

## ELEMENTS OF THE STATUTE

LAW 3028/2002

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TITLE: ON THE PROTECTION OF ANTIQUITIES AND CULTURAL HERITAGE IN GENERAL.

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### CHAPTER ONE: MAIN PROVISIONS

#### ARTICLE 1: SCOPE

1. From the ancient years until this day, the cultural heritage of the Country falls into the protection provided by the provisions of this law. This protection aims at the preservation of historical memory in favour of the current and future generations, and at the improvement of the cultural environment.
  2. The cultural heritage of the Country consists of the cultural assets located within the borders of the Greek territory, including the territorial waters, as well as within other sea zones on which Greece has relevant jurisdiction in accordance with the international law. Cultural heritage also includes the intangible cultural assets.
  3. In the context of the international law regulations, the Greek State also procures for the protection of cultural assets originating from the Greek territory, regardless of the time these were taken abroad. The Greek State, always in the context of the international law, also procures for the protection of cultural assets that are historically linked to Greece, regardless of their location.
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#### ARTICLE 2: DEFINITION OF TERMS

For the implementation of the provisions of this law: a) Cultural assets are the testimonies of the existence and of the individual and collective creativity of man. b) Monuments are the cultural assets that constitute material testimonies, belong to the cultural heritage of the Country and call for special protection based on the following categories: aa) Ancient monuments or antiquities are all cultural assets dating back to prehistoric, ancient, Byzantine and post-Byzantine times up to 1830, subject to the provisions of article 20. The ancient monuments also include caves and palaeontological remains, for which there is evidence that they are linked to human existence. bb) Recent monuments are the cultural assets that are dating after 1830 and call for protection due to their historical, artistic or scientific

significance, in accordance with the distinctions of articles 6 and 20. cc) Immovable monuments are the monuments which have been attached to and remain on the ground or the seabed or on the bed of lakes or rivers, as well as the monuments which are found on the ground or the seabed or on the bed of lakes or rivers and cannot be removed without damage to their value as testimonies. The immovable monuments also include installations, constructions and decorative and other elements, which form an integral part of the monuments, as well as their immediate surroundings. dd) Movable monuments are the monuments that are not deemed as immovable. c) Archaeological sites are areas on land, in the sea, in lakes or in rivers that contain or there is evidence that they contain, ancient monuments, or which have constituted or there is evidence that they have constituted monumental, residential or burial groups from the ancient times up to 1830. The archaeological sites also include the necessary open space that allows the extant monuments to form a historical, aesthetic and functional unity. d) Historical places are areas on land, in the sea, in lakes or in rivers that constitute or there is evidence that they have constituted the place of important historical or mythical events, or areas where there is evidence that they contain monuments dating after 1830, or composite works of man and nature dating after 1830, which form characteristic and homogenous sites that can be topographically demarcated and must be protected due to their folkloric, ethnological, social, technical, architectural, industrial or their general historical, artistic or scientific significance. e) Intangible cultural assets are the expressions, activities, pieces of knowledge and information, such as myths, customs, oral traditions, dances, proceedings, music, songs, crafts or techniques that constitute testimonies of the traditional, popular and literary culture. f) Service is the responsible Central or Regional Service of the Ministry of Culture. g) Board is the ad hoc competent advisory body that acts collectively, as stipulated in the provisions of articles 49 to 51.

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### ARTICLE 3: CONTENT OF THE PROTECTION

1. The protection of the cultural heritage of the Country mainly refers to: a) the location, research, registration, documentation and study of its elements, b) the preservation and prevention of its destruction, alteration and any direct or indirect damage on it, c) the prevention of illegal excavation, theft and illegal export, d) the maintenance and restoration, wherever this is necessary, e) the facilitation of access and contact with the cultural heritage for the public, f) the promotion and integration of the cultural heritage into the contemporary social life and g) the education, and also the aesthetic training and awareness of the citizens on the cultural heritage.

2. The protection of monuments, archaeological sites and historical places is included in the goals of all kinds of land layout, developmental, environmental and urban planning or plans of equivalent results or substitutes of the above.

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#### ARTICLE 4: NATIONAL ARCHIVE OF MONUMENTS

1. The monuments are listed, documented and registered on the National Archive of Monuments, which is kept in the Ministry of Culture.

2. A presidential decree, which is issued upon proposal of the Minister of Culture, regulates the organization and operation of the national Archive of Monuments and specifies the method of monument registration, the method of data protection, the conditions for the exercise of the right to access the data for research and other reasons, as well as any necessary detail. The report for the inspection on the condition of every immovable monument conducted by the competent Service of the Ministry of Culture is registered, at least every three years, on the National Archive of Monuments.

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#### ARTICLE 5: PROTECTION OF INTANGIBLE CULTURAL ASSETS

The Ministry of Culture procures for listing in written form, as well as for recording on physical audio, visual or audiovisual media, and for registering and documenting the intangible cultural assets of the traditional, popular and literary culture that are of a particular significance. A presidential decree, which is issued upon proposal of the Minister of Culture, specifies the method for recording and registering the intangible cultural assets, the services or/and bodies that are responsible for the implementation of the aforementioned actions, and generally regulates any necessary detail.

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#### ARTICLE 39: PUBLICATIONS OF RESULTS FROM EXCAVATIONS AND OTHER ARCHAEOLOGICAL RESEARCHES

1. The persons that are responsible for systematic excavations or any other type of archaeological research and the persons carrying out rescue excavations are obliged to

publish the results of the researches within the time limits that are specified below. Within these limits, the aforementioned persons have the exclusive right of publication.

2. The aforementioned persons must submit annual scientific reports to the Service, no later than April of the next year, in order to be published in a scientific journal or to be registered in electronic form.

3. The person that is responsible for a systematic excavation must submit within two (2) months after the beginning of the excavation an initial report for publication that will include the list of the movable findings and drawings of the immovable findings, as well as the final publication within five (5) years after the end of the excavation. For long-term excavations, he is also obliged to submit for publication a report regarding the progress of the excavation work every two (2) years, beginning from the elapse of the deadline for the submission of the initial report, while the final publication signed by all the research team members must be submitted within five years after the end of the excavations.

4. The person who carries out a rescue excavation must submit the final report, the list of findings, the pictures and drawings within nine (9) months after the end of the excavation. If he does not wish to undertake the final publication of the excavation results, he must state that in writing and the Service will assign the publication to another person. In the opposite case, the person who carried out the excavation is obliged to submit, within six (6) years after the end of the excavation, the final publication signed by all the research team members.

5. The person that is responsible for a surface or any other archaeological research is obliged to submit the final publication within two (2) years after the end of the excavation.

6. Findings that are discovered during the excavation or any other field research, or parts of such findings, can become the object of special publications, always with the permission of the person who has the exclusive right, within five (5) years after permission is granted if the publication refers to a part of the excavation and within two (2) years if the publication refers to an independent finding.

7. The deadlines of the previous paragraphs are doubled in the case of underwater archaeological researches.

8. After the inactive lapse of the deadlines for the submission of the final publication under paragraphs 3, 4, 5 and 7, the exclusive right to publish the excavation results is no longer effective. The person who carries out a rescue excavation must submit to the Service all the documentation material he possesses, while the person that is responsible for a systematic excavation or another archaeological research must submit a copy of all of the documentation

material. The Service must facilitate the access of the interested researchers to the findings and the documentation material, which are in the possession of the Service, provided that there is no risk of wear. The same obligation also applies to the organizations that carry out an excavation or another archaeological research, regarding the material they possess, provided that the exclusive right of publication does not apply to the subject material.

9. A decision issued by the Minister of Culture regulates matters referring to the submission and publication of the studies of this article, as well as any other detail, which is necessary for the implementation of this article. The same decision also regulates all matters that are related to the electronic registration of the annual scientific reports or any other data.

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## CHAPTER SIX: ACCESS TO AND USE OF MONUMENTS AND SITES

### ARTICLE 46

1. A decision of the Minister of Culture, issued upon a relevant opinion of the Board, for the total or for a category of organized archaeological sites, historical places or immovable monuments or individually for significant sites or monuments, specifies: a) the terms and conditions regarding the public's visit at such sites, b) the cultural or other events that can take place at such sites, provided that such events are compatible with the character of the sites as monuments or protected sites. It is possible to hold an event or to concede the use of the aforementioned sites, in the context of the decision of the previous section, upon permission granted by the Minister of Culture issued upon a relevant opinion of the Board, while the decision may impose special terms regarding the way such events are conducted. A fee is paid to T.A.P.A. (Fund of Archaeological Resources and Expropriations) for the use of the aforementioned sites, places and immovable monuments. The exemption from the obligation to pay the fee is possible in the case of non-profitable events, upon decision of the Minister of Culture. An organized archaeological site is a site that belongs to the ownership of the Public Sector and is the object of special attention in order to be promoted and exposed. An excavation site can also be an organized archaeological site. An archaeological site is characterized as organized upon decision of the Minister of Culture following a relevant opinion of the Board.

2. A joint decision of the Minister of Economy and Finance and the Minister of Culture specifies the amount of the entrance fee that the public must pay in order to visit museums, monuments, organized archaeological sites and historical places that belong to the Public Sector and are protected by virtue of this law.

3. The Service must facilitate the access of special scientists, to whom the Service grants the relevant permission, to movable monuments that are in public museums and repositories under the supervision of the Service, for purposes of photography, study or publication, provided that there is no risk of wear for the monuments and subject to the provisions of article 39 in respect of the publication rights.

4. A previous permission is required for the production, reproduction and dissemination to the public, for direct or indirect economic or commercial purpose, of impressions, copies or depictions of monuments belonging to the Public Sector, or immovable monuments that are located in archaeological sites and historical places or are isolated, or movable monuments that are kept in museums or collections of the Public Sector, in any way and by any means whatsoever, including electronic and digital means, the Internet, telecommunication networks or networks of any other connection, and creation of databases with images of the aforementioned monuments by other bodies or persons apart from the Public Sector, T.A.P.A. and the Hellenic Culture Organization S.A. Such permission is granted to natural or legal persons for a fee paid in favour of T.A.P.A. upon decision of the Minister of Culture, while the decision also specifies the temporal validity of the permission, the terms on which the permission is granted and the fee that must be paid.

5. The production, reproduction and use of the aforementioned products for other purposes, such as artistic, educational or scientific purposes, is allowed for a fee paid in favour of T.A.P.A., however, the exemption from the obligation to pay the fee is possible upon decision of the Minister of Culture.

6. The provision of article 14 of E.L. 1947/1939 is abolished.

7. A decision of the Minister of Culture, issued following the relevant opinion of the Board, specifies the conditions and terms on which the permission of paragraph 4 is granted, including any technological measures and specifications, as well as any other detail.

8. A joint decision of the Minister of Economy and Finance and the Minister of Culture specifies the amount of the fees of the previous paragraphs, the procedures and the method of their payment, the cases and conditions of exemption from the obligation to pay the fees, and also regulates any other necessary relevant detail.

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