

# INFORMATION ABOUT PERMITS

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*Attachment: Greek Law 3028/2002*

*Attachment: Prot. # YPPO/GDA/ARCH/A3/Φ30/70868/2539*

## 1. General Information About Permits

According to the policy of the Greek Ministry of Culture and Tourism and the rules adopted by the Managing Committee of the American School, all American scholars who wish to conduct field work in Greece, or to study, photograph or draw objects in Greek museums, storerooms and sites or subject such objects to scientific analyses should request that appropriate application for permission be made to the Greek authorities on their behalf by the American School. For the policy statement of the Ministry of Culture, see below under §4d, e.

Permit requests fall into three categories:

1. **Requests for excavations, field surveys, and *synergasia* field projects** . These must be submitted through the School to the Ministry of Culture and Tourism in November. Submission is made to the Director and the Chair of the Committee on Excavation and Survey. The procedure is described below on a separate page: [Permits for Excavation and Survey Work in Greece](#).

Persons considering applying for a permit are strongly encouraged to consult beforehand with the Director of the School and the chair of the Excavation and Survey Committee. They will be happy to provide advice in planning the formal request for a permit.

[The list of current permits and their availability can be found \*here\*.](#)

2. **Requests for taking samples** and sending them abroad for analysis must be submitted through the School to the Ministry of Culture and Tourism. They should be sent to Administrative Assistant of the School (Ioanna Damanaki) <idamanaki.admin@ascsa.edu.gr>. Applications must include:

- a detailed list of objects, sherds or organic materials from which samples will be taken.
- a description of the chemical or physical method/analysis which will be used.
- the size or weight of the sample to be taken.
- a statement of whether the analytical method is destructive or non-destructive.
- photographs of all objects from which samples will be taken and will be analyzed.

The export of samples is discouraged and granted only when it can be demonstrated that analysis is impossible in Greece due to lack of technical facilities. These requests may be made at any time. A fuller statement extracted from the Ministry of Culture and Tourism document of 26 April 2004 (and a copy of that document) may be found below §4b: Permission for analysis of archaeological material.

3. **Requests to study, draw, and/or photograph objects** must be submitted through the School to the relevant Ephoreias of Antiquities. They should be sent to the Administrative Assistant of

the School (Ioanna Damanaki) <idamanaki.admin@ascsa.edu.gr>. These requests may be made at any time.

- Requests for permission to study fully published objects should include precise bibliographical reference(s) for each item as well as museum inventory numbers, when possible.
- Requests for permission to study unpublished objects should include a letter of authorization from the excavator or other relevant authority, including the Greek Archaeological Society, if appropriate.
- Requests to study any material from excavations of other Foreign Schools, Greek Universities or the Archaeological Society must be accompanied by a letter of consent from the head of the relevant institution. Such documents should be obtained before applying to the School, and should be included with the request to the School.

Processing under (1) and (2) is expected to take two months or more; under (3) it takes a variable amount of time, ranging from a few weeks to several months. Requests submitted to the School should be as complete as possible.

The applicant will receive a copy of the School's request(s) on his/her behalf, and, as soon as a permit is received, will be given a copy of the permit and any other relevant documents; the original will remain on file at the American School.

## **2. Permit Availability**

The availability of permits will be announced at meetings of the Managing Committee and posted on the ASCSA website approximately two years in advance of projected fieldwork and proposals will be considered only as permits become available. All proposals for excavation and survey work in Greece, including *synergasia*, should be discussed first with the Director of the School and the Chair of the Excavation and Survey Committee. Completed proposals then must be sent to the Chair of the Excavation and Survey Committee 18 months before such work is to take place and no later than November 15. After approval by the committee, excavation and survey directors will submit a permit application to the School Administrative Assistant (Ioanna Damanaki) <idamanaki.admin@ascsa.edu.gr> by October 15 in the year prior to the beginning of the project and the School will then apply to the Greek Ministry of Culture and Tourism on behalf of the applicant(s) and associated cooperating institution(s).

There follows a list of projects that have been approved by the Excavation and Survey Committee for the years 2005 onward.

## a. List of Current Permits

### Excavations and Surveys

(Note: the Athenian Agora receives a special permit each year, in addition to the 3 available)

### *Synergias*

2005 Corinth, Azoria, Galatas  
2006 Corinth, Azoria, Galatas  
2007 Corinth, Korphos, Galatas,  
2008 Corinth, Korphos, Plakias  
2009 Corinth, Korphos, Plakias  
2010 Corinth, Gournia, Nemea  
2011 Corinth, Gournia, Nemea  
2012 Corinth, Gournia, Nemea  
2013 Corinth, 2 Permits Available

2005 Grevena, Mitrou, Mochlos  
2006 Grevena, Mitrou, Lykaion  
2007 Kenchreai, Mitrou, Lykaion  
2008 Kenchreai, Mitrou, Lykaion  
2009 Kenchreai, Lykaion, Mochlos  
2010 Mochlos, Lykaion, Kopaïs  
2011 Kopaïs, Thebes, Damnoni-Plakias  
2012 Kopaïs, Thebes, Mochlos  
2013 Thebes, 2 Permits Available

## b. Historical List of Permits

Some projects appear under more than one heading, since they may have changed status over time (e.g., from survey to excavation). The list may not be complete.

### Excavations

Agios Haralambos  
Agora  
Azoria  
Chrysokamino  
Corinth  
Elis  
Galatas  
Gournia  
Halai  
Halieis  
Isthmia, Sanctuary and  
Roman baths  
Kavousi  
Kommos  
Korphos  
Nemea, Sanctuary of Zeus  
and Tsoungiza  
Samothrace

### Synergias

Actium  
Agios Haralambos  
Alonissos  
Barnavos, Nemea  
Eliki  
Gournia  
Grevena  
Halasmenos  
Kandia  
Kenchreai  
Mitrou  
Mochlos  
Mount Lykaion  
Panakton  
Phalasarna  
Preveza  
Pseira

### Surveys

Arcadia  
Dorati  
Eastern Korinthia  
Archaeological Survey  
Eliki  
Gournia  
Grevena  
Halai  
Kythera  
Lefkas  
Megalo Monastiri  
NW Peloponnese  
Panakton-Skourta Plain  
Preveza  
Pylos  
Nemea Valley  
Saronic Harbors  
Archaeological Research  
Project  
Vrokastro

### **3. Permits for Excavation and Survey Work in Greece**

#### **a. Instructions for Applying for a Permit**

The Excavation and Survey Committee is currently inviting applications for two excavation and survey permits and two *synergasia* permits available for 2013. Applications should provide the committee with the information listed below (Section 3 c).

Proposals for the 2013 season must be received in electronic form by the Chair of the Excavation and Survey Committee no later than November 15, 2011. Proposals will be considered at the committee meeting in the first week of January 2012, and the results of the competition announced soon afterwards. (Note that in the case of a successful application to the ASCSA, the Ministry of Culture and Tourism of Greece requires the submission of CVs for all non-student personnel working on active field projects.)

Please forward proposals to Chair of the Excavation and Survey Committee: [James Wright](#).

#### **b. Acquisition of property for excavation.**

Land acquisition for excavation can be a very time consuming and expensive process, which begin before an excavation permit has been requested.

After discussion with and approval of the local Ephoreia for the project, and prior to application for an excavation permit, the director(s) should ascertain the legal disposition and condition of ownership of the land on which the proposed excavation is to take place.

The disposition of the property on which one proposes to excavate is an important issue and one that must be determined prior to application for a permit from the ASCSA. If the land is privately owned, it is necessary to begin the process of identifying owners and plots prior to application so that this process does not delay the proposed work, if a permit should be granted.

Ownership of land can often be determined by making enquiries of the local residents and/or by checking the land registry located in every Demos, where one may obtain a print out with lot numbers associated with the declaration of property. Some property may not be declared at the time of enquiry, but must be declared for purchase.

If the land is privately owned, the director should indicate that a plan for land acquisition and transference to the Greek government—purchase or expropriation or both—has been agreed upon with the local Ephoreia and that progress has been made to contact landowners.

Land acquisition can take years to complete and includes several stages: identifying the owners and securing their agreement to sell the property; surveying the property and locating parcels (for which the project director must pay); making sure that the property has been formally and legally declared by owners to the Greek government and revenue service; agreeing on a price per

*stremma*; and hiring an attorney or *symvolaiographos* to draft and execute the contract of sale and deed transfer and their deposition

It is important to note that the Ministry cannot buy land that is not legally declared. So, when the contract is drawn up, it is necessary to make sure that each owner has legal title and tax declaration. Although most people do now because all plots are GIS linked and encoded, you may encounter owners who have not yet declared the land.

In order to acquire land, the purchaser needs a certified topographic map of the site with the field boundaries and areas or plots/parcels (*ktemata*) marked and then a *Ktematologikos Pinakas Idioktesion*, listing the owners and the sizes of the plots; it may also include the land prices. This map must be drawn for the contract of sale to be approved, signed, and filed. Such maps are made by registered civil engineers (*politikos mechanikos*); your local *symvolaiographos* can recommend one.

An *Agorapolesia Agrotikon Akineton* is the formal contract of sale, written by a *symvolaiographos*, signed by all the land owners, the Ministry, and the ASCSA Director, then filed in the land registry.

The project director is responsible for the fees associated with surveying the plots to be purchased (or expropriated) and for the cost of the attorney and *symvolaiographos*.

Land can also vary in price rather dramatically, whether purchased outright or expropriated, and it is important that directors applying for a permit to excavate be able to demonstrate who owns the land on which they hope to excavate and that if it is privately held they have the funds in hand for the acquisition.

The process for expropriation (*anagkastiki apallotriosi*) of land is somewhat different and in this case a court-established objective value (*antikeimeniki axia*) will be paid for the land, which can be quite high in some areas, such as in coastal zones. The expropriation requires a judicial procedure and can last from 2 to 5 years. The procedure is undertaken by the Greek State – but paid for by the excavation director through the ASCSA – and constitutes the ultimate solution, if the owners of the land do not wish to sell the property or do not agree with the selling price. The court decides on the price of the land, which automatically comes to the ownership of the Greek State when the price decided by the court to the landowners has been paid.

### **c. Procedures for obtaining permission from the School to apply for a permit.**

The American School of Classical Studies is entitled by Greek Law of 1932 to three excavations each year. One of these has traditionally been the School's own excavation at Corinth while the other two have been assigned by the School to cooperating institutions for various sites. Permission to excavate in the Athenian Agora was granted in 1929 by a special act of Parliament. The new Archaeological Law, #3028/2002 "For the Protection of Antiquities and in general of the Greek Heritage" (see below under §4d), allows three American projects

(excavations, surveys) each year (the Agora is excluded), and three joint Greek-American projects (*synergasia*).

All proposals for excavation and survey work in Greece, including *synergasia*, should be discussed first with the Director of the School and the Chair of the Excavation and Survey Committee. All such proposals then should be sent to the Chair of the Excavation and Survey Committee of the School's Managing Committee for consideration by the whole committee. The application should be submitted as a single **pdf** file, including the proposal, illustrations, and supporting documents. After approval by this committee, the School will then apply to the Greek Ministry of Culture and Tourism on behalf of the applicant(s) and associated cooperating institution(s). The Excavation and Survey Committee traditionally meets during the Archaeological Institute of America meetings in January and considers proposals for work to begin approximately 18 months from that time.

Accordingly, when permits become available and are announced, those interested in excavation and survey in Greece should submit to the Chair of the Excavations and Surveys Committee 18 months before such work is to take place and no later than November 15, a proposal which will be assessed on the following criteria and information:

- a. An **Abstract** summarizing the research plan and intellectual goals of the project.
- b. A full statement of the **research plan** intellectual goals of the project including relevant bibliography (not to exceed 7 pages single-spaced).
  - When a permit is sought for continuing work on a pre-existing project, the project's intellectual results to date and how these results have been disseminated must be communicated.
- c. A statement of **method** and techniques to be employed.
- d. The names and specialties of the **staff** who are to participate in the work.
- e. Full CV of director(s) and 2-page CV of each senior staff member (Append at end of application packet)
- f. The exact **dates** of the field work which should not be more than 4-6 weeks and the overall length of the program.
  - The fieldwork should be planned to start not earlier than April 1st of each year. If there is a special reason why a project should take place earlier, this must be explained in writing, in a special request to be submitted no later than October 1st. These rules are stated in the Ministry's directive of 2002, which is valid until further notice.
- g. A **budget** for the work and evidence that funds are available and/or have been applied for.
  - The budget must take into account article 44 of Greek Law 5351/32 which reads in part: "During the whole period of the excavation and research until the final publication, the excavating Archaeological Society or Archaeological School is obliged to pay for, under the instructions of the relevant service of the ministry, the conservation of the uncovered remains, the support of walls, the filling of pits, or the drainage of water. Failure to fulfill the above (obligations) can be regarded, after consideration by the Central Archaeological Council, as a termination of the excavation. If no museum or other available appropriate public building exists

near the place of excavation, the excavator (and surveyor) has the obligation to pay for the temporary safe storage of the discoveries.” Excavators are also expected to provide permanent storage for their finds after the completion of excavations. Even in instances where a local museum is available, the director must insure that space is available for proper storage and, failing that, that funds are available to provide for such storage.

### **Necessary Supporting Documents:**

- a. A brief written statement of support for the project from the Proistamenos of the relevant Ephoreia. This requires personal and direct communication in person with the Proistamenos.
- b. The contacts which have been made with local authorities about the work, and what support is forthcoming from them.
- c. The precise location and area to be excavated/surveyed. This should be described verbally and clearly indicated on a detailed map of scale 1:5,000.
- d. If a permit for excavation is sought, the Trustees of the School require a statement on the legal disposition of the land and how this has been determined. If the land on which you wish to excavate is privately owned, you must provide a plan for land acquisition and transference to the Greek government (purchase or expropriation or both) that has been agreed upon with the Proistamenos of the relevant Ephoreia and indicate what progress has been made in negotiations with the landowners. Property prices can vary rather dramatically, whether purchased outright or expropriated, and it is imperative that directors applying for a permit to excavate also demonstrate that they have the funds (or at least the majority) in hand for the acquisition before a permit request can be granted by the ASCSA.
- e. If the project will employ workers, an explanation addressing how IKA will be paid for them. The ASCSA does not provide this service for affiliated projects.
- f. Evidence of support from the cooperating institution(s) of which the project director(s) is a member, e.g. a letter from an appropriate Dean or the Provost.
- g. Evidence that prior publication commitments of field projects have been fulfilled.
- h. A statement outlining publication plans for the project, including plans for regular preliminary and final reports.
  - This plan should be updated as warranted by changes in the project’s plans and should contain also a statement of the methods to be employed by the project for the long-term storage and preservation of electronic data that emerges.

### ***Synergias***

If a *synergasia* is contemplated, the name(s) of the Greek co-director(s) and a clear outline of the divisions of labor and responsibilities between the Greek and American teams, including a statement that each side will provide one-half of the required funds and staff for each season. In *synergasia* projects, and according to the directive of the Ministry of June 2002, the two teams must sign a “protocol of cooperation” before the beginning of their project (directive of the Ministry of June 2003). In this protocol the two teams must describe the

intellectual purpose of the *synergasia*, the duration and the budget. The *synergasia* project is equally divided between the two parties and the Greek side is the director of the project.

### **Continuing Excavations**

If the request is for continuing excavation on a site where you have excavated before, a clear indication both in writing and on a state plan of the site where conservation/backfilling is complete and what, if anything, remains to be completed.

### **Reporting**

At the end of each season all projects should submit to the School, via the Administrative Assistant (Ioanna Damanaki) <idamanaki.admin@ascsa.edu.gr> a report of activities (as a Word document) accompanied by photos and/or maps. This document will be translated into Greek and sent to the Ministry of Culture and Tourism, the relevant ephoreias and directorates, and *Archaialogikon Deltion*. The English report, with its enclosures, will be sent to foreign schools for inclusion in *Archaeological Reports* and *Archaeology in Greece Online/Chronique des fouilles en ligne*. Therefore, members are requested to send the report and images electronically; if, however, numerous images are included then please send 8 CDs/DVDs with the report and images to the School.

#### **d. Procedures for obtaining a permit from the Greek Archaeological Service via the School.**

For those granted one of the School's six fieldwork permit requests and others seeking permits to conduct study and other research, the following guidelines apply. If you have questions about this procedure, please contact the Administrative Assistant (Ioanna Damanaki) <idamanaki.admin@ascsa.edu.gr>.

The School is required to submit all applications for excavation and survey work, including *synergasia*, to the relevant Ephoreias, the Department of Foreign Schools and other relevant Departments in the Ministry of Culture and Tourism. The Department of Foreign Schools then seeks the reactions of the relevant Ephoreias and other departments to these applications. The School, therefore, urges the directors of all excavation and survey projects to receive the approval of the relevant Ephoreias before submitting their proposals. The Ephoreias are asked to submit their reactions by December 30 of the year prior to the one in which work is to take place. The School, thus, must submit its requests to the Service in November and accordingly asks the directors of all excavation and survey projects to submit their program of work to the School by October 15 in the year prior to the beginning of the project.

In order to submit these permit requests, the School needs the following information:

- a. A report on the previous season's work, accompanied by photos and/or maps.
- b. A brief (no more than two pages) summary of what work is intended for the coming season, including a topographical plan of the area to be excavated/surveyed (scale 1:5000), the dates of the season, the various types of work that are to take place, and the

names and specialties of as many staff members as are known, including the CVs of all scientific personnel.

- c. If scientific studies are intended, exactly what these studies entail and who will carry them out.

For *synergias*, the request must be submitted to the Ministry of Culture and Tourism by both parties.

NOTE: Even though the School submits its requests to the Ministry of Culture and Tourism in November, it does not usually receive replies from the Ministry until the end of April. In some cases, the replies are negative. Project directors who need to expend funds before this time are warned that they may have to cancel their plans if the Ministry denies permission. In this case, they are advised to make other arrangements in order not to pay penalties if air tickets are purchased earlier than the end of April.

#### **e. Reporting requirements for permit holders.**

Applicants for permits should note that they will be required to submit annual reports on their work for publications in the *Archaeologikon Deltion*. These need to be in Greek and the School can have this done for you by a translation service that charges a fee. The translation fee is now \$75 for reports of up to one page in length and \$150 for reports longer than one page (single spaced, 12-point type in all cases). If you anticipate requiring translation of your report and wish to pay the fee at the same time as your project fees, you may do so. Those directors who provide a Greek translation of their report will not owe this fee (that is, you are free to translate it yourself or find your own translator, if you prefer).

## **4. Other Information**

### **a. Guidelines for Importing Archaeological Equipment into Greece**

In order to import archaeological equipment into Greece, scholars or project directors are asked to get and fill out a Carnet or ATA Carnet. Please link to the Carnet Document:

<http://www.atacarnet.com/>.

A Carnet or ATA Carnet is an international customs document issued by 70 countries. It is presented when entering a Carnet country with merchandise or equipment that will be re-exported within 12 months. It is sometimes called The Merchandise Passport for boomerang freight.

Upon presentation, the Carnet permits the equipment or merchandise to clear customs without the payment of import duties and import taxes\* such as VAT or GST. Payment is not necessary because the Carnet guarantees that the merchandise or equipment will be re-exported within a year. Thus the use of a Carnet is a way of temporarily importing into foreign countries without payment of import duties and taxes. Carnets also serve as the U.S. registration of goods so that the goods can re-enter the U.S. without payment of duties and taxes.

If goods are properly imported into one EU country and re-exported from a second EU country, the Carnet holder is unlikely to encounter any claims fees.

## **b. Permission for analysis of archaeological material**

(extracted from YPPO/GDAPK/ARCH/A2/F30/22268/778 and its Codicil)

- Requests to take samples and to make analyses of material are submitted to the relevant Ephorates of Antiquity with copies to the Section of Greek and Foreign Academic Institutions of the Directorate of Prehistoric and Classical Antiquities, and to the Section of Applied Research of the Directorate of Conservation of Ancient and Modern Monuments, which is responsible for giving the relevant permission.
- If the material to be studied or analyzed concerns more than one Ephorate of Antiquities, the applicants are obliged to submit their requests simultaneously to the Ephorates concerned so that the matter can be handled in its entirety in case of extensive programmes.
- If the material comes from research directed by the Ministry of Culture research department, the requests are to be submitted by the appropriate representative. If the request is made by researchers carrying out postgraduate or doctoral research, the request must be signed also by the professors overseeing the work.

**BEFORE SUBMITTING THE RELEVANT REQUEST, THOSE CONCERNED SHOULD KNOW THE FOLLOWING:**

- No sample may be taken that removes part of a complete ancient object, in accordance with Article 26 of Law N 3028/02.
- Archives or collections may not be made from pieces of the samples by foundations and representatives other than the Archaeological Service without specific approval by the Directorate of the Ministry of Culture responsible.
- No request for the application of a destructive method will be considered if there is a non-destructive method for accomplishing the same purpose of research. The method to be chosen is that which will need the smallest possible sample.
- The use of a destructive method is permissible only on fragments that cannot undergo conservation or cannot be joined (for example, sherds left from sorting, products of corrosion such as rust, black incrustation, organic remains).
- Specifically for structural material, such as 1) stone, unfired brick, fired brick, 2) plaster, slips, wall paintings, wood impressions, 3) pieces of building material from quarries, the following is noted: Since all possible methods for studying the above are destructive, permission will be granted only for fragments of building material that are ready to break off. This means that permission will not be granted to remove any pieces since that may cause further damage to the monument. As for wood impressions, since very few have remained, no sampling is permitted. In the case of painted wall plaster (wall paintings), no sampling is permitted. Likewise no samples may be taken from monuments that have had conservation.

- Specifically in respect to the sampling of incrustation on wall paintings and icons, the smallest possible samples shall be removed, except in the case of important objects which may not be sampled at all.
- In cases where permission for the sampling of some monument or object has already been granted in the past, permission for new sampling will not be granted unless adequate evidence is presented that new research is needed. That is to say that permission will be granted if the aim of the new research is to acquire different information about the object.

#### THE FOLLOWING MUST ACCOMPANY THE REQUEST

- Written approval of the excavator or whoever is responsible for the research in cases where a find from an excavation or from any other form of archaeological exploration is to be sampled.
- The requests must supply the following information a) the wider framework of the request and the ultimate reason for analyzing the material, whether for its conservation or whether for further research on the finds and their connections, and b) the research establishment to which the sample is to be taken and analyzed, the name of the laboratory and the name of the person in charge.
- For requests concerning analyses in laboratories outside Greece, reasons must be given for the necessity of doing the research outside Greece. Specifically for the sampling, the following is required:
- Detailed list of the objects intended for sampling or for laboratory analysis, stating whether they are complete or fragmentary objects, and whether they are organic remains. The list must be accompanied by photographs of each object and there must be a statement as to its origin, from an excavation or elsewhere.
- Description of the method to be used for sampling, stating also the precise part of the object from which the sample is to be taken.
- Number, measurements and respective amount to be sampled, as well as the form of the sample. If the request is for a large number of samples (over 10), the reason why such a large number is needed must be given. For palaeo-botanical material, organic remains, rust and other cases of formless material, in addition to the requested amount, the total available amount must be stated as well in order to assure that the material is not all used up, thus precluding future analyses. Necessary specifically for the handling of the material and for the analyses:
- Detailed description of the method(s) of analysis to be used for the sample or the object, and a statement on the expected partial or total destruction expected.

#### **c. Director of Record (DoR)**

The Excavation and Survey Committee, and of course by association the MC and ASCSA, have to insure that the transfer of director of record is not merely the action of the requesting individual but has been approved by a person who has some authority over the requesting person such that his or her actions are accountable. We have to be sure that the ASCSA does not end up having two persons claiming to be director of record. If the current DoR is alive, then a letter from that person approving the transfer and/or designating the new DoR is sufficient, but in

instances where the DoR is incapable or deceased, we need to take care that someone on the requesting side will take responsibility for the request. As a matter then of record keeping and accountability, we ask that a chair or a dean make the request in all instances. This will create a proper trail of documentation. In essence, the department chair or appropriate Dean to submit the request tells us that the matter is something you have looked into and approve or recommend, not unlike you telling a Dean that you are appointing a colleague to be the adviser of the undergraduate major.

Transfer of director of record does imply some transfer of institutional commitment, though that is not something that the ASCSA requires of institutions but rather requires of the director when submitting a permit request. These are in particular information about land purchase and information about a budget and financial resources to fulfill the requirements for land purchase, payment of IKA and general project expenses including provisions for conservation, storage, recording, and publication. It is the responsibility of the E&S and of the Director to vet permit requests and monitor permitted projects to see that funds and personnel are available and deployed to meet these obligations, since, in effect, the ASCSA will be held accountable ultimately by Greek authorities. Naturally the ASCSA wants to insure that there is institutional commitment to meet these responsibilities, since it is unlikely the DoR would be able to provide that evidence alone.

**d. Greek Law 3028/2002 governing archaeological research**

This is a translation of Greek law enacted in 2002 concerning the responsibilities of a director of record of field projects for the protection, conservation and presentation of archaeological sites. *Refer to the attached document.*

**e. Terms and conditions for archaeological research in Greece from organizations that do not belong to the Greek Archaeological Service. Prot. # YPPO/GDA/ARCH/A3/Φ30/70868/2539**

This document from the Ministry of Culture specifies the procedure for applications for all kinds of archaeological research. *Refer to the attached document.*

The following translation of Greek law enacted in 2002 concerns the responsibilities of a director of record offfield projects for the protection, conservation and presentation of a site:

### Law 3028/2002

#### Article 36: Systematic Excavations:

1. Systematic excavations shall be carried out by the Archaeological 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 interdisciplinary 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) the 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 that 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 specializing in paleontology with at least 3 years experience in excavations. If paleontological deposits are discovered in an on-going archaeological excavation, the director must notify the Service of such a discovery without undue delay. The direction of an excavation, which is carried out by the Service in cooperation 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 of 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, must ensure that as far as possible non-destructive methods are used, must care for the safeguarding 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 excavation. The director of the excavation shall facilitate the access of specialists to the excavation site subject to the provisions of article 39.

9. 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.
10. The decision referred to in paragraph 1 shall specify the duration of the excavation which cannot exceed five years. For its extension a new decision shall be required which shall be issued under the same procedure for a maximum period of five 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.
11. The decisions 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 convicted finally for one of the offenses provided for in paragraphs 6.
12. If an incomplete excavation has been abandoned for more than two 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 favor of the original body that carried out the excavation.
13. 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 favor 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.
14. Excavations may be carried out in an immovable property 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 property and for any damage that might be brought to his immovable property 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.
15. In case the owner of the immovable property is entitled to compensation for the carrying out of an excavation in a private immovable property, 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 favor of the Greek State.

#### Article 38

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 that will ensure the satisfactory execution and conduct of excavations. The institutions referred to in article 36, paragraph 2, may carry out annually 3 surface or other archaeological researches in accordance with provisions of article 36 paragraph 2.

**Prot. # YPPO/GDA/ARCH/A3/Φ30/70868/2539**

**TO: All Foreign Schools**

**SUBJECT: Terms and conditions for archaeological research in Greece from organizations that do not belong to the Greek Archaeological Service.**

The Ministry of Culture after voting Law 3028/2002 “For the Protection of Antiquities and in general of the Cultural Heritage” (Gazette 153/A’/28-6-2002) and with the aim of dealing uniformly with cases that deal with the archaeological research of the Foreign Archaeological Schools or Missions in Greece and Greek Universities, Scientific and Research Institutions or Organizations, as well as the promotion of archaeological research in Greece, specifies the procedure for applications and examination of every sort of requests for archaeological research of the above organizations, as follows:

#### **A. GENERAL**

From 2002 onwards, the aforementioned Greek and foreign research institutions are obliged to submit to the Foreign Schools Department of the Directorate of Prehistoric and Classical Antiquities a five-year plan of research (with reference to the sites, nature, research aims, as well as the number of annual research projects, in accordance with articles 35, 36 and 38 of Law 3028/2002). This plan will initially be approved by the Central Archaeological Council (KAS) and will serve as the basis for consideration of annual requests for the continuation or inception of archaeological projects.

Because there exist many old inactive projects of the Foreign Schools/Institutes, as well as of Greek Universities and other Research Institutions, the above organizations are requested to state their specific interest in any of them, in order (*for KAS*) to consider whether they should be continued or not.

#### **B. PROCEDURE FOR APPLICATION AND EXAMINATION OF REQUESTS**

1. All requests for work on new or continuing archaeological research shall be submitted by the 30<sup>th</sup> November of each year to the relevant Ephoreias of Prehistoric and Classical or Byzantine Antiquities, as well as to the Foreign Schools Department of the Directorate of Prehistoric and Classical Antiquities. If the research involves a cave, the request shall be submitted to the Ephoreia of Palaeoanthropology-Speleology with copies to the relevant Ephoreias of Antiquities. The requests for surface or geophysical surveys shall be submitted to the relevant Ephoreia of Prehistoric and Classical Antiquities as well as to the relevant Ephoreia of Byzantine Antiquities and, in cases where caves are involved, to the Ephoreia of Palaeoanthropology-Speleology, as well.

The requests of the Foreign Archaeological Schools/Institutes shall be submitted by the Director of the Foreign Archaeological School/Institute. The requests of the Greek Universities or other Research Institutes shall be submitted by the Director of the Department or the Dean of

the Faculty of the University or by the Director or President of the Research Institute which will be responsible for the proposed research.

In addition, it is specified that:

i) For the approval of continuation of excavation research, primary consideration shall be given to the care the excavator has given for the consolidation, conservation and presentation of the excavated antiquities, in accordance with article 36, para. 3, 8 and 11 of Law 3028/2002.

ii) An essential condition for the issuance of a permit for any systematic excavation is the prior expropriation of the property.

iii) It is possible to conduct underwater archaeological research only in collaboration (*synergasia*) with the relevant Ephoreia of Underwater Archaeology. In the case of a research program that involves both underwater and surface research, this particular research program is counted as two separate projects in the number of projects that each organization is allowed, with the underwater project having the aforementioned status of collaboration.

2. The applications that deal with individual personal research (*study permits*) do not need to be included in the annual quota of research projects of Greek and foreign organizations as these are mentioned in section (B1).

These applications deal with study, publication and further elaboration of archaeological finds (e.g. archaeometric and laboratory analyses, study of material etc.). They are submitted by the interested parties through their own research organization to the relevant Ephoreias of Antiquities, in accordance with the provisions of Law 3028/2002 for the protection of movable monuments. Details of the procedure for submission and examination of such applications are regulated by the circulars published by the General Directorate of Antiquities of the Ministry of Culture.

Applications for conducting geological research that are submitted to the Institute of Geological and Metallurgical Research (IGME) by Greek or foreign researchers must be submitted beforehand to the relevant Ephoreia of Antiquities, whose approval is essential before IGME issues the permit.

Requests of research organizations that concern non-archaeological underwater activities can be submitted and examined by the Ministry of Culture throughout the year, in accordance with article 15 of Law 3028/2002.

3. Topics which concern the publication of the results of excavations and other archaeological research are regulated by article 39 of Law 3028/2002.

## **C. REQUIRED ACCOMPANYING MATERIAL FOR APPLICATIONS**

### **a) New projects**

Applications for conducting new projects must include:

1. Detailed description of the planned work for each project period.
2. The justification for the research project.
3. CV of the project director.
4. List of staff with their specialties. It is noted that for surface surveys it is essential that the composition of the team should include archaeologists whose expertise will cover, if possible, all periods of the past, from the prehistoric to the post-Byzantine period.

5. A schedule of dates and duration of the project which, if it involves work on site, cannot exceed six (6) weeks per project period. Projects should not be scheduled for the first three months of the year, unless there is a special reason for doing so.
6. Precise definition of the project area according to case as follows:
  - For applications for excavations, a plan on which the area to be excavated in each project period is precisely indicated.
  - In the case of an application for surface survey, a map of the Geographical Army Service, scale 1:5000, on which the survey areas for the entire project and for each year's survey period are precisely indicated. The survey area of the entire project shall not exceed 30,000 *stremmata* (=3 hectares). In addition, it is noted that if a surface survey is conducted in a thickly forested area and clearing of undergrowth is necessary, before conducting any work, the relevant Ephoreia of Antiquity and the local Forest Service must be notified. The approval of the Forest Service is a prerequisite for the issuance of the relevant permit by the Ephoreia of Antiquities.
  - In the case of an application for geophysical research, the detailed description of the method that will be applied is essential, as well as a topographical plan with the whole area of planned research indicated and with the places to be surveyed clearly marked.
  - In the case of an application for underwater archaeological research, a plan of the route of the vessel in the area to be researched is essential, as well as a topographical map of the area which indicates precisely the extent of marine research.
7. Data concerning ownership of the area where archaeological research will be conducted must be provided. It is reminded that, in accordance with Greek legislation the systematic excavation on private property is forbidden. It is emphasized that the expropriation of properties shall be an essential prerequisite for the granting of a permit for any systematic excavation (article 18 of Law 3028/2002). Trial excavations of limited duration may be conducted on non-expropriated property, as is defined in article 36, para. 15-16 of Law 3028/2002. In the case of a request for geophysical or surface survey, and after the necessary procedures (i.e. permit request and approval) have been followed by the research organizations and the Ephoreias of Antiquities, it is advisable to inform the owners of the property, via the local authorities, of the presence of the scientific staff.
8. In cases of collaborative projects (*synergias*) a Protocol of Collaboration, completed and signed by the two parties, shall be submitted as regulated by the Ministerial Decision, protocol # YPPO/GDA/ARCH/A3 /F30/ 45857/1750/27-6-2002. It is understood that a collaboration (*synergasia*) is always between a Foreign Archaeological School/Institute or a Greek University or other Research Institution with the Greek Archaeological Service or with honorary Ephors of Antiquities.

b) Continuing projects

Applications for the continuation of research projects must include, in addition to the above, the following:

1. Detailed report of activities of the previous year, accompanied by plans and photographs.
2. The plan submitted indicating the area to be excavated must necessarily indicate how it correlates with the area already excavated.
3. In the cases of continuing excavations, a study or a technical report for the consolidation and conservation of the ancient remains already uncovered must be submitted. A prerequisite for considering an application is the care of antiquities that

have been uncovered, which is the responsibility of the excavator or the excavating organization. Detailed studies which are concerned with conservation, consolidation and reconstruction (*anastilosis*) of antiquities shall be submitted by the Foreign Archaeological Schools/Institutes and the Greek Universities and other Research Institutions to the local Ephoreias of Antiquities, to the Directorate of Prehistoric and Classical Antiquities or to the Directorate of Byzantine and Post-Byzantine Monuments, as well as, and depending on the case, to the relevant Directorates of the Central Service (Directorate of Anastilosis of Ancient Monuments, Directorate of Anastilosis of Byzantine and Post-Byzantine Monuments, Directorate of Conservation of Antiquities).

*(For information only; Section "D" concerns only the ephoreias)*

#### **D. ACTIONS OF THE DEPARTMENTS OF THE MINISTRY OF CULTURE**

The Ephoreias of Antiquities, to whom the aforementioned applications will have been submitted, must send them complete, together with their relevant suggestions to Dept. of Foreign Schools of the Directorate of Prehistoric and Classical Antiquities at the latest by the 31<sup>st</sup> December of each year. The Ephoreias of Byzantine Antiquities shall submit their proposal with a copy of the application to the Directorate of Byzantine and Post-Byzantine Monuments as well. Their proposal must contain reference to the Ephoreia's capacity to provide substantive supervision of the research, as well as the name of the supervising archaeologist. In cases of continuing excavations, the proposal must necessarily be accompanied by the report of the supervising archaeologist of the progress of the research during the previous season and the observance of the rules (cleaning, conservation and secure storage of finds, good condition of the site after the end of the excavation, deposit to the relevant Ephoreias of Antiquities copies of the diaries, plans, photographs etc.) as well as the report of the Ephoreia of Antiquities, which will confirm observance of the rules in articles 36, 38 and 39 of Law 3028/2002.

As far as expropriations or direct purchase for the Greek state are concerned, the relevant Ephoreias of Antiquities are requested to collect the necessary documents so that the files of the cases are complete and to forward them in time to the Central Service to be considered in order of priority at the KAS meeting.

It is noted that from now on the applications of the Foreign Archaeological Schools/Institutes and Greek Universities and other Research Institutions will be considered by KAS within the first two months of each year, and only then.

The Secretary General,

Lina Mendoni