument, these duties shall devolve on its legal representatives at the time of dissolution.

## **Article 28**

### **Transfer of possession or ownership of movable monuments**

1. The holder of a movable monument dating up to 1453 may transfer his possession, after notifying the Service of his intention and the personal data of the candidate holder, who shall submit an application for a permit of possession to be granted in accordance with the provisions of article 23. The relevant act shall be issued within reasonable time. Any transfer effected without this permit shall be null and void and the movable monuments shall be taken without formalities by the State.
2. Any *causa mortis* transfer of possession of the monuments referred to in the preceding paragraph may be effected under the terms and the conditions prescribed in article 23, paragraph 3; otherwise the antiquities shall be taken by the State.
3. The transfer of ownership of a movable monument which belongs to a legal person of public law, a local government agency or a legal person of private law of the broader public sector as it may be occasionally defined, shall be effected by a decision of the Minister of Culture, following an opinion of the Council; otherwise it shall be null and void. By the aforementioned decision, conditions may be imposed with respect to the person to whom the monuments are to be transferred. In case of sale, the State may exercise a right of preemption at the same

price within three (3) months from the date of submission of the relevant application.

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4. The transfer of monuments which belong to ecclesiastical legal persons or other legal persons or associations representing religions or confessions may be allowed upon a decision by the Minister of Culture, following an opinion of the Council, to other similar legal persons or associations, the State, local government agencies, legal persons of public law, or to legal persons of private law which constitute recognized museums under the provisions of article 45; otherwise, it shall be null and void.
  5. The transfer of ownership of movable monuments other than those mentioned in paragraphs 3 and 4 may be allowed upon prior notification to the Service of the relevant intention, the personal data of the transferee and, in case of sale, the price, provided that one (1) month has elapsed from notification without the State exercising the right of pre-emption at the same price. Any transfer effected without this notification shall be null and void.
  6. In case of sale of monuments by public auction, the State, the museums referred to in article 45 and collectors shall be preferred at the same price in the listed order of priority.
  7. Anyone who acquires ownership of a monument *causa mortis* shall notify the Service without undue delay thereof.
  8. The owner of a monument may transfer it to the State at an agreed price; otherwise, the price shall be determined by the assessment Committee provided for in article 73, paragraph 11.

## Article 29

### Duties of holders and owners of movable monuments with respect to their study and exhibition

1. The holders of movable antiquities dating up to 1453 as well as the legal persons of public law and legal persons of private law of the broader public sector which are owners or holders of movable antiquities or recent monuments shall facilitate the photography and study of the monuments by specialists who have been granted a relevant permit by the Service.
2. The persons referred to in the preceding paragraph shall make the aforementioned monuments available to the Service for a reasonable time, if so requested, for their exhibition to the public within or outside Greek territory. If the monuments suffer deterioration or are lost during the period that they are not in their possession, the State shall be liable to pay compensation.

## Article 30

### Assistance for the location and claim of movable monuments

1. The holder of a movable antiquity shall be protected against third parties as possessor and shall enjoy the autonomous protection of *possession*; he shall also be entitled to exercise in parallel with the State the eviction action or the action for the disturbance of *possession*. If the antiquity has been illegally exported, the claim shall be assumed by the State. Following its return, the antiquity shall be given to the holder, unless the export was due to his willful misconduct or negligence. In such a case, possession of the returned antiquity passes to the State without compensation of the holder. The holder shall bear the costs incurred by the State, including any compensation paid to the *bona fide* possessor, if the antiquity after its return has been given to him.

2. The owner of a monument may request the assistance of the Service for its location as well as restitution or return, in case it was stolen or illegally exported. Following its return, the monument shall be given to the owner, unless he has exported it himself or allowed its export due to willful misconduct or gross negligence. In such a case, ownership of the returned monument shall be vested in the State without compensation. The owner shall pay the expenses incurred by the State for its return, including any compensation paid to the *bona fide* possessor, if the returned monument is given to him.
3. The owner and the holder of a monument which has been returned in accordance with the aforementioned provisions shall allow its exhibition to the public under certain conditions and for a time period to be stipulated by a decision of the Minister of Culture, following an opinion of the Council.

**PART THREE**  
**COLLECTORS AND ANTIQUE DEALERS**

**Article 31**

**Collectors of monuments**

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1. The legal holder or owner of movable antiquities as well as the owner of recent movable monuments which constitute a unity from an artistic, historical or scientific point of view may be recognized as a collector, upon his application, by a decision of the Minister of Culture, following an opinion of the Council. The relevant act shall be issued within a reasonable time. The decision shall be issued after the character and the importance of the collection has been assessed on condition that the applicant provides the necessary guarantees for the protection, safeguarding and preservation of the objects forming part of the collection, as well as compliance with the other duties of the collector.

The applicant will not provide these guarantees in particular if he has been irrevocably sentenced for a felony, violation of the legislation on the protection of cultural heritage, forgery, bribery, theft, embezzlement or acceptance of the products of crime. Such impediment shall exist for as long as criminal proceedings are pending for any of the aforementioned acts. The application may also be rejected if stay of execution of the penalty which has been imposed for any of the aforementioned acts has been ordered or if criminal proceedings for any of those acts have ceased finally due to prescription. If the applicant is a legal person, the aforementioned impediment must not be applicable to the persons who are administering it.

2. A natural person whose occupation is related or was related to the protection of monuments or is an antique dealer or merchant of recent monuments or an employee or partner of natural or legal persons with a similar business, cannot be recognized as a collector of antiquities.
3. Collectors shall have the same rights and duties with the holders or owners of monuments subject to the following provisions.

4. Collectors shall keep a register with a full description and photographs of the objects of the collection and shall submit a copy of this register to the Service and at least every six (6) months thereafter a list with any new additions to the collection.
5. Collectors may enrich their collections with monuments imported from abroad or acquired in Greece in accordance with the provisions of the present law. For these monuments, it shall be required to submit the declaration provided for in article 24 or 33 as the case may be.
6. Collectors shall be prohibited from acquiring cultural objects suspected of deriving from theft, illegal excavation or other illegal act, or which have been acquired or exported in violation of the legislation of the country of origin, and shall inform the Service of any such offer without undue delay.
7. Collectors shall facilitate the photography and study of the monuments of their collections by specialists who have been granted a relevant permit by the Service. They shall be entitled to reproduce and dispose of photographs or other representations of these monuments. They shall also be entitled to make casts or other reproductions following approval by the Service and in accordance with its instructions, and to dispose of them.
8. Collectors may assign the right of first publication of any newly appearing antiquity in their collection for three (3) years, following notification of the Service.
9. Collectors shall facilitate the visit of a collection, which is considered to be important by the Service. For the visit, admission may be required following approval by the Service.
10. Collectors shall be responsible for the safeguarding of the unity of a collection. The collection may be dispersed upon permit granted by the Minister of Culture, following an opinion of the Council, after the importance of the collection and the consequences of its dispersal have been studied. The permit shall be deemed to have been granted provided that four (4) months have elapsed from the date of

submission of the relevant application to the Service. In case of granting a permit for the transfer of individual monuments of the collection, the provisions of article 28 shall apply *mutatis mutandis*.

11. Collectors may transfer the objects of their collection in their entirety either to the State or to museums referred to in article 45 or to persons who are recognized collectors, after notifying their intention to the Service and the personal data of the transferee as well as the price, in case of sale. The transfer may take place within six (6) months from the date of notification, provided that the State or subsequently in case of sale to collectors, the museums do not exercise a right of pre-emption at the same price. In the case of a collection which belongs to a legal person of public law, a local government agency, or a legal person of private law of the broader public sector as it may be occasionally defined, transfer may be allowed either to the State or, upon authorization by the Minister of Culture, following an opinion of the Council, to such other persons having the qualifications specified in the first section. The provisions of the second section shall apply *mutatis mutandis*. If the aforementioned conditions are not fulfilled, the transfer shall be null and void.

12. If the collector dies, his heir shall be entitled, within six (6) months from the date of acceptance of the inheritance or the lapse of the time limit for its rejection, to submit an application for his recognition as a collector. The recognition shall be effected, unless the impediments referred to in paragraphs 1 or 2 are applicable to his person. In the case of a particularly important collection, if the safeguarding of its unity is absolutely necessary and this is not ensured, the monuments may be vested in their entirety to the State, by a decision of the Minister of Culture, following an opinion of the Council. In such a case, compensation shall be paid to the beneficiaries, the amount of which shall be determined by the assessment Committee referred to in article 73, paragraph 11, on the basis of the importance of the objects of the collection.

13. If a legal person that has been recognized as a collector is dissolved and the monuments of the collection are to be transferred, the provisions of paragraph 11 shall apply *mutatis mutandis*. If the safeguarding of the unity of a particularly important collection is considered to be of absolute necessity and this is not ensured, the provisions of the two last sections of paragraph 12 shall apply.
14. If the collector ceases to satisfy one or more of the requirements on the basis of which this identity was recognized or there has been a violation of the provisions of this article, the decision on recognition may be revoked temporarily or permanently. The decision shall be automatically revoked if the collector has been irrevocably sentenced for any of the offenses referred to in paragraph 1, in which case the antiquities in his possession shall be taken by the State. If revocation is effected for another reason, possession may be retained.

## **Article 32**

### **Antique dealers and merchants of recent monuments**

1. An antique dealer is a person who systematically acquires possession or ownership of movable monuments which have been legally acquired for the purpose of further transferring them or mediates in the transfer of their possession or ownership. A merchant of recent movable monuments is the person who systematically acquires ownership of recent movable monuments which have been legally acquired for the purpose of their further transfer or mediates in their transfer. For the exercise of these activities a special permit shall be required.
2. The permit referred to in the preceding paragraph shall be granted upon application by the interested person, by a decision of the Minister of Culture, following an opinion of the Council, to natural or legal persons, who:
  - a) have relevant professional experience;

- b) have adequate premises and storage facilities in cities where the services of the Ministry of Culture competent for the protection of the cultural heritage are based;
  - c) have not been recognized as collectors of monuments and have not exercised a profession that is related or was related to the protection of monuments;
  - d) provide the necessary safeguards for compliance with the duties of the antique dealer or the merchant of recent monuments. The applicant will not provide these safeguards, in particular if he has been irrevocably sentenced for a felony, violation of the legislation for the protection of the cultural heritage, forgery, bribery, theft, embezzlement or receiving products of crime. Such impediment shall exist also for as long as criminal proceedings are pending for any of the aforementioned acts. The application may also be rejected if stay of execution of the penalty which has been imposed for any of the aforementioned acts has been ordered or if criminal proceedings for any of those acts have ceased finally due to prescription. If the applicant is a legal person, the impediment must not be applicable to the persons who are administrators or members of the administrative bodies.
3. With respect to individual objects that are found in the premises of the aforementioned persons, the provisions of articles 21, 23, 27 and 28 as well as article 29, paragraph 1 shall be applicable.
4. Antique dealers and merchants of recent movable monuments shall keep books authorized by the Service, where they shall register movable monuments after their entry into their premises. Registration shall include description, photography and the place of origin of the monument, the personal data of the previous possessor or owner of the monument and the transferee, the details of the permit of possession, the price and the date of transfer. This information shall be notified to the Service without undue delay.

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5. For any transfer of possession or ownership of a movable monument, the antique dealers and merchants of recent movable monuments shall issue the requisite legal papers, where it shall be recorded that the aforementioned movables cannot be exported from the country without a permit or that they may be exported in accordance with the provisions of article 34, paragraph 9.
  6. Antique dealers and merchants of recent movable monuments shall be prohibited from acquiring or trading cultural objects suspected of deriving from theft, illegal excavation or other illegal activity or which have been acquired or exported in violation of the legislation of their country of origin and shall inform the Service without undue delay for any such offer.
  7. Antique dealers and merchants of recent movable monuments shall be prohibited from trading in the same premises, casts, representations or reproductions of cultural objects.
  8. For the organization of auctions or other relevant activities concerning antiquities or recent monuments, either by the persons referred to in paragraph 1 or by others, a permit by the Service shall be required to be issued *ad hoc* for the specific list of objects.
  9. Antique dealers and merchants of recent objects shall be under the supervision of the Service and shall facilitate inspection of their premises and storage facilities.
  10. If the antique dealer or merchant ceases to satisfy one or more of the requirements referred to in paragraph 2, or violates other provisions of the present law or proceeds to the sale of forged works due to willful misconduct or gross negligence, the permit may be revoked temporarily or permanently. The permit shall be revoked automatically if the antique dealer or the merchant has been irrevocably sentenced for any of the offenses referred to in paragraph 2(d). The provisions of the last two sections of article 31, paragraph 14, apply *mutatis mutandis*.

11. All matters pertaining to the suitability and operation of antiquity shops or shops trading in recent movable monuments, the manner, the procedure and the bodies organizing auctions as well as any other details for the implementation of the present article, shall be determined by a decision of the Ministry of Culture.
12. The personnel of the Ministry of Culture and of museums referred to in article 45 which belong to the State, legal persons of public law or legal persons of private law of the broader public sector shall not be allowed to participate directly or indirectly in the trade of monuments or other cultural objects. They shall not be allowed to issue authenticity certificates or proceed to an assessment of the pecuniary value of such objects, unless they have been so assigned by their supervisory authority or they have been requested to do so by another public authority.

## **CHAPTER FOUR**

### **IMPORT AND EXPORT OF CULTURAL OBJECTS**

#### **Article 33**

##### **Import of cultural objects**

1. Cultural objects may be imported freely into Greek territory subject to the provisions of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Paris, 1970), ratified by Law 1103/1980 (*Official Gazette A' 297*), as well as to other rules of international law.
2. The holder of imported cultural objects which constitute monuments pursuant to the provisions of article 20, paragraphs 1(a), 1(b) and article 20, paragraph 6 shall, without undue delay, declare to the Service their import as well as the manner in which they came to his possession.
3. The right of ownership of antiquities dating up to 1453, which have been legally imported, shall be reserved, provided that they had not



been exported from Greek territory during the last fifty years before import and that they had not been illegally removed from a monument, an archaeological site, church, public collection, collection of religious monuments, storage places of finds from excavations or other similar places located within Greek territory, or that they are not the products of clandestine excavations within Greek territory regardless of the time of their export. The interested person shall provide evidence of their acquisition or import and shall prove their origin, if the Service considers that they had been exported from Greek territory during the last fifty years before import or that they are the products of the aforementioned illegal acts. If it is proven that the imported antiquities belong to one of the aforementioned categories, they shall be fully equated with the antiquities mentioned in article 21, paragraph 1. If it is not possible to prove their origin in accordance with the aforementioned provisions, a permit of possession shall be granted to the interested person, unless one or more of the impediments referred to in article 23, paragraph 2(c) are applicable to his person.

4. The right of ownership of antiquities dating up to 1453 which are imported for a certain period of time shall be preserved without the need to follow the procedure referred to in the second section of the preceding paragraph.
5. The manner of proving import and ownership of the imported antiquities referred to in the present article, as well as any other necessary detail, shall be determined by a joint decision of the Ministers of Economy and Finance, and Culture.

#### **Article 34**

##### **Export of cultural objects**

1. The export of monuments from Greek territory shall be prohibited, subject to the provisions of the following paragraphs.

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2. The export of monuments may be allowed upon permit, provided that they are not of special significance to the cultural heritage of the country and the unity of important collections shall not be affected.
  3. With respect to monuments which are less than one hundred years old, an export permit may be granted, if their presence is not considered necessary for the cultural heritage of the country.
  4. The export of cultural objects for which the procedure of classification has been initiated in accordance with the second section of article 20, paragraph 2, shall not be allowed before the expiration of the time period required for the issuance of the final decision on classification.
  5. The export of monuments which have been confirmed to have been imported temporarily in the country and are legally in the possession or ownership of the interested person shall be allowed.
  6. The export of monuments referred to in article 20, paragraphs 1 (a), (b) and 6 which have been confirmed to have been imported legally into Greek territory before the last fifty years shall be allowed, provided that they had not been exported from Greek territory beforehand. The provisions of the second section of article 33, paragraph 3, shall apply *mutatis mutandis*.
  7. The export permit shall be granted by a decision of the Minister of Culture, following an opinion of the Council. The decision shall be issued within a time period of four (4) months or in exceptional cases within six (6) months from the date of submission of the relevant application.
  8. In case an export permit has not been granted, the provisions of article 28, paragraph 8 may apply.
  9. An export permit for specific monuments may be granted to antique dealers and merchants of recent movable monuments, which shall be valid for two (2) years.
  10. The export of monuments, which belong to the State, shall be allowed only if the conditions of article 25 are fulfilled.

11. By a decision of the Minister of Culture, following an opinion of the Council, the temporary export of monuments may be allowed for their exhibition in museums or similar institutions, on condition that the necessary guarantees are provided for their safe transport, exhibition and return and after the significance of the exhibition for the enhancement of the cultural heritage of the country or eventual reciprocity has been assessed, or for conservation, educational or scientific purposes, provided that equivalent guarantees are offered and the relevant conservation work and study cannot take place in Greece. The same decision shall specify the terms of the temporary export and in particular its duration. The provisions of paragraph 4 shall also apply in case of temporary export.
12. The procedure for the export of cultural objects in accordance with the preceding paragraphs shall be determined by a joint decision of the Ministers of Economy and Finance, and Culture.

#### CHAPTER FOUR

#### ARCHAEOLOGICAL RESEARCH AND WORKS FOR THE PROTECTION OF MONUMENTS

#### PART ONE

#### ARCHAEOLOGICAL RESEARCH *IN SITU*

#### Article 35

#### Definition of archaeological research *in situ*

"Archaeological *research in situ*" shall mean the exploration of the ground, the subsoil, the seabed or the bed of lakes or rivers for the purpose of locating or discovering ancient monuments, whether such research constitutes excavation on land or underwater, surface research or scientific research carried out by geophysical or other methods.

## Article 36

### Systematic excavations

1. Systematic excavations shall be carried out by the Service, by domestic scientific, research or educational institutions specialized in the field of archaeological or paleontological research, or by foreign archaeological missions or schools established in Greece. For the carrying out of excavations, a decision of the Minister of Culture shall be required, issued following an opinion of the Council.
2. Foreign archaeological missions or schools established in Greece may manage a maximum of three excavations or other archaeological research *per annum*, and carry out another three in cooperation with the Service.
3. The conditions for the issuance of the decision referred to in paragraph 1 are the following: a) submission of an analytical report providing *prima facie* evidence of the existence of monuments, defining the site to be excavated and documenting the expected contribution of the specific research to scientific knowledge and the need to proceed to excavation, b) the standing and reliability of the body undertaking to carry out the excavation, c) the experience in excavations and the scientific authority of the director, d) the intra-scientific composition of the team, e) the experience of the members of the scientific team in consolidation, conservation, protection and publication of the finds from the excavation, f) adequacy of the technical infrastructure, and g) adequacy of the budget and the program for excavation, conservation and publication of the finds.
4. The direction of the excavation shall be undertaken by an archaeologist with at least five years experience in excavations and at least two comprehensive scientific publications on excavations or finds of excavations. "Experience in excavations" shall mean the experience acquired after university graduation.
5. The direction of an excavation, which also involves paleontological deposits, shall be undertaken jointly by an archaeologist who has the



qualifications of the preceding paragraph and is specialized in the most distant periods and a scientist specialized in paleontology with at least three years experience in excavations. If paleontological deposits are discovered in an on-going archaeological excavation, the director must notify the Service of such discovery without undue delay. The direction of an excavation, which is carried out by the Service in co-operation with foreign archaeological schools, shall be undertaken by an archaeologist appointed by the Service.

6. The direction of an excavation cannot be undertaken by a person who:
  - a) has violated the time limits for submitting one of the studies mentioned in article 39, or
  - b) has been irrevocably sentenced for a felony or for violation of the legislation on the protection of cultural heritage or for forgery, bribery, theft, embezzlement or receiving the products of crime.
7. Excavations carried out by bodies other than the Service shall be under its supervision; in this respect, the Service shall be represented by an archaeologist having at least three years of experience in excavations.
8. The director shall carry out the excavation within the framework of the prescribed timetable, ensure that, as far as possible non-destructive methods are used, care for the guarding of the site, the preservation of the finds preferably *in situ*, their consolidation and conservation, as well as ensure compliance with the rules concerning the safety of the project team and third parties. Care shall also be taken to ensure the undertaking of appropriate measures for the restoration of the monuments, if so required, in cooperation with specialists, technicians or conservators. Finally, the director shall care for the landscape designing of the excavated site and, where necessary, for its enhancement, shall complete the work within reasonable time and declare completion of the excavation.
9. The director of the excavation shall facilitate the access of specialists to the excavation site subject to the provisions of article 39.



10. The movable finds shall be transferred without undue delay preferably to the nearest relevant public museum or to an appropriate place of storage under the supervision of the Service and shall be accessible under the conditions referred to in article 39, paragraph 8.

11. The decision referred to in paragraph 1 shall specify the duration of the excavation, which cannot exceed five (5) years. For its extension a new decision shall be required, which shall be issued under the same procedure for a maximum period of five (5) years. A condition for the issuance of the decision of the preceding section shall be the submission of an analytical report which shall entail:

- a) the results of the first excavation period, as well as the expediency of continuing the research;
- b) compliance with the duties referred to in paragraphs 8 and 9 of this article, as well as in article 39, paragraphs 2 and 3;
- c) any changes in the composition of the research team and the degree of diligence that it has displayed in consolidating, preserving and protecting the finds during the previous excavation period;
- d) the adequacy of technical infrastructure;
- e) an analytical account of the previous excavation period and the adequacy of the budget, as well as the adequacy of the program for the continuation of the excavation, the conservation and the publication of the finds.

12. The decision referred to in paragraph 1 may be revoked if the director does not comply with the duties provided for under paragraphs 8 and 9 of this article and article 39, paragraph 3. The decision shall be revoked *ipso jure* if the director of the excavation has been condemned finally for one of the offenses provided for in paragraph 6.

13. If an incomplete excavation has been abandoned for more than two (2) years ("vacant excavation"), a new decision shall be issued for carrying out the excavation in accordance with the provisions of the



present article. If there are no reasons for revoking the initial decision, the new decision shall be issued preferably in favour of the same body.

14. After the completion of the excavation, for the carrying out of a new excavation in the same site, the provisions of the preceding paragraphs shall apply *mutatis mutandis*. The decision shall be issued preferably in favour of the same director, unless he has not complied with the duties provided for under paragraphs 8 and 9 of this article and article 39, paragraph 3.
15. Excavations may be carried out in an immovable that has not been expropriated for a limited period of time following notification in writing to the owner by the Service. The owner shall allow the carrying out of the excavation and shall be entitled to compensation for the temporary deprivation of the use of the immovable and for any damage that might be brought to his immovable pursuant to the provisions of article 19. After the completion of the excavation and provided that the finds shall not be preserved *in situ*, the body which is carrying out the excavation shall restore the site to its previous condition.
16. In case the owner of the immovable is entitled to compensation for the carrying out of an excavation in a private immovable, the compensation shall be paid in accordance with the provisions of articles 18 and 19 by the body that is carrying out the excavation. Eventual expropriation shall take place in favour of the Greek State.

### **Article 37**

#### **Rescue excavation**

1. Excavation for rescuing a monument that has been revealed in the course of a technical work, public or private, accidentally or due to natural causes or illegal excavation activity ("rescue excavation"), shall be carried out by the Service.
2. For the carrying out of rescue excavation, an archaeologist shall be appointed by the Service who has at least three years experience in



excavations and has not violated the time limits for the submission of the reports provided for article 39, paragraph 2.

3. The Service shall ensure the conservation and safeguarding of the finds in cooperation with specialists, technicians and conservators, the safety of the area which has been excavated, as well as the undertaking of safety measures for the project team and third persons. For the conservation of the immovable finds the provisions of article 9 shall be applicable.
4. The Service shall facilitate the access of specialists to the excavation site, subject to the provisions of article 39.
5. In case rescue excavation exceeds the aim of immediate rescue, the provisions of the preceding article shall apply.
6. The rescue excavation, the conservation and publication of the finds included, shall be financed by the owner of the work, if it is a public technical work under the terms of Law 1418/1984 (*Official Gazette A' 55*) as applicable or a private work with a budget of more than € 587,000. This amount may be readjusted by a decision taken by the Minister of Culture. Financing shall also cover the costs of conservation, study and publication of the finds. A work with a budget of less than € 587,000 may also be financed, following an application by the owner of the work, upon a decision of the Minister of Culture, following an opinion of the Council.

### **Article 38**

#### **Other archaeological research**

1. The provisions of article 36 shall apply *mutatis mutandis* to surface or other archaeological research, taking into account its non-destructive character. As directors shall be appointed scientists with a specialization and experience which shall ensure the satisfactory carrying-out of excavations. The institutions referred to in article 36, paragraph 2 may carry out annually three (3) surface or other



archaeological research in accordance with the provisions of article 36, paragraph 2.

2. The use of metal detectors or other scanners for surveying the subsoil, seabed or bed shall not be permitted without a permit by the Service. Issues relating to the possession and use of such devices, as well as the procedure for granting the relevant permits, shall be determined by a decision of the Minister of Culture.
3. A decision of the Minister of Culture shall determine the formalities required for issuing the decision referred to in article 36, paragraph 1, the specific duties of the bodies carrying out excavations or other archaeological research and those of the directors of systematic excavations or other archaeological research, the conditions and the manner of implementation of article 37, paragraph 6, the regulations on excavations and any relevant detail for implementing articles 35 to 38.

#### **Article 39**

##### **Publication of the results of excavations and other archaeological research**

1. The directors of systematic excavations or other archaeological research and those carrying out rescue excavations shall publish the results of their research within the time limits provided for below. Within these time limits, they shall have the exclusive right of publication.
2. The aforementioned persons shall submit to the Service annual scientific reports, at the latest in April of the following year, for their publication in a scientific journal or for their electronic registration.
3. The director of systematic excavation shall submit an initial presentation for publication within two (2) years from the beginning of the excavation, which shall contain a list of the movable finds and drawings of the immovables, and a final publication within five (5) years from the completion of the excavation. With regard to long-term excavations, the director shall additionally submit for publication a



presentation on the progress of excavation work every two (2) years commencing with the expiration of the time limit for submitting the initial presentation, while the final presentation with the signed contributions by the members of the research team shall be submitted within five (5) years from the completion of the excavation.

4. The person carrying out rescue excavation shall submit a final report with a list of the finds, photographs and drawings within nine (9) months from its completion. If he does not wish to undertake the final publication of the results of the excavation, he shall declare so in writing, in which case the Service shall care for the assignment of the publication. In the opposite case, the person who has carried out the excavation shall submit within six (6) years from its completion the final publication with the signed contributions by the members of the research team.
5. The director of surface or other archaeological research shall submit the final publication within two (2) years from its completion.
6. Finds from excavations or other research *in situ* or parts thereof may be the object of other special publications, following permission from the person who has the exclusive right of publication, within five (5) years from the date of granting the permit, if it concerns a publication of a part of the excavation, and within two (2) years, if it concerns a publication of an individual find.
7. The time limits mentioned in the preceding paragraphs shall be double with respect to underwater archaeological research.
8. Following the lapse of the time limits for the submission of the final publication referred to in paragraphs 3, 4, 5 and 7, the exclusive right of publication of the results of the excavation shall cease to exist. The person carrying out rescue excavation shall submit to the Service all the documentation material that he has in his possession, while the director of a systematic excavation or other archaeological research shall submit a copy of all the documentation material. The Service shall facilitate the access of interested researchers to the finds and the



documentation material in its possession, provided that there is no danger of it being damaged. The bodies carrying out excavation or other archaeological research shall be under the same duty with respect to the material which they possess and which is no longer subject any more to an exclusive right of publication.

9. Matters pertaining to the submission and publication of the studies referred to in this article as well as any other necessary details for its implementation shall be determined by a decision of the Minister of Culture. The same decision shall also determine issues relating to the electronic registration of the annual scientific reports or other elements.

## **SECOND PART**

### **WORKS FOR THE PROTECTION OF MONUMENTS**

#### **Article 40**

##### **Works on immovable monuments**

1. Works on immovable monuments and in particular conservation, consolidation, restoration, anastylosis, interment, installation of protective sheds, landscape designing, as well as works directed at rehabilitation or re-use, shall aim at the preservation of their material existence and authenticity, their enhancement and protection in general. They shall be carried out pursuant to a study approved by the Service, following an opinion of the Council or, if the works are of major importance, by a decision of the Minister of Culture, following an opinion of the Council. For the approval of the study, prior documentation of the monumental character of the immovable shall be required.
2. Emergency conservation and consolidation work shall be carried out care of the Service without undue delay and without further formalities.
3. If the works referred to in the present article and in articles 41 and 42 are to be carried out by the Service, no building license shall be required.

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4. The specific rules governing the elaboration of studies and the execution of works falling within the ambit of the present article shall be determined by a decision of the Minister of Culture. More specifically, they shall refer to recording, listing, documentation and survey of monuments, elaboration of the relevant architectural, structural and diagnostic studies, as well as studies for the preservation, protection, restoration, enhancement, management and the integrated use of monuments, application of quality control systems in conservation and restoration work and any other relative issue.

#### **Article 41**

##### **Protection of dilapidated monuments**

1. If the bearing structure of a monument dating after 1453 has suffered serious damage and is on the verge of collapse, a five-member committee shall be established by a decision of the Minister of Culture, comprising an architect, a conservator and a civil engineer, employees of the Minister of Culture, an archaeologist and an historian or an art historian or two archaeologists, employees of the Ministry of Culture in case of a monument dating up to 1830, or an architect from the competent town planning authority, and an historian or an art historian in case of a recent monument. The committee shall inspect their condition and propose measures, provided that the authenticity of the monument is preserved, which may include, *inter alia*, the necessary reinforcement of foundation, the temporary consolidation of the building, dismantling of dilapidated parts, collection of architectural members, removal of any decorative elements which are in danger, as well as safety measures for the tenants and third persons.
2. In exceptional cases, when the committee considers that preservation of the monument as a whole or a part thereof is not possible, it may recommend pursuant to a study its partial or total demolition, which shall be decided by the Minister of Culture, following an opinion of the Council; demolition shall be preceded by a detailed description of the



form and composition of the monument, full photography, recording and documentation thereof, as well as collection of all architectural members and decorative elements.

3. Urgent protective measures for dilapidated monuments shall be carried out care of the Service, without undue delay and without further formalities.
4. If demolition of the monument is considered necessary pursuant to the provisions of paragraph 2 and its owner has deliberately made it or let it become dilapidated, the erection of a new building shall be allowed only if it has at most the same size and building surface with the monument. The relevant building license shall be issued following an opinion of the committee referred to in paragraph 1.
5. Special issues pertaining to the implementation of the preceding paragraphs shall be determined by a decision of the Minister of Culture.

#### **Article 42**

#### **Removal of an immovable monument –**

#### **Detachment of parts thereof**

1. The removal of an immovable monument or a part thereof shall be prohibited without a permit by the Minister of Culture, which shall be issued following an opinion of the Council on condition that the necessary guarantees are provided for its transfer and reinstatement at a suitable location. In the case of monuments of particular significance which are classified by a decision of the Minister of Culture, following an opinion of the Council, a permit may be exceptionally granted if it is considered that their removal is imperative for their material safeguarding from natural causes or the execution of major technical works which are required for reasons of national defense or which are of major importance for the national economy and satisfy vital needs of the society. The removal of the monument due to the execution of a



technical work shall be considered only if, after relevant scientific investigation, every possibility of preserving it in its own environment has been excluded.

2. The detachment of items of sculpture, paintings, decorations, mosaics or other elements from an immovable monument which form an integral part thereof shall be prohibited. In exceptional circumstances, the detachment and removal of such elements may be allowed only if it has been determined by a decision of the Minister of Culture, following an opinion of the Council that it is absolutely necessary for their rescue.
3. The aforementioned works shall be executed pursuant to a study approved by the respective decision.
4. In case of emergency, the activities shall be carried out with the care of the Service, without undue delay or further formalities.

#### **Article 43**

##### **Conservation works on monuments**

1. Conservation works on movable monuments and on items of sculpture, paintings, decorations or other elements that form an integral part of immovable monuments, shall be carried out by the Service or by persons listed in the Registers of Conservators of Antiquities and Works of Art mentioned in article 9, paragraph 6 of Law 2557/1997 (*Official Gazette A' 271*) under the supervision of the Service, pursuant to a study approved by it or, if it is of primary importance, by a decision of the Minister of Culture, following an opinion of the Council. For the approval of the study, prior documentation of the monumental character of the movable or the immovable shall be required.
2. In case of emergency, conservation works shall be undertaken *in situ* by a conservator appointed by the Service without undue delay and with no further formalities.

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3. The specific rules and principles governing the conservation works referred to in the previous paragraphs shall be determined by a decision of the Minister of Culture, following an opinion of the Council.
  4. A decision of the Minister of Culture shall specify the terms and conditions for the establishment and operation of laboratories of conservation of antiquities and works of art.

#### **Article 44**

##### **Publication of the results of works**

The persons carrying out the works referred to in articles 40 to 43 shall submit annual reports on projects of their specialization at the latest in April of the following year and the final report or publication within fifteen (15) months from the completion of the projects.

### **CHAPTER FOUR**

#### **MUSEUMS**

##### **Article 45**

1. "Museum" shall mean the service or the organization of non-profit character with or without legal personality which acquires, accepts, safeguards, conserves, records, documents, researches, interprets and primarily exhibits and promotes to the public collections of archaeological, artistic, ethnological or other material evidence of people and their environment, for purposes of study, education and enjoyment. As museums may also be considered services or organizations with similar objectives and functions, such as open-air museums.
2. For the establishment and operation of a museum by the State, a decision shall be issued by the Minister of Culture, following an opinion by the Council, provided that the functions and the objectives referred to in the preceding paragraph are ensured, in the wider context of



museums policy. In this respect, the existence of one or more collections, adequacy and suitability of the premises, of the employed personnel and of the other means for achieving the objectives of the museum shall, *inter alia*, be required.

3. A museum established by or belonging to another legal person may be recognized by a decision of the Minister of Culture, following an opinion of the Council, upon submission of a relevant application, provided that the functions and the objectives referred to in paragraph 1 are ensured. In this respect, the importance of the collections, the adequacy and suitability of the premises and the employed personnel, as well as the other means and manners for achieving the objectives of the museum shall be taken into account.
4. A decision of the Minister of Culture, issued following an opinion of the Council, shall determine further the conditions which must be fulfilled by museums for the issuance of the decision referred to in paragraph 2 and in paragraph 3. These conditions may be specified by categories of museums on the basis of such criteria as the content of collections, the geographical area that they cover or the bodies to which they belong. The same decision shall determine the procedure for the establishment or recognition of museums, the studies and the certificates that must be submitted, the publication given to recognition and any other necessary detail.
5. Museums shall be open to the public in predetermined days and hours. They shall also facilitate access to their collections for study and research purposes.
6. Museums shall be governed by an internal regulation, which shall be adopted by a decision of the Minister of Culture following an opinion of the Council, with respect to State museums, and notified to the Service with respect to other museums.
7. The objects that are deposited in museums shall be registered in the National Inventory of Monuments with the responsibility of the Administration of Museums.



8. Recognized museums under paragraph 3 shall inform the Service annually of any change in the condition of the objects forming part of their collections, their eventual loss, and of the enrichment of their collections with new objects. If an object is under an imminent danger of damage, loss or destruction, the last section of article 27, paragraph 1 shall apply. In case of theft or illegal export, the provisions of article 30 shall apply.
9. The provisions of article 31, paragraph 5 shall apply with respect to the enrichment of the collections of museums that do not belong to the State with monuments. These museums shall be prohibited from acquiring or accepting as loan or trust, cultural objects suspected of deriving from theft, illegal excavation or other illegal activity in violation of the legislation of their country of origin, and, without undue delay, shall inform the Service of any such offer. The prohibition against acquisition or acceptance of cultural objects suspected of having been acquired or exported in violation of the legislation of their country of origin, shall also apply for State museums.
10. Objects forming part of museum collections shall not be subject to confiscation.
11. The transfer of ownership of objects forming part of collections of State museums is not allowed, subject to the provisions of article 25, paragraph 2 applying *mutatis mutandis* with respect to cultural objects, which do not constitute monuments. The transfer of ownership of objects forming part of collections of recognized museums which belong to a legal person of public law or local government agencies or legal persons of private law of the broader public sector may be exceptionally allowed either to the State or, upon authorization by the Minister of Culture and the *ad hoc* competent Minister, following an opinion of the Council, preferably to such other legal persons for the purpose of being deposited to another museum collection. The exchange of objects forming part of collections of recognized museums which are not of particular significance to the collections or to the cultural heritage of the country with objects forming part of collections



of foreign museums that are of particular significance may be exceptionally allowed by a decision of the Minister of Culture, following an opinion of the Council. The restrictions of the present paragraph shall not apply to renewable and replaceable specimens in natural history collections. Any transfer effected in violation of the provisions of the present paragraph shall be null and void.

12. The loan and temporary export of objects forming part of museum collections may be allowed under the terms and the conditions provided for in article 25, paragraph 1 and article 34, paragraph 11, respectively.
13. Recognized museums shall operate under the supervision of the Minister of Culture, who may revoke the decision referred to in paragraph 3, following an opinion of the Council, if the conditions for its issuance have ceased to be satisfied or if other provisions of the present law have been violated.
14. Recognized museums under paragraph 3 may be financially supported by the Ministry of Culture and may also enjoy the privileges referred to in the provisions of article 28, paragraph 6, article 31, paragraph 11 and article 47, paragraph 1. Monuments, according to these provisions, shall be acquired by recognized museums with the same legal personality or by legal persons to which recognized museums belong on condition that they shall be deposited in their collections.
15. For the purpose of erecting, expanding, establishing, enhancing and operating a museum there may be an expropriation or direct purchase of buildings or land in accordance with the provisions of article 18 and a protection zone may be established in their surroundings, in accordance with the provisions of article 17.

## CHAPTER SIX

### ACCESS TO AND USE OF MUSEUMS AND SITES

#### Article 46

1. A decision of the Minister of Culture, issued following an opinion of the Council, shall determine for the entire category of organized archaeological sites, historical sites or immovable monuments or separately for important sites or monuments: a) the terms and conditions for the visit of the public thereto, b) the cultural or other events which may be organized therein, compatible with their character as monuments or protected sites. The organization of an event or the use of the aforementioned sites or monuments is possible in the context of the aforementioned decision, upon permit by the Minister of Culture, following an opinion of the Council, which may stipulate specific conditions for such activities. For the use of the aforementioned sites and immovable monuments during these events, a fee shall be paid to the Archaeological Revenues and Expropriations Fund. By a decision of the Minister of Culture, non-profit-making events may be exempted from the obligation to pay the fee. "Organized archaeological site" shall mean the archaeological site, which belongs to the State and requires special care for its enhancement and promotion. An organized archaeological site may also be an excavation site. An archaeological site shall be declared as organized by a decision of the Minister of Culture, following an opinion of the Council.
2. A joint decision of the Ministers of Economy and Finance, and Culture, shall specify the price to be paid by the public for visiting monuments, museums, organized archaeological sites and historical sites, which belong to the State and are protected by the present law.
3. The Service shall facilitate the access of specialists who have been granted a relevant permit to movable monuments deposited in public museums and places of storage under its supervision for the purpose of photographing, studying and publishing them, provided that there is no danger for the deterioration of the monuments and subject to the provisions of article 39 with respect to rights of publication.

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4. A permit shall be required for the production, reproduction and dissemination to the public, for direct or indirect financial or commercial purpose, of casts, reproductions or representations of monuments which belong to the State, whether the same are immovable monuments located within archaeological and historical sites or individual or movables deposited in museums or public collections by any manner or means, including electronic and digital, *internet*, networks of telecommunication or other connection, and the creation of a data base with photographs of the aforementioned monuments, from bodies or persons other than the State, the Archaeological Revenues and Expropriations Fund and the Organization for the Promotion of the Hellenic Cultural Heritage S.A. The permit shall be granted on payment of a fee in favour of the Archaeological Revenues and Expropriations Fund legal or natural persons by a decision of the Minister of Culture which shall specify the duration of the permit, the conditions under which it shall be granted and the payable fee.
  5. The production, reproduction and use of the aforementioned products for other purposes, such as artistic, educational or scientific, may be allowed on payment of a fee in favour of the Archaeological Revenues and Expropriation Fund, from which there may be an exemption by a decision of the Minister of Culture.
  6. Article 14 of Law 1947/1939 shall be abolished.
  7. A decision of the Minister of Culture, following an opinion of the Council, shall specify the terms and conditions for granting the permit referred to in paragraph 4, including any technological measures and standards as well as any other relevant detail.
  8. A joint decision of the Ministers of Economy and Finance, and Culture shall determine the amount of the fee referred to in the preceding paragraphs, the procedure and the means of collecting it, the cases and the conditions of exemption from the obligation to pay it as well as any other relevant detail.



**CHAPTER SEVEN**  
**FINANCIAL INCENTIVES**

**Article 47**

**Tax incentives**

1. In article 31, paragraph 1(a)(iii) of Law 2238/1994, seven new subsections are added after fourth section as follows:

"The value of movable monuments, as defined by the legislation in force, which shall be transferred by way of donation to the State or to museums recognized by the Minister of Culture under the same legislation. In case of transfer to the State, the acceptance of the donation shall be effected by a joint decision of the Ministers of Economy and Finance, and Culture, following an opinion of the competent advisory Council of the Ministry of Culture, following an estimation of the pecuniary value of the monuments by a special assessment committee and acceptance of the value by the donor. The decision shall include the personal data of the donor, description and pecuniary evaluation of the monument. The monuments shall be deposited with State museums. In case of transfer by way of donation to museums, which do not belong to the State, the acceptance of the donation shall be effected, after the pecuniary evaluation of the monuments has been determined by the special assessment committee referred to in the sixth section of the present article. The amount deducted cannot exceed 15% of the total net income or profits appearing at the balance sheet of the accounting period, from the gross income of which it is deducted. In case the decision of the special assessment committee is issued in a financial year after that of the donation, the amount of the previous section shall be deducted from the gross income of the accounting period within which the decision is issued."

2. Article 23(23) of Law 2459/1997 (*Official Gazette A' 17*) shall be replaced as follows:



"23) 50% of the value of the immovables, which are situated in a non-built up archaeological zone and which have been reserved by the Archaeological Service of the Ministry of Culture."

3. The provisions of article 2, paragraph 4 of Law 2557/1997 shall be replaced as follows:

"In case of imposing succession, legacy or donation tax on movable monuments, works of fine art or other works of art, the tax levied may be paid in kind by the persons liable by transferring to the State movable monuments or works of fine art or other works of art of equal value. A special assessment committee shall determine the pecuniary value of the movable. Special issues relating to procedure, competent authorities, museums or other scientific or cultural bodies to which the monuments or other cultural objects shall be deposited, as well as any other detail for the implementation of the present provision shall be determined by the decision referred to in the next paragraph."

4. A joint decision of the Ministers of Economy and Finance, and Culture shall determine the composition of the special assessment committee referred to in paragraphs 1 and 3 of the present article for the estimation of the pecuniary value of the monuments, the procedure, the terms and conditions as well as any other detail for the implementation of the provisions of Law 2238/1994 and Law 2459/1997, as added or modified by preceding paragraphs 1 and 2 respectively, and the provisions of preceding paragraph 3.

#### **Article 48**

##### **Other financial incentives**

1. The owner of an immovable monument shall be entitled to transfer the coefficient of building surface which has not been covered by the immovable in accordance with the applicable law.
2. The procedure, the terms and conditions required for granting subsidies and/or other financial incentives to the owners or possessors



of buildings which have been classified as monuments or are listed in accordance with the provisions of the present law or article 4, paragraph 2 of Law 1577/1985, or which are located in sites or urban areas, which have been designated as archaeological sites, historical sites or traditional settlements pursuant to the provisions of the present law and article 4, paragraph 1 of Law 1577/1985 respectively, shall be determined by presidential decree, issued upon proposal by the Ministers of Economy and Finance, Environment, Town Planning and Public Works and Culture. The aforementioned incentives and subsidies shall be granted whenever due to the deterioration of or damage to the buildings referred to in the previous section, even if the latter is attributed to *force majeure*, there is need for their conservation, restoration, rehabilitation, restoration, reconstruction or enhancement or for the preservation of individual architectural, static or other elements thereof of historical and artistic significance, or for carrying out works aimed at facilitating their accessibility, in case they are monuments. The same presidential decree may stipulate that the criteria for selecting the buildings may be specified in a proclamation, in cases where this is provided for, as well as specify the amount of the subsidy as a percentage of the expenses required for the works for the aforementioned purposes. The percentage may vary on a case-by-case basis when the buildings are located within settlements upon criteria pertaining to the density or rarity of the buildings therein, the character of the settlement in connection to the danger, the degree and rate of its disfigurement, as well as the financial situation of the owner or possessor. Finally, the same presidential decree shall determine the sanctions to be imposed for acts or omissions in violation of its provisions.



**CHAPTER EIGHT**  
**COLLECTIVE BODIES**

**Article 49**

**Local Councils of Monuments**

1. By a decision of the Minister of Culture, Local Councils of Monuments shall be established at the seat of every administrative region and in insular regions, where necessary.

The Local Councils of Monuments shall be composed of eleven (11) members as follows:

- a) An Associate Judge to the Legal Council of the State, to be replaced by another Associate Judge, as President.
- b) Three archaeologists, employees of the Ministry of Culture, to be replaced by other employees with the same specialization.
- c) One architect, employee of the Ministry of Culture, to be replaced by another employee with the same specialization.
- d) One conservator, employee of the Ministry of Culture, to be replaced by another employee with the same specialization.
- e) One architect, employee of the Ministry of the Environment, Town Planning and Public Works, to be replaced by another employee with the same specialization appointed by the Minister of the Environment, Town Planning and Public Works.
- f) Three members of the Teaching and Research Staff of university-level institutions, or research associates at recognized research centers or specialists with at least five years research experience following their doctorate (PhD) in the field of archaeology, architecture, ethnology, folk archaeology, social anthropology, art history or other fields related to the protection of the cultural heritage, to be replaced by persons having the same qualifications.



- g) One representative of the National Union of Municipalities and Communities, who is appointed along with his deputy.
2. The Local Councils of Monuments shall render advisory opinions on all issues pertaining to the monuments and sites within their municipalities, with the exception of those referred to in article 50, paragraph 5(c). Upon application by anyone interested, the Local Councils may examine anew an issue that has already been decided, only if new substantial evidence has emerged *ex post facto*.

## **Article 50**

### **Central Archaeological Council**

#### **Central Council of Recent Monuments**

1. By a decision of the Minister of Culture, the Central Archaeological Council shall be established, composed of seventeen (17) members as follows:
  - a. The Secretary-General of the Ministry of Culture as President.
  - b. The Legal Councillor of the State to the Ministry of Culture, to be replaced by another Legal Councillor or Associate Judge at the office of the Legal Councillor to the Ministry of Culture.
  - c. The Director-General of Antiquities and the Director-General of Restoration of Monuments and Technical Works of the Ministry of Culture, to be replaced by persons having similar qualifications.
  - d. Five archeologists, heads of regional or special regional services of the Ministry of Culture at the level of a Directorate with specialization relating to the competence of the Central Archeological Council, to be replaced by persons having similar qualifications.
  - e. Seven professors or associate professors of university-level institutions, research associates of a comparable level at



recognized research institutions or other scientists of recognized authority, whether employees or not of the Ministry of Culture, with at least ten years professional and scientific experience following the acquisition of their doctorate (PhD) in archeology, architecture, conservation of antiquities, art history, geology, science and technology of materials, structural engineering and soil-mechanics or other sciences related to the protection of ancient monuments and sites, to be replaced by persons having similar qualifications.

- f. One architect, employee of the Ministry of the Environment, Town Planning and Public Works, to be replaced by an employee with the same specialization appointed by the Minister of the Environment, Town Planning and Public Works.
2. By a decision of the Minister of Culture, the Central Council of Recent Monuments shall be established composed of seventeen (15) members as follows:
- a. The Secretary-General of the Ministry of Culture as President.
  - b. The Legal Councillor of the State to the Ministry of Culture, to be replaced by another Legal Councillor or Associate Judge at the office of the Legal Councillor to the Ministry of Culture.
  - c. The Director-General of Antiquities and the Director-General of Restoration of Museums and Technical Works of the Ministry of Culture, to be replaced by persons having similar qualifications.
  - d. Three heads of regional or special regional services of the Ministry of Culture at the level of a Directorate with specialization relating to the competence of the Central Archeological Council, to be replaced by persons having similar qualifications.
  - e. Six professors or associate professors of university-level institutions or research associates of a comparable level at recognized research institutions or other scientists of recognized authority, whether employees or not of the Ministry of Culture,



with at least ten years professional and scientific experience following their doctorate (PhD) in archeology, architecture, conservation of antiquities, art history, geology, science and technology of materials, structural engineering and soil-mechanics or other sciences related to the protection of ancient monuments and sites, to be replaced by persons having similar qualifications.

- f. One architect, employee of the Ministry of Environment, Town Planning and Public Works, to be replaced by an employee with the same specialization appointed by the Minister of Environment, Town Planning and Public Works.
  - g. One architect representing the Technical Chamber of Greece.
3. With the decision establishing the Central Archaeological Council and the Central Council of Recent Monuments, the deputy of the Secretary-General of the Ministry of Culture as President of the Central Archaeological Council and the Central Council of Recent Monuments shall be appointed. When the Secretary-General is replaced by another member of the Council, the deputy of this member shall be called in his position as a Council member.

*As Rapporteurs* in the Central Archaeological Council and the Central Council of Recent Monuments shall be appointed the heads of the *ratione materiae* competent Directorates of the Central Service of the Ministry of Culture.

4. All matters pertaining to the protection of ancient monuments, archeological sites and historical sites which have constituted the site of exceptional historical or mythical events up to 1830 shall fall within the competence of the Central Archaeological Council. All matters pertaining to the protection of recent monuments and the remaining historical sites shall fall within the competence of the Central Council of Recent Monuments.
5. Subject to the provisions of the preceding paragraph, the Central Councils shall:

- 
- a. Recommend to the Minister principles governing specific aspects of the protection of the cultural heritage, as stipulated in article 3.
  - b. Recommend to the Minister the annual programs of expropriations or direct purchases, excavations, restoration, conservation, as well as other works on monuments.
  - c. Give advisory opinion on issues relating to:
    - i) monuments and sites located within more than one municipality, at sea or in rivers and lakes;
    - ii) the protection of monuments entered in the World Heritage List, as well as other monuments, archeological and historical sites of outstanding importance;
    - iii) interventions of major importance on monuments and sites;
    - iv) the designation and establishment of archeological and historical sites and protection zones in accordance with the provisions of articles 12 to 17;
    - v) the compulsory expropriation or direct purchase or exchange of immovables for reasons relating to the protection of the cultural heritage;
    - vi) the removal of immovable monuments or a part thereof or the detachment of elements from monuments of outstanding importance;
    - vii) the issuance of a permit for demolition in accordance with the provisions of article 6, paragraph 10;
    - viii) the classification of categories of movable monuments;
    - ix) the export of monuments;



- x) the loan and the exchange of movable monuments belonging to the State;
- xi) the recognition of collectors and the acquisition of collections by the State in accordance with the provisions of article 31;
- xii) the loan, temporary export, exchange and transfer of antiquities forming part of museum collections referred to in article 45;
- xiii) any other important issue referred to them by the Minister of Culture.

6. a) For the implementation of the provisions of article 6, paragraph 11, if both monuments are antiquities, the competent body shall be the Central Archaeological Council, while if both monuments are recent, the competent body shall be the Central Council of Recent Monuments.

b) For any other issue relating to the implementation of these provisions, competent shall be a special body to be established by the Central Archeological Council and the Central Council of Recent Monuments sitting together in Plenary. The members referred to in paragraph 1(a), (b) and (c) as well as in paragraph 2(a), (b) and (c) shall have one vote, as the other members. In case of a tie of votes, the vote of the President shall decide the issue.

This body shall also give advisory opinion on the classification of an immovable located within an archeological site or an antiquity as a monument, in accordance with article 6, paragraph 1(b) and (c), without waiving their protection.

## Article 51

### Council of Museums

1. By a decision of the Minister of Culture, the Council of Museums shall be established composed of fifteen (15) members as follows:

- a. The Secretary-General of the Ministry of Culture as President.
- b. The Director-General of Restoration of Museums and Technical Works, the Director-General of Antiquities, the Director-General of Cultural Development and the Head of the competent Service of the Ministry of Culture, to be replaced by persons having similar qualifications.
- c. Six (6) directors of museums of different categories, among those at least three (3) of State museums, to be replaced by persons with the same status.
- d. Two (2) persons having a scientific specialization or professional experience in matters pertaining to museum organization and function, to be replaced by persons having the same qualifications.
- e. One (1) representative of the Hellenic Branch of the International Council of Museums (ICOM), with his/her deputy.
- f. One (1) representative of the Central Union of Municipalities and Communities of Greece with scientific specialization or professional experience in matters of organization and operation of museums, with his/her deputy.

2. The Council of Museums shall:

- a. Recommend to the Minister principles governing the museums policy of the State and measures to support and further elaborate it, as well as cooperation between museums and coordination of their activities;
- b. Give advisory opinion on issues relating to the implementation of the provisions of article 45, subject to the provision of article 50, paragraph 5(c)(ii);



- c. Give advisory opinion on the implementation of the principle of reciprocity, in the event of loan for the organization of exhibitions in museums;
  - d. Give advisory opinion on the establishment of State museums as special regional services of the Ministry of Culture pursuant to the provisions of article 7, paragraph 28 of Law 2557/1997, and
  - e. Give advisory opinion on any issue relating to museums and being referred to it.
3. The provisions of article 6, paragraph 1 of Law 2557/1997 (*Official Gazette A' 271*) shall be abolished.

## Article 52

### **Common rules for the composition and functioning of the Councils**

1. The term of office of the members of the Councils referred to in articles 49 to 51 shall be three (3) years.\* The term of office of at least half of the members of the Councils who do not participate *de jure* shall be renewed every six (6) years.
2. The Councils may be assisted in their work by assigning, upon their recommendation and a decision of the Minister of Culture, the examination of *ad hoc* issues to committees comprised of some of their members or other specialists or experts, which shall render advisory opinions.
3. The scientific and secretarial support of the Councils shall be undertaken by a secretariat to be established at the Ministry of Culture at the seat of each Council.
4. The *Rapporteurs*, the members of the Councils and their secretariat shall be entitled to remuneration, the amount of which shall be determined by a joint decision of the Ministers of Economy and

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\* As amended by article 80, par. 13a of Law 3057/2002, *Official Gazette A' 239*.



Finance, and Culture in derogation from every general or special provision.\*

5. A decision of the Minister of Culture shall determine all matters pertaining to the organization and functions of the Councils and their secretariats, the possibility of their composition and functioning in chambers as well as every other relevant detail. A presidential decree, issued pursuant to a proposal by the Minister of Culture may establish new Councils, allocate competence, merge or abolish Councils and determine every other relevant detail.
6. Members of the Councils and the *Rapporteurs* shall participate in the Councils' sessions. In the sessions of the Central Councils the *Rapporteurs* shall participate without a right to vote.\* The individuals whose cases are brought before the Council may appear in person and/or be represented by a lawyer as well as use technical advisors in order to present their views and reply to any questions raised by the members or the *Rapporteurs*.

## CHAPTER NINE

### CRIMINAL LAW PROVISIONS

#### Article 53

##### Theft of monuments

1. Theft shall be punished by a temporary term\* not exceeding ten (10) years (article 372 of the Penal Code), if the stolen property is a monument of especially high value or a monument which has been removed from an immovable monument, an excavated site, a museum, storage places of antiquities or a place where a collection is kept.
2. If theft has been committed by two or more persons joined together for the purpose of committing thefts or armed robberies or for committing

\* As amended by article 80, par. 13b of Law 3057/2002, *Official Gazette A'* 239.

\* As amended by article 10, par. 22 of Law 3207/2003, *Official Gazette A'* 302.

\* *Translator's note:* Greek law distinguishes between the sentence of *temporary term* (five to twenty years) and *imprisonment* (ten days to five years).



crimes provided for in the present law, a temporary term shall be imposed. The same penalty shall be imposed if the offender commits thefts of monuments habitually or by profession.

#### **Article 54**

##### **Embezzlement of monuments**

Embezzlement shall be punished by a temporary term not exceeding ten (10) years (article 375 of Penal Code), if the property embezzled is a monument of especially high value or if the offender commits the act of embezzlement of monuments by profession or habitually.

#### **Article 55**

##### **Receiving and disposing of monuments constituting products of crime**

The act of receiving and disposing of products of crime (article 394, paragraph 1 of Penal Code) shall be punished by a temporary term not exceeding ten (10) years, if its object is a monument of especially high value and the offender knew that it was the product of an indictable offense. If the offender commits the act mentioned in the previous section by profession or habitually, a term of imprisonment shall be imposed.

#### **Article 56**

##### **Damage to a monument**

1. Any person who destroys, damages, pollutes, renders impossible or obstructs the use of or disfigures a monument or a cultural object forming part of a museum collection or a cultural object which has been deposited in open or enclosed public, municipal or communal areas shall be punished by a term of imprisonment of not less than two (2) years, if the act is not punishable more severely pursuant to another provision.



If the monument belongs to the offender, imprisonment not exceeding three (3) years shall be imposed.

2. If it concerns a monument of especially high value and the act has been committed in the context of an organized criminal activity or by two or more persons joined together for committing such an activity, a temporary term not exceeding ten (10) years shall be imposed.

#### **Article 57**

##### **Damage to a monument due to negligence**

The act referred to in the first section of preceding article 56, paragraph 1 shall be punished by a term of imprisonment not exceeding two (2) years if it has been committed due to negligence.

#### **Article 58**

##### **Breach of the duty to declare a monument**

Any person who fails to make a declaration pursuant to the provisions of article 8, paragraph 1 and article 24, paragraph 2, shall be punished by a term of imprisonment not exceeding three (3) years. Any person who fails to make a declaration pursuant to the provisions of article 24, paragraph 2 and article 33, paragraph 2, shall be punished by a term of imprisonment not exceeding two (2) years. In the case of monuments which are classified in accordance with article 20, paragraph 6 of this law, the crime of the previous section shall be committed only if the person responsible for the declaration had knowledge beyond any doubt of the administrative act on classification. In the case of the previous section, the offender shall be punished by a pecuniary penalty not exceeding € 50.000 and on recidivism by a term of imprisonment not exceeding two (2) years.



## Article 59

### Illegal transfer of a monument

Any person who transfers the ownership or the possession of a monument or acquires ownership or possession of a monument without the permit, authorization or notification, required by law, shall be punished by a term of imprisonment not exceeding two (2) years. An imprisonment of at least two (2) years shall be imposed in case of an ancient monument that has not been lawfully declared. These penalties shall be imposed, provided that the act is not punishable more severely pursuant to another provision.

## Article 60

### Illegal trading in monuments

Any person who without a permit exercises the profession of an antique dealer or a merchant of recent monuments, as provided for in article 32, paragraph 1, shall be punished by a term of imprisonment.

## Article 61

### Illegal excavation or other archeological research

1. Any person who carries out excavation for the purpose of finding or revealing antiquities without a prior permit shall be punished by a temporary term not exceeding ten (10) years.
2. If the acts mentioned in the preceding paragraph have been committed within archeological sites or if the offender commits them by profession or habitually, a temporary term shall be imposed.
3. Any person who carries out other illegal archeological research for the purpose of finding or revealing antiquities without a prior permit shall be punished by a term of imprisonment of not less than one (1) year. If the offender commits the act of the previous paragraph by profession or habitually, a temporary term not exceeding ten (10) years shall be imposed.



## Article 62

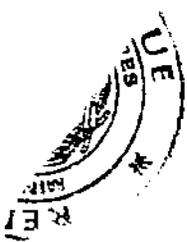
### Illegal use of a metal detector

1. Any person who uses a metal detector or other detection equipment without the permit required under article 38, paragraph 2, shall be punished by a term of imprisonment of not less than three (3) months.
2. If the act mentioned in the preceding paragraph has been committed within archeological sites or if the offender commits the act by profession or habitually, a term of imprisonment of not less than three (3) years shall be imposed.

## Article 63

### Illegal export of cultural objects

1. Any person who exports or attempts to export from Greek territory in violation of the provisions of the present law, a monument or a cultural object with respect to which the classification procedure has been initiated in accordance with article 20, paragraph 2, second section, shall be punished by a temporary term not exceeding ten (10) years. The acquisition of the monument as a result of a criminal act shall constitute an aggravating circumstance.
2. Any person who violates the terms of the decision according to which a permit for the temporary export of a monument forming part of a museum collection has been granted and especially if he does not re-import it within the specified time-limit, shall be punished by a term of imprisonment. Nonetheless, if violation of the terms is not substantial, the court may impose no penalty. The act of overdue re-importation shall be expunged, if the offender voluntarily and prior to being questioned in any manner for this act by the authorities re-imports the monument or the cultural object.
3. The offender of the act of the first section of the preceding paragraph shall be punished by a temporary term not exceeding ten (10) years, if



the act has been committed with the intention of permanently removing the monument from the limits of Greek territory.

4. Any person who exports or attempts to export from Greece beyond the limits of the customs territory of the European Union in violation of the provisions of Council Regulation (EEC) 3911/1992 and Commission Regulation (EEC) 752/1993 and their implementing presidential decrees, as applicable, cultural objects under the terms of Regulation 3911/1992, shall be punished by a term of imprisonment of not less than three (3) months if the act is not punishable more severely by another provision.
5. Article 3 of Presidential Decree 423/1995 (*Official Gazette A' 254*) shall be abolished.

#### **Article 64**

##### **Illegal import of cultural objects**

Any person who imports into Greek territory cultural objects under the terms of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Paris, 17 November 1970) ratified by Law 1103/1980 (*Official Gazette A' 297*), which have been illegally removed from museums or other similar institutions or religious or public monuments situated within the territory of other States parties to the said Convention and which are documented as appertaining to the inventory of those institutions shall be punished by imprisonment for not less than one (1) year, if the act is not punishable more severely by another provision.

#### **Article 65**

##### **Illegal non-return of cultural objects**

Any person who does not comply with an enforceable judgment of a court or arbitral tribunal ordering the return of cultural objects which have been illegally removed from the territory of another State pursuant to



international conventions ratified and enforced in Greece or European Union legislation, shall be punished by a term of imprisonment.

#### **Article 66**

##### **Illegal intervention or execution of works**

Any person who, without the permit required by law or in excess of it, commits an act from those mentioned in the provisions of articles 10, paragraphs 2-4, 13, 14 and 15 with respect to a monument, archeological site or historical site, shall be punished by a term of imprisonment not exceeding three (3) years. The same penalty shall be imposed on anyone who carries out an act or activity in protection zones in the surroundings of monuments or sites, as provided for in articles 15 and 17, in violation of the applicable terms and restrictions. The same penalty shall be imposed to anyone who commits the acts mentioned in articles 42, 43 paragraph 1 and 46 paragraph 4, without the permit required by law or in excess of it.

#### **Article 67**

##### **Negligent safeguarding, preservation or conservation of a monument**

The owner, the possessor or the holder of a monument who complies with his duties of safeguarding, preserving or conserving negligently and as a result exposes the monument to danger, shall be punished by a term of imprisonment not exceeding three (3) years.

#### **Article 68**

##### **Actions of investigative bodies**

The provisions of article 25B of Law 1729/1987 (*Official Gazette A' 144*), which has been added by article 22 of Law 2161/1993 (*Official Gazette A' 119*), shall apply *mutatis mutandis* also with respect to the crimes of theft of monuments, embezzlement of monuments, damage to monuments, receiving and disposing of monuments that constitute products of crime,



illegal excavation or other archeological research and illegal export of cultural objects. The jurisdiction of the investigative body shall be limited to actions that are absolutely essential for the verification of these crimes, the commission of which must in any event have been premeditated by the offender.

#### **Article 69**

##### **Forfeiture and pecuniary penalty**

1. Forfeiture of cultural objects which have been illegally exported or have been attempted to be illegally exported, as well as the instruments of commission of this act, illegal excavation or other research for the purpose of discovering or revealing antiquities is mandatory, if the objects are owned by the offender or a participant.
2. If, for any reason, forfeiture of the means of commission of the offenses provided for in the present law is not imposed, a pecuniary penalty shall be imposed which may amount to half ( $\frac{1}{2}$ ) of the value of such means.

#### **Article 70**

##### **Extension of the application of the provisions of Law 2331/1995**

Section xviii of article 1 of Law 2331/1995 (*Official Gazette A' 173*) shall be replaced as follows:

"xviii) of criminal offenses which have a monument as their object"

#### **Article 71**

##### **Jurisdiction of the Court of Appeal**

1. Prosecution of acts that constitute the felonies of theft of monuments, embezzlement of monuments, damage to monuments, receiving and disposing of monuments constituting products of crime, illegal



intervention or execution of work on a monument, illegal export of cultural objects and illegal excavation or other archaeological research for the purpose of finding or revealing antiquities, falls under the jurisdiction of the three-member Court of Appeal.

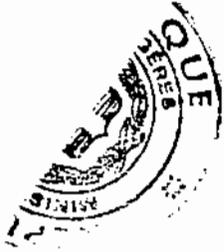
2. As soon as summary investigation proceedings for the acts of the preceding paragraph have been completed, the file shall be referred by the Public Prosecutor of the Multimember Court of First Instance to the Public Prosecutor of the Court of Appeal, who, if he considers that there is not sufficient evidence for a trial, may refer the case with a motion to the Judicial Council of the Court of Appeal, which shall render its decision in accordance with the provisions of articles 309-315 of the Code of Penal Procedure.

If the Public Prosecutor to the Court of Appeal judges that there is sufficient evidence for the file not to be returned for completion, provided that the President of the Court of Appeal also agrees, he shall refer the case directly to trial with a motion against which no appeal shall be permitted.

## **Article 72**

### **Treatment of pecuniary penalties and objects forfeited**

1. Pecuniary penalties, fines, the amounts from conversion of custodial penalties into pecuniary penalties, as well as the amounts for the pecuniary satisfaction of the State due to moral prejudice which are imposed pursuant to the provisions of the legislation for the protection of the cultural heritage shall constitute revenue of the Archeological Revenues and Expropriations Fund. Objects forfeited as instrument of commission of criminal offenses shall be given to the Ministry of Culture.
2. A joint decision of the Ministers of Economy and Finance, Justice and Culture shall determine the procedure for verifying, collecting and transferring the aforementioned amounts to the Archeological



Resources and Expropriations Fund, as well as any other relevant detail.

## CHAPTER TEN

### SPECIAL, TRANSITIONAL AND FINAL PROVISIONS

#### Article 73

##### Transitional and special provisions

1. The existing rights of ownership, at the time of entry into force of the present law, of the ecclesiastical legal persons of the Church of Greece, the Church of Crete, the Dioceses of Dodecanese, the Ecumenical Patriarchate of Constantinople, the Patriarchates of Alexandria, Antiocheia and Jerusalem, the Holy Monastery of Sinai, the Holy Monasteries of Mount Athos, the Patriarchal Monasteries of Aghia Anastasia Pharmakolytria in Chalkidiki, of Vlatadhes in Thessaloniki and Ioannis the Evangelist Theologos in Patmos, other legal persons or associations representing religions or confessions, of ancient monuments of religious character, even those dating up to 1453, shall be reserved.
2. The provisions of the present article shall not affect the special provisions of law governing Mount Athos (Aghio Oros).
3. Anyone who has in his possession an ancient movable of those mentioned in article 20(1)(a') and (b'), shall declare it to the Service within one (1) year from the date of publication of this law. Declaration made within the aforementioned time limit shall constitute, for the person making it, grounds of excuse from the initiation of criminal proceedings for non-timely declaration.

Anyone who declares in accordance with the preceding paragraph that he possesses an antiquity dating up to 1453 may submit, along with the declaration, an application for a permit of possession of antiquities in accordance with the provisions of the present law. The permit shall be granted unless the negative conditions provided for in article 23(2)c'



are applicable. Upon the granting of a permit of possession, the necessary measures for the safeguarding and preservation of the monument shall be determined.

4. If, pursuant to the provisions of paragraph 2, possession of an antiquity imported from abroad and dating up to 1453 has been declared, a right of ownership shall be recognized under the terms and the conditions provided for in article 33, paragraph 3.
5. Those having a permit of a private collection of antiquities pursuant to the provisions of Cod. Law 5351/1932 may apply for their recognition as collectors in accordance with the provisions of the present law. The applicants shall be recognized as collectors unless the impediments mentioned in article 31, paragraph 1 or 2 are applicable. The decision on recognition shall determine all the necessary measures which the collector must take for the safeguarding and preservation of the objects forming part of the collection within a time limit of eighteen (18) months from the date of recognition at the latest. After the lapse of eighteen (18) months from the date of publication of this law, the permits of private collections of antiquities which have been issued pursuant to the provisions of Cod. Law 5351/1932 shall cease to exist *ipso jure*, unless an application for the recognition as collector in accordance with the provisions of the preceding section is pending.
6. Those having a permit to trade antiquities pursuant to the provisions of Cod. Law 5351/1932, if they wish to exercise the profession of the antique dealer, must apply for the relevant permit in accordance with the provisions of the present law, within a time limit of eighteen (18) months from the date of its publication. After the lapse of eighteen (18) months from the date of publication of this law, the permits for trading antiquities which have been granted pursuant to the provisions of Cod. Law 5351/1932, shall cease to exist *ipso jure*, unless an application for the permit of an antique dealer in accordance with the provisions of the preceding section is pending.

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7. The director of a systematic excavation in progress shall submit for publication the initial presentation within two (2) years from the date of publication of the present law. If the excavation has been completed, the director shall submit the final publication within five (5) years from the date of publication of the present law.
  8. Museums operating at the time of the entry into force of the present law and established by law, shall be deemed to be recognized museums under the provisions of article 45, paragraph 3. However, they must comply with the provisions of this article and the normative acts provided for herein, within a time period to be specified by a decision of the Minister of Culture.
  9. Legally operating mines and quarries shall continue lawfully their operations after the entry into force of this law, until the expiration of the respective licenses, which may thereafter be renewed.
  10. Cultural objects, which have been declared to be protected pursuant to the provisions of the pre-existing legislation shall be henceforth protected in accordance with the provisions of the present law. Cultural objects, which have already been classified *per* categories shall be classified anew in accordance with the procedures and under the conditions provided for in the present law. Until then, they shall be protected in accordance with the provisions of the present law, which shall apply *mutatis mutandis*.
  11. The pecuniary value of movable monuments shall be determined by a three-member committee of specialists established by a decision of the Minister of Culture, following an opinion of the Council. If the private party does not accept the price determined by the aforementioned committee, a committee shall be established consisting of one specialist representing the private party, the head of a department of the Ministry of Culture or a museum director appointed by the Minister of Culture and a specialist appointed by the President of the Supreme Court.



12. In the case of immovables or areas which have been classified more than once, the provisions of the present law shall prevail so far as monuments, archeological and historical sites are concerned.
13. Archaeological sites declared before the entry into force of this law, which have not been designated in accordance with the conditions provided for under article 12, paragraph 1, shall be permanently designated within (3) three years from that date within the framework of a program elaborated pursuant to a decision of the Minister of Culture, following an opinion of the Council. With respect to underwater archeological sites, the aforementioned time limit shall be double to the one referred to above.
14. Whenever in the present law and in the legislation for the protection of cultural heritage in general it is provided that:
  - a) a permit or authorization by the competent service or the Minister of Culture is required for the execution of works or for the carrying out of any other activity, or
  - b) the carrying out of works or other activities is prohibited or imposed either by law or pursuant to an act by the Service or the Minister of Culture, or
  - c) legal consequences may result due to the violation of provisions thereof, notices may be issued temporarily and protocols permanently certifying compliance with the conditions from which the legal consequences provided for in the law or in normative or administrative acts issued pursuant to this law result, especially the cessation of works, appointment of contractors or teams of workers for the execution of the works, levy of compensation or fee, eviction from an immovable, confiscation of a movable or an immovable monument. These notices and protocols shall be issued by the Minister of Culture, who may authorize in this respect the Secretary-General or employees of the Ministry of Culture. Police authorities and any other public or local government authority shall offer any



assistance required for the enforcement of the notices and the administrative protocols referred to in the present paragraph. With respect to serving and enforcement of the aforementioned notices and protocols, the provisions of article 7(9)b', sec. 4 and 5 of Law 2557/1997 shall apply *mutatis mutandis*.

15. A presidential decree, issued upon proposal by the Minister of Culture, shall specify the additional administrative sanctions to be imposed for acts or omissions in violation of the provisions of the present law or the normative acts, which have been issued pursuant to its provisions.
16. The corporation mentioned in article 6, paragraph 2a of Law 2557/1997 (*Official Gazette A' 271*), which was added by article 6, paragraph 1 of Law 2819/2000 (*Official Gazette 84 A'*), shall change its registered name from "Corporation for the Promotion of the Hellenic Cultural Heritage S.A." to "Organization for the Promotion of Hellenic Culture S.A."
17. At the end of article 6(2)(a)iv of Law 2557/1997 (*Official Gazette A' 271*), which was added by article 6, paragraph 1 of Law 2819/2000 (*Official Gazette A' 84*), insert the following section:  

"As regards activities relating to the Cultural Olympiad and the promotion of the culture of the country, the company may operate also on a non-profit basis."

## FINAL PROVISIONS

### Article 74

#### Codification of the legislation

By presidential decree, issued upon proposal by the Minister of Culture, the legislation on the protection of the cultural heritage may be codified in its entirety, the order or the enumeration of its provisions may be altered, similar provisions may be unified and in general any amendment necessary for its administrative codification may be effected.



### Article 75

The present law shall enter into force as from its publication in the *Official Gazette*, unless otherwise provided for in separate provisions. Every provision of law that is contrary to the provisions of the present law shall be abolished.

We order the publication of the present law in the *Official Gazette* and its execution as law of the State.

Athens, 28 June 2002

THE PRESIDENT OF THE HELLENIC REPUBLIC  
CONSTANTINE STEPHANOPOULOS

#### THE MINISTERS

ECONOMY AND FINANCE  
N. CHRISTODOULAKIS

DEVELOPMENT  
A. TSOCHATZOPOULOS

ENVIRONMENT, TOWN PLANNING  
AND PUBLIC WORKS  
V. PAPANDREOU

JUSTICE  
F.PETSALNIKOS

CULTURE  
E.VENIZELOS

Authenticated and sealed

Athens, 28 June 2002

THE MINISTER OF JUSTICE  
F. PETSALNIKOS

Athens, 17 September 2004

Certified true translation into English of the attached original

THE TRANSLATOR

  
STELIOS KONDYLIS

REPUBLIQUE HELLENIQUE  
MINISTÈRE DES AFFAIRES ÉTRANGÈRES

Vu pour legalisation de la signature ci-dessus  
du Traducteur du Ministère des Affaires  
Étrangères ayant traduit le texte ci-joint.

Athènes le, 20 SEP 2004



PAR DÉLÉGATION DU MINISTRE  
Le Directeur p.m.

NICOLAOS CHRISTODOULOUPOULOS  
Secrétaire

