

Act No. 89-874 of 1 December 1989
concerning Maritime Cultural Assets
and amending the Act of 27 September 1941
Regulating Archaeological Excavations of 1 December 1989

Article 1

Maritime cultural assets shall comprise deposits, wrecks, artefacts or in general all assets of prehistoric, archaeological or historical interest which are situated in the maritime public domain or on the seabed in the contiguous zone.

SECTION I

Maritime cultural assets situated in the maritime public domain

Article 2

Maritime cultural assets situated in the maritime public zone whose owner cannot be located shall be the property of the State. Assets whose owner has not been located within three years following the date on which their discovery was made public shall be the property of the State. The manner of making such discovery public shall be established by decree of the Council of State.

Article 3

Any person discovering a maritime cultural asset shall leave it in situ and shall not cause damage to it. Such person shall, within 48 hours of the discovery or of arrival at the first port, report the asset to the Administrative Authority.

Article 4

Any person accidentally removing a maritime cultural asset from the maritime public domain as a result of works or any other public or private activity shall not let the asset out of his possession. The asset shall be reported to the Administrative Authority within the time-limit specified in article 3; it shall be deposited with the said authority within the same time-limit, or shall be kept at its disposal.

Article 5

Where an asset is reported more than once, the credit for its discovery shall go to the first person to report it.

Article 6

Any person discovering and reporting a maritime cultural asset ownership of which is assigned to the State under the provisions of article 2 shall be entitled to a reward of a kind or in an amount to be determined by the Administrative Authority.

Article 7

No one may engage in prospecting using specialized equipment for determining the location of a maritime cultural asset, or carry out excavations or drilling, without obtaining prior administrative authorization granted in the light of the applicant's qualifications and of the type and modalities of the search.

Any removal of an asset, or of samples from it, shall be subject to the granting of prior administrative authorization under the same terms.

The Administrative Authority may also conclude with individuals licensed for the purpose contracts to search for maritime cultural assets, remove them or remove samples therefrom.

Article 8

Excavations, drilling, prospecting and the removal of assets or samples shall be carried out under the effective direction of the person applying for and receiving the authorization referred to in article 7.

Article 9

Where the owner of a maritime cultural asset is known, his written consent shall be obtained before any action is taken with respect to the asset.

Article 10

When the conservation of a maritime cultural asset is jeopardized, the Minister responsible for culture may take ex officio, after notifying the owner if known, such conservation measures as the situation necessitates.

Article 11

The Minister responsible for culture may, after affording the owner an opportunity to submit his comments, proclaim the acquisition by the State of a maritime cultural asset situated in the maritime public domain to be in the public interest. Where the consent of the owner is not given, the proclamation of public interest shall be made by decree of the Council of State.

Transfer of ownership shall be decided by the ordinary law courts, subject to payment of an indemnity prior to the taking of possession. The said indemnity shall cover the entire amount of the direct, material and certain damage. Where amicable agreement is not reached, the indemnity shall be determined by the Court.

SECTION II

Maritime cultural assets situated in the contiguous zone

Article 12

Articles 3, 4, 5, 7, 8 and 9 of the present Act shall apply to maritime cultural property situated in a contiguous zone lying between 12 and 24 marine miles measured from the baselines of the territorial sea, subject to the provisions of delimitation agreements with neighbouring States.

Article 13

Any person discovering and reporting a maritime cultural asset belonging to the State and situated in the contiguous zone shall be entitled to a reward in an amount to be determined by the Administrative Authority.

SECTION III

Penal provisions

Article 14

Any person failing to comply with the reporting obligations provided for in articles 3, paragraph 2 and 4, of the present Act shall be liable to a fine of from 500 francs to 15,000 francs.

The same penalties shall apply to any person making a false declaration to the public authority regarding the place and composition of the deposit where the object reported was discovered.

Article 15

Any person conducting prospecting, drilling, sampling or excavations of maritime cultural assets or affecting the removal of such assets or of samples from them in violation of the provisions of articles 3, (para. 1), 7 and 8 of the present Act shall be liable to a fine of from 1,000 francs to 50,000 francs.

Article 16

Any person who knowingly sells or buys a maritime cultural asset removed from the maritime public domain or from the seabed in the contiguous zone in violation of the provisions of articles 3, 4, 7 and 8 of the present Act shall be liable to imprisonment for from one month to two years and to a fine of from 500 francs to 30,000 francs, or to one of these two penalties alone. The amount of the fine may be raised to double the price for which the asset was sold. The authority having jurisdiction may in addition order publication of its decision in the press at the expense of the convicted person, the maximum cost of such publication not to exceed the amount of the fine incurred.

Article 17

Violations of the present Act shall be investigated and verified by officers and constables of the criminal investigation department, deputy constables of the criminal investigation department, administrators of maritime affairs, officers in the technical and administrative corps for maritime affairs, customs officials, agents of the minister responsible for culture specially sworn and commissioned for the purpose under terms established by decree of the Council of State, officers and petty officers commanding vessels of the national navy, inspectors of maritime affairs, fishery facility inspection technicians, coast signalmen, representatives of the seamen's registry and in addition, in the ports, port officers and deputy port officers.

Article 18

Reports drawn up by the reporting agents designated in article 17 of the present Act shall be deemed accurate unless proven otherwise. They shall be transmitted forthwith to the procureur de la République.

Article 19

Cases involving violations of the provisions of the present Act committed in the territorial sea or in the contiguous zone shall be heard by the Court competent either for the place where the violation was committed or for the place of residence of the person committing the violation or for the place where the latter was arrested or, failing that, by the tribunal de grande instance, Paris.

SECTION IV
Amendment of the Act of 27 September 1941
Regulating Archaeological Excavations

Article 20

Article 19 of the above-mentioned Act of 27 September 1941 shall read as follows:

"Art. 19. Any person failing to comply with the reporting obligation provided for in article 14 or making a false report shall be liable to a fine of from 500 francs to 15,000 francs."

Article 21

Article 20 of the Act of 27 September 1941 referred to above shall read as follows:

"Art. 20. Any person conducting excavations in violation of the provisions of articles 1, 3, 6 and 15 shall be liable to a fine of from 1,000 francs to 50,000 francs."

Article 22

Article 21 of the Act of 27 September 1941 referred to above shall read as follows:

"Art. 21. Any person knowingly selling or buying any objects discovered in violation of articles 1, 6 and 15 or concealed in violation of articles 3 and 14 shall be liable to imprisonment for from one month to two years and to a fine of from 500 francs to 30,000 francs, or to one of the two penalties above. The amount of the fine may be raised to double the price for which the asset was sold.

"The authority having jurisdiction may in addition order publication of its decision in the press at the expense of the convicted person, the maximum cost of such publication not to exceed the amount of the fine incurred."

SECTION V
Miscellaneous provisions

Article 23

The provisions of the present act shall, with the exception of section IV, apply in the territorial community of Mayotte.

Article 24

The terms of implementation of the present Act shall be established by decree of the Council of State. The present Act shall be implemented as a law of the State.