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LAW AND PRACTICE REGARDING COIN FINDS

Christos GATZOLIS *

GREEK LAW AND PRACTICE REGARDING COIN FINDS

The legal framework governing the discovery and protection of ancient coins in Greece is part of the general framework for the protection of those items designated by the relevant legislation as “movable monuments”. Consequently, there are no specific provisions relating exclusively to coins, but the relevant provisions are taken from the general framework and applied accordingly.

The basic provisions are set out in Law no. 3028/2002 (A' 153), namely the “Law on the Protection of Antiquities and the Cultural Heritage in General”. This Law replaced the corresponding “Law no. 5351/1932 “On antiquities”, which had codified all the relevant legislation of the previous period, dating back to the 19th century. However, there was a need for a new systematization and elaboration, which would address the ambiguities and gaps of the existing legislation.

More specifically, article 1 of the Law no. 3028/2002 defines that cultural heritage in the country constitutes all cultural objects, both material and intangible, regardless of date, and establishes the obligation care for Greek cultural objects outside Greece. It also defines the purpose of protection: “the preservation of historical memory for the sake of the present and the future generations and the upgrading of the cultural environment”.

Article 2 defines the basic terms used in the law, such as the concept of cultural objects, monuments, archeological and historical sites. Thus, as cultural objects are meant “the testimonies of the existence and the individual and collective creativity of humankind” while the term “monuments” means those “cultural objects which constitute material testimonies and belong to the cultural heritage of the country and which deserve special protection”.

Monuments in particular are divided into ancient monuments or antiquities (from the most ancient times until 1830) and recent monuments (later than 1830), as well as immovable and movable monuments. The main feature of immovable monuments is their connection to the ground, while movable monuments are defined negatively, that is, what is not characterized as immovable monuments. As we have already mentioned, coins are included, of course, in movable monuments.

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Regarding the issue of ownership of monuments, Article 7 does not differ from the basic legislation that was in force since the 19th century. Thus, the ancient ones up to 1453, movable and immovable, belong to the State, with the exception of the imported ones which can conditionally belong to the private importers, while the ancient ones of the period 1453-1830, movable and immovable, can conditionally belong to individuals, other than excavation findings. Finally, the newer ones (1831-present) may belong to individuals.

The third chapter of the law is dedicated to the protection of movable monuments. It includes Articles 20 to 32 and is divided into four Parts.

Part I (Articles 20 to 26) regulates the topic of designation or not of movable monuments, as well as the issues of ownership, confiscation and possession, declaration, indication and reward, loan and exchange. Article 21.1 explicitly states that “movable ancient monuments dating up to 1453 belong to the State in terms of ownership and possession, are imprescriptible and things *extra commercium* according to article 966 of the Civil Code”. However, Article 21.2 states that “the right of ownership of imported antiquities dating up to 1453 shall be recognized” under certain terms and conditions.

Thus, the person interested in importing antiquities “shall provide evidence 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”. Especially when it is about the introduction of coins, newer regulations establish a special role for the Numismatic Museum of Athens, which is defined as the sole body responsible for listing the catalogue, as well as for defining their monetary value.

In addition, Article 22.1 provides that “Movable antiquities dating up to 1453 shall not be subject to confiscation and shall not constitute bankrupt property”. The possession of ancient monuments by individuals is allowed, but only for minor antiquities and under strict conditions, for both the applicant for possession (a natural or a legal person) and his heir. The law also defines the reasons for which the State may revoke the possession (Article 23).

Part II (Articles 27 to 30) regulates the issues of rights and duties of owners and holders of movable monuments, as well as issues of transfer of possession or ownership of movable monuments.

Part III (Articles 31 and 32) regulates the topics of collectors and antique dealers. Here the collector is defined and his rights and obligations are described. Collectors are required to increase their collections with legal

purchases, while “shall be prohibited from acquiring cultural objects which are suspected of coming 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”. The same goes for antique dealers and merchants of recent monuments.

Finally, part IV (Articles 33 and 34) regulates the topics of import and export of cultural objects. Cultural objects may be imported freely into Greek territory but the “holder of imported cultural objects which constitute monuments shall, without undue delay, declare their import as well as the manner in which they came to his possession”. The export of monuments from Greek territory is generally prohibited, however it is allowed with the permission of the Minister of Culture, as long as “they are not of special significance to the cultural heritage of the country”.

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