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Conservation and management - Greece

Country: Greece

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▼ **31A Balanced strategies for the protection, conservation and enhancement of heritage sites included in general planning policies**

Yes

▼ **3.1.B Specific regulations required in order to reconcile and combine the respective needs of heritage and development plans.**

Yes

▼ **3.1.C Known heritage sites ignored by the planning process**

No

▼ **31D How categories are integrated into planning policy. Regulations for the different activities. Who provides regulatory advice**

Movable monuments dating after 1453 and up to 1830, which are finds from excavations, or other archaeological research, or religious icons / Ipso Jure Protection

Who provides/permits regulatory advice?

Recent immovable monuments, less than one hundred years old / Protected if Listed

Who provides/permits regulatory advice?

Immovable monuments dating up to 1453 / Ipso Jure Protection

Who provides/permits regulatory advice?

Recent movable monuments, more than one hundred years old / Protected if Listed

Who provides/permits regulatory advice?

Listed Buildings / Protected if Listed

Who provides/permits regulatory advice?

Archaeological sites up to 1453 / Ipso Jure Protection

Who provides/permits regulatory advice?

Archaeological sites dating after 1453 and up to 1830 / Protected if Listed

Who provides/permits regulatory advice?

Historical sites / Protected if Listed

Who provides/permits regulatory advice?

Recent (later than 1830) immovable monuments / Protected if listed

Who provides/permits regulatory advice?

Traditional settlements / Protected if listed

Who provides/permits regulatory advice?

Immovable monuments dating up to 1453 / Ipso Jure Protection

Who provides/permits regulatory advice?

Recent movable monuments, less than one hundred years old / Protected if Listed

Who provides/permits regulatory advice?

Movable monuments, dating after 1453 and up to 1830 / Protected if Listed

Who provides/permits regulatory advice?

▼ **3.1.E Is information available on the number of heritage sites (all types of heritage) destroyed or severely damaged (without ..**

3.1.E Information available on the number of heritage sites (all types of heritage) destroyed or severely damaged (without the permission of the authorities) due to development projects.

Yes

▼ Approximate number of sites destroyed or severely damaged in the year

▼ **3.1.F Is information available on the number of heritage sites destroyed or severely damaged due to any of the activities listed**

3.1.F Information available on the number of heritage sites destroyed or severely damaged due to the activities listed below, which are outside the spatial planning system but can impact on heritage sites (e.g. agriculture, natural erosion)

Yes

▼ Please give the approximate number of sites affected per year and specify if other activities affect heritage in your context

▼ **3.1 Commentary**

Commentary (click to collaps)

Integrated Approach

As already mentionned, according to article 24 of the Constitution and Law no. 3028/2002 'On the protection of antiquities and cultural heritage in general', the state is the guardian of all monuments, archaeological sites and historic areas. Moreover, all monuments created prior to 1453 and within the territory of the Greek state, are the property of the state. This principle is fundamental for the understanding of the whole statutory system of protection in Greece. It is based on the relevant articles of the Constitution which places the protection of cultural property above the protection of personal property. However, it must be noted that in active settlements or towns which to this day have their own uninterrupted residential function, monuments dating after 1453 (Post-Byzantine), may be owned by legal entities or private individuals. They may also be municipal property. In cases where a monument is situated in private land, the Alternate Minister of Culture has the remit to enter an agreement with the landowner for the preservation of the monument and for ensuring public access to it (article 19 of Law no. 3028/2002). If the monument is of major archaeological, historical and scientific value, the Minister can proceed to compulsory land acquisition (article 18). The law provides for compensation of the owner faced with a permanent or temporary restriction of his rights (Law no. 2882/2001; Ministerial Decision no. 9130/26.2.2003).

Antiquities, Archaeological and Historical Sites ("Ancient Monuments"), as well as Listed Modern Monuments, are automatically protected by law from works that might harm them directly or indirectly. In order to execute any sort of interventions not only to the monuments, but also to their surroundings, the consent of the appropriate service of the General Secretariat for Culture is required (articles 2 and 6 of Law no. 3028/2002).

Article 3 of Law no. 3028/2002 stipulates that the protection of monuments and archaeological and historical sites is taken into account within all levels of planning policies (spatial, regional and urban), as well as in the various stages of development schemes. Hard infrastructure systems (telecommunication installations, energy devices, road construction and other transport infrastructure such as airports, underground railway and ports), industrial buildings, resorts and large scale tourist accommodation projects, are checked at planning stage. In addition, all intensive land uses, including mining and quarrying activities are submitted to rigorous controls. It is important to note that the archaeological evaluation of the above mentioned large scale operations and interventions to the cultural environment, precedes any other assessment or issuing of permit. The archaeological evaluation secures that the proposed works have no visual, sound or other deteriorating impact on the areas in question, and they do not impair the landscape that constitutes the environs of the monuments in any possible way (article 10).

Outside the boundaries of active settlements, towns or cities and around monuments and archaeological or historical sites, the Alternate Minister of Culture together with the other competent Ministers can delimit un-built zones (zone A). They can also regulate the land uses and prohibit all actions that could damage the monuments in any direct or indirect way. Such measures impose partial land use, restrictions on agricultural practices and farming, fishing or even on hunting. A second type of zoning (zone B), where special limitations on building, activities and land uses can be laid on, is also provided. For protection reasons, it is also possible to demarcate protection zones within the limits of historic settlements that constitute archaeological or historical sites. In those areas, the Services of the General Secretariat for Culture exert overall building control that encompasses building permits for new constructions, alterations and additions to buildings, small scale repairs, as well as demolition permits and attribution of new uses to the old buildings and their surrounding space. The guiding principle is to avoid altering the nature or the appearance of the individual monuments, as well as the architectural ensemble (articles 13, 14, 17 of Law no 3028/2002 in combination with article 91 of Law no 1892/1990 (=article 184 of Code of Building Regulations)).

It has to be noted that the Greek law on the protection of cultural heritage does not actually apply the term 'conservation area', but provides for the protection of archaeological and historical sites, which may be considered as the equivalent concept (articles 13, 14, 16 of Law no. 3028/2002. See also, Protection zones). In archaeological sites pre-dating 1453, building activity is not permitted in zone A, while it is regulated in zone B. In archaeological and historical sites dated post 1453, consent of the General Secretariat for Culture and special work authorization is required to build new houses (only reconstructions are permitted), or make any alterations to the existing ones. In all cases new interventions should not alter the character and appearance of the existing ensemble, or the spacing of structures and their relationship to each other.

A large part of the work of the regional services of the General Secretariat for Culture includes control of modern works carried out in the environs of monuments. Thus, any alterations proposed to their immediate surroundings, or within the limits of archaeological and historical sites, need the approval of the Minister. The Ministerial Decision that confirms the licence also states the exceptional conditions concerning the use of buildings together with the extent and character of any construction works taking place on them, as well as the conditions concerning conservation. Following this, it is the local town planning office that is responsible for checking the correct implementation of the terms of the building license, as well as the existence of the required authorization of other services, such as the Archaeological Service of the General Secretariat for Culture and the Committees for town planning and architectural control (article 10 of Law no. 3028/2002 and Law no 3212/2003). Moreover, the Archaeological Service ('Ephorate') is also responsible for holding a "watching brief" during the construction phase of new buildings and inspecting the foundations of new buildings in areas of archaeological interest. In case of fortuitous finds during the works, further investigation in the form of sampling or rescue excavation may be required.

All provisions that are in force for antiquities on the land, or existing under the earth, are applied correspondingly to antiquities that are found underwater (buildings, wrecks, movable objects). In addition, the law provides for special Ministerial Decisions that regulate all underwater activities in certain delimited marine areas, where the Services of the General Secretariat have attested the existence of underwater archaeological or historical sites, in order to protect the cultural environment and combat illicit trade of antiquities. For the protection of underwater antiquities, the General Secretariat for Culture collaborates closely with other competent ministries (Articles 15-15 of Law no. 3028/2002 and Ministerial Decision no 42813/2830 'Terms for the exercise of underwater activities').

In addition to the legislation pertaining to the protection of Antiquities and Cultural Heritage, there is also a specific legislative framework regarding spatial planning and the protection of the environment. It has to be noted that in accordance to the Constitutional will, Law no. 3028/2002 'On the protection of antiquities and cultural heritage' prevails in the legislative hierarchy. Thus, the protection of the cultural environment precedes any regional development scheme or other physical planning provisions.

Environment legislation

Framework-law no. 1650/1986 'Concerning the protection of the environment' is the basic legislative framework for the protection of the natural environment and landscape from public works and human activity. In particular, the dispositions of the law aim at protecting the ground and ensuring a usage that is in accordance to its natural qualities and productive capacity; protecting the surface and underground waters, considered as natural resources and eco-systems; protecting the atmosphere; protecting and preserving natural settings and landscapes and especially places of outstanding biological, ecological, aesthetic and geomorphologic value; protecting sea coasts, river banks, lake shores and islets, considered as natural resources, parts of eco-systems and elements of the landscape; controlling and preventing the under grading of the environment through the definition and use of maximum rates for the emission of all sorts of waste; awakening public awareness on issues related to the protection of the environment. In this context, Law no. 1650/1986 defines the principles and sets the criteria for the listing of protected natural areas and the creation of conservation zones, named under various designations in environmentally sensitive areas (articles 18-22), and provides for their management. Protected areas are divided into 5 sub-groups on the basis of specific criteria: a) Areas of absolute nature protection, b) Areas of nature protection, c) National Parks, d) Protected natural formations, protected landscapes and landscape elements, e) Areas of ecodevelopment. In Areas of absolute nature protection, no human activity is permitted, except for scientific activities. National Parks form the most important category, since it may incorporate vast areas containing diverse elements of biological, ecological, or aesthetic significance. In those areas, only scientific research and traditional activities are strictly regulated. In practice, a protected area usually comprises a combination of the aforementioned protection levels. Finally, Law no. 1650 provides for the implementation of zones of special environmental support or zones for the development of productive activities.

Law no. 2742/1999 'Spatial planning and sustainable development' (as complemented by Law no. 3044/2002), governs the management and administration of 'areas, elements and formations of nature and landscape', on the basis of the classification stipulated by Law no. 1560. It provides for the creation of Management Bodies, that operate according to a partnership formula, involving the scientific community, central administration, local government, and NGO's and social partners. Today, 27 Management Bodies have been established.

The 'NATURA 2000' initiative of the European Union has triggered a major process for the preservation of nature. The area covered by 'Natura' network of protected natural habitats comprises today about 18% of the Greek territory. Greece possesses 10 National Parks, 11 wetlands of international importance (RAMSAR), and a number of protected landscapes, 700 wild life reserves, 19 aesthetic forests, 51 monuments of nature, 10 game reserves, 21 game farms, and 2 sea parks, that are now incorporated in the 'Natura' project.

Legislation regarding the protection of the landscape. A legislative tool that faces the problem of the conservation of the landscape in its entirety does not exist. The protection of 'Landscapes of outstanding natural beauty' was initially enacted when Law no. 1469/1950

regarding the protection of modern cultural heritage complemented the existing legislation on the protection of antiquities. Thus, the Ministry of Culture and Tourism was responsible for listing and protecting more than 300 landscapes of outstanding natural beauty, some of which adjoined important archaeological sites, for a period of thirty years. In the mid 80's competency for these properties was transferred to the Ministry of Environment, Physical Planning and Public Works and subsequently also to the Ministry of Environment, Energy and Climate Change. Today, the issue is dealt through the Constitutional article in combination to Law no. 1650/1986 'Concerning the protection of the environment' and article 16 of Law no. 3028/2002 'On the protection of antiquities and cultural heritage'. This article stipulates that the expanses of land or the combined works of man and nature that constitute an historical site are protected when listed. Thus, a historic landscape may also be protected through cultural heritage legislation, provided it is characterized as a historical site by the Minister of Culture and Tourism. It has to be noted that the relative European Convention has recently been ratified.

Incorporation of EC Regulations and Directives into national legislation.

Jurisprudence. Court decisions by the Council of State, which is the highest administrative court of the country, have had a very positive effect on the application of article 24 of the Constitution.

Town planning legislation

Law no. 2508/1997 'On sustainable development of towns and settlements' sets the general principles, the proceedings and the means for sustainable development. The law aims to terminate anarchic urbanization and landscape degradation, by stipulating that the total surface of the Prefectures of the country should be covered by Plans. Furthermore, it provides for urban rehabilitation and regeneration programs, the responsibility for which rests with local government authorities and with the Public Enterprise for Urban Planning and Accommodation (DEPOS) (articles 8-17).

Law no. 1337/1983 'Expansion of urban planning, settlement development and relevant regulations' has been the basic legislative tool for incremental town planning. In an attempt to stop the anarchic city sprawl, it emphasized on the organic approach of the city. This resulted - to a large extent- on the ex post legalization and incorporation in the city plans of illegal housing emerging at the periphery of major cities. Although this approach has since been changed, the recent legislation and jurisprudence having opted for the implementation of land uses according to the principles of functionalism, several provisions of Law no 1337/1983 are still valid. It has to be noted that until the passing of this law, the main legal text regulating the pattern of urban development was the Decree of 17.7.1923, on the implementation of town planning to settlements and cities existing before that date.

Land uses. Presidential Decree no. 5/A/23.2.1987 'Categories of land uses' sets the general categories of accepted land uses. The absence of strategic planning has turned the preventive measure of definition and demarcation of land uses into an instrumental tool of state regulation, that has been also adopted by jurisprudence.

Articles 226, 227 and 272 of the Code of Building Regulations provide for the rehabilitation of common spaces and the creation of pedestrian areas.

The National Cadastre

The absence of land register for many regions of the country has influenced the quality of planning, as well as the protection of cultural heritage. During the last decade, Greece has commenced a special programme for the creation of a National Cadastre (Laws nos 1647/1986; 2308/1995; 2508/1997; 2664/1998).

Protection measures are very strict since they stipulate that all works that could cause direct or indirect damage and deterioration to monuments and their surroundings, pollute their immediate environment, or change their aspect, are prohibited. According to the existing legislation, the approval of the competent services of the General Secretariat for Culture is required for the execution of any work on or near monuments and listed monuments, archaeological and historical sites. Any person intentionally destroying or damaging ancient

or listed monuments is liable to a term of imprisonment and a fine (article 10 of Law no. 3028/2002).

3.2.A For each category/level of heritage listed in 2.3, please indicate which party (state, owner or other) carries out conserv

Category and level:

Movable monuments dating after 1453 and up to 1830, which are finds from excavations, or other archaeological research, or religious icons / Ipso Jure Protection

Conservation (click to collaps)

Regular maintenance

Restoration

Who does conservation? Regulation Who oversees this conservation work?

State	Permit	Heritage professional
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Category and level:

Movable monuments dating up to 1453 / Ipso Jure Protection

Conservation (click to collaps)

Regular maintenance

Restoration

Who does conservation? Regulation Who oversees this conservation work?

State	Permit	Heritage professional
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Category and level:

Immovable monuments dating up to 1453 / Ipso Jure Protection

Conservation (click to collaps)

Regular maintenance

Who does conservation? Regulation Who oversees this conservation work? Other (please specify)

State	Permit	Heritage professional	State employee (archaeologist architect)
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Restoration

Who does conservation? Regulation Who oversees this conservation work? Other (please specify)

State	Permit	Heritage professional	State employee (archaeologist architect)
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Category and level:

Archaeological sites dating after 1453 and up to 1830 / Protected if Listed

Conservation (click to collapse)**Regular maintenance**

Regulation	Who oversees this conservation work?	Other (please specify)
Permit	Heritage professional	State employee (archaeologist architect)

Restoration

Regulation	Who oversees this conservation work?	Other (please specify)
Permit	Heritage professional	State employee (archaeologist architect)

Category and level:

Recent (later than 1830) immovable monuments / Protected if listed

Conservation (click to collapse)**Regular maintenance**

Who does conservation?	Regulation	Who oversees this conservation work?
Owner	Permit	Heritage professional

Restoration

Who does conservation?	Regulation	Who oversees this conservation work?
Owner	Permit	Heritage professional

Category and level:

Recent immovable monuments, less than one hundred years old / Protected if Listed

Conservation (click to collapse)**Regular maintenance**

Who does conservation?	Regulation	Who oversees this conservation work?
Owner	Permit	Heritage professional

Restoration**Category and level:**

Movable monuments, dating after 1453 and up to 1830 / Protected if Listed

Conservation (click to collaps)**Regular maintenance****Who does conservation? Regulation Who oversees this conservation work?**

Owner

Permit

Heritage professional

Restoration**Category and level:**

Recent movable monuments, more than one hundred years old / Protected if Listed

Conservation (click to collaps)**Regular maintenance****Who does conservation? Regulation Who oversees this conservation work?**

Owner

Permit

Heritage professional

Restoration**Category and level:**

Recent immovable monuments, less than one hundred years old / Protected if Listed

Conservation (click to collaps)**Regular maintenance****Restoration****Who does conservation? Regulation Who oversees this conservation work?**

Owner

Permit

Heritage professional

Category and level:

Traditional settlements / Protected if listed

Conservation (click to collaps)**Regular maintenance****Regulation**

Permit

Restoration**Regulation Who oversees this conservation work?**

Permit

Heritage professional

Category and level: Listed Buildings / Protected if Listed

Conservation (click to collaps)

Regular maintenance

Who does conservation? Regulation Who oversees this conservation work?

Owner	Permit	Heritage professional
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Restoration

Who does conservation? Regulation Who oversees this conservation work?

Owner	Permit	Heritage professional
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Category and level: Historical sites / Protected if Listed

Conservation (click to collaps)

Regular maintenance

Regulation Who oversees this conservation work?

Permit	Heritage professional
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Restoration

Regulation Who oversees this conservation work?

Permit	Heritage professional
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Category and level:
Archaeological sites up to 1453 / Ipso Jure Protection

Conservation (click to collaps)

Regular maintenance

Who does conservation?	Regulation	Who oversees this conservation work?	Other (please specify)
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State	Permit	Heritage professional	State employee (archaeologist architect)
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Restoration

3.2.F What criteria are used to establish the priority for publicly funded works to the heritage?

Integrated approach

Other criteria:

Archaeological Heritage

Other criteria:

Architectural Heritage

Other (please specify):

Landscape Heritage

Other (please specify):

- ▼ **3.2.G Do permits or licences for archaeological work include specific conditions that include requirements to carry out non- des**

Preventative archaeology

32G Preventative archaeology:

Non-preventative archaeology

32G Non-preventative archaeology:

32H options:

32J Are there procedures in place for the conservation and maintenance of the archaeological heritage in situ? :

Commentary:

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