

## **MEMORANDUM OF UNDERSTANDING AND COOPERATION FOR MAJOR PRIVATE PROJECTS**

In Athens, today, [•] the following parties:

1. The Ministry of Culture and Tourism (hereinafter M.C.T.), headquartered in Athens, 20-22 Bouboulinas Street, legally represented herein by the Head of the General Directorate of Antiquities and Cultural Heritage, Mrs. Maria Andreadaki-Vlazaki and the Head of the General Directorate of Restoration, Museums, and Technical Works, Mrs. Evgenia Gatopoulou.
2. The Company ICGB AD, registered in Bulgaria and having its registered office situated at Veslets Street 16, Sofia 1000, Bulgaria, legally represented by Mr K. Karagiannakos and Mr V. Slaveikov, Executive Officers,

hereinafter referred to as the **“Parties”**;

I. With regard to:

- A) The provisions of Law 3028/2002 (Gov’t Gazette 153/A/26.06.2002), “For protection of Antiquities and Cultural Heritage in general”.
- B) Presidential Decree 191/2003 (Gov’t Gazette 146/A/13.06.2003) on “Organization of the Ministry of Culture”.
- C) Article 81, “Manner of performance of archaeological works”, of Law 1958/1991 (Gov’t Gazette 122/A), “Athletic Societies Anonymes and other provisions”.
- D) Presidential Decree 99/1992 (Gov’t Gazette 46/A/23/03/1992), on “Study and execution of archaeological works in general”.
- E) Presidential Decree 63/2005 (Gov’t Gazette 98/A/22.04.2005), on “Codification of Legislation for the Government and for governmental bodies”.
- F) Presidential Decree 191/2003 (Gov’t Gazette 146/A/13-06-2003), “Organization of the Ministry of Culture”.
- G) Presidential Decree 186/2009 (Gov’t Gazette 213/A/07.10.2009), “Merging of the Ministries of Culture and Tourism Development”.
- H) Ministerial Decision [ΥΠΠΟΤ/ΔΟΕΠΥ/ΤΟΠΥΝΣ/77040/6-8-2010], (Gov’t Gazette 1354/B/01.09.2010) “Establishment of the non-autonomous ‘Office for Coordination and Monitoring of Archaeological Research and Operations within the Framework of Major Projects’ in the Department of Archaeological Sites, Monuments, and Archaeognostic Research, in the Division of Prehistoric and Classical Antiquities [(“D.P.C.A.”)] in the General Directorate of Antiquities and Cultural Heritage of the Ministry of Culture and Tourism”.
- I) Law 3812/2009 (Gov’t Gazette 234/A/2009), “Reform of the Recruitment System in the Public Sector and other provisions”

II. With respect to the principles of Sustainable Development.

**Stated, agreed, and accepted the following:**

## **PREAMBLE**

1. The scope of this Memorandum is to describe the conditions, circumstances and means for:
  - a. conducting archaeological surveys and excavations during the implementation phase of the “large investment project”, i.e. the Private Project – Investment with costs over 40 million euro (€ 40.000), as well as protection of archaeological findings with regard to their storage, maintenance, documentation, and presentation, under the provisions of Law 3028/02.
  - b. management and protection of archaeological findings and promotion of monuments found on construction sites, within the Project Investor’s operating zone, main and accompanying projects, under the provisions of the above Law.
  - c. protection of monuments which may be affected by construction works, under the provisions of the above Law.

The purpose of this Memorandum is to facilitate, regularize, and accelerate archaeological works, as well as works to protect and promote monuments, within the framework of construction of the Private Project.

2. All terms of this Memorandum are stipulated to be essential, and any amendment to it must be in writing. Otherwise, the provisions of current legislation and administrative procedures governing the protection of antiquities shall apply, which shall not be affected by the present document in any way.
3. The present Memorandum may be revised by mutual agreement between the parties in order to make amendments, if it is deemed necessary.

## **Article 1**

### **Terms of cooperation**

1. Communication and any necessary consultation on any matters which may occur, relating to the implementation of archaeological works within the framework of the Private Project shall take place between the Central Office of the M.C.T. (“Office of Coordination and Monitoring of Archaeological Works within the framework of Major Projects”), or the competent Regional Services of the M.C.T., and the representative appointed by the Project Investor.
2. The basic scheduling of archaeological works and projects for protection and promotion of monuments, archaeological sites, and historic sites, as well as projected partial scheduling, shall be communicated to the Project Investor within thirty (30) days after submission of a relevant request of the Project Investor accompanied by a complete file to the “Office of Coordination and Monitoring of Archaeological Works within the framework of Major Projects” of the D.P.C.A. (hereinafter the “**Office**”), from the competent Regional Services of the M.C.T., through the D.P.C.A., the Division of Byzantine and Post-Byzantine Antiquities (“D.B.P.A.”), the General Directorate of Restoration, Museums, and

Technical Works (“G.D.R.M.T.W.”), and the Division of Modern and Contemporary Architectural Heritage (“D.M.C.A.H.”) of the M.C.T.

3. The costs of archaeological work and works for protection, maintenance, and promotion of monuments, archaeological sites, and historical places, carried out within the zone of implementation of the project for the requirements of the technical works, as well as the costs for protection works, maintenance, and promotion of archaeological findings or monuments which may be affected by the construction of the project, shall be borne completely by the Project Investor, in accordance with article 37, paragraph 6 of Law 3028/2002.
4. Archaeological excavation works, as well as works for protection, maintenance, and promotion, fall under the responsibility and management of the Regional Services of the M.C.T., the Heads of which have under their sole direction, supervision, and responsibility the archaeological excavations, any scientific research, and the care for documentation, evaluation, storage, preservation, study, and publication of findings, with no interference by the Project Investor with the scientific-archaeological evidence or utilization of archaeological excavation material, except in special cases, following approval from any competent agencies and collective bodies of the M.C.T..
5. The studies which will be necessary, following an opinion by the competent advisory body, for protection, preservation, and promotion of monuments and archaeological sites within the zone of the project and the area reserved for the needs of the project, and which will be developed under the supervision of the M.C.T., either through hiring of specialized staff, or through commissioning of a specialized consultant office, shall be the responsibility of the Project Investor.
6. Archaeological research and measures to protect and preserve monuments, wherever necessary, will take place prior to the commencement of any technical work.

## **Article 2**

### **Schedule of Archaeological Research**

1. The Project Investor is required to notify the M.C.T. two months prior to the start of construction of the project, as well as to provide the timetable and projected program for the sections that will be constructed in priority. Within 30 days after the above notification, the competent Central Services of the M.C.T. shall notify the Project Investor, via the Office, of the “basic plan – budget” for the work under their authority, which shall be funded from the budget of the project as provided for in Article 1 herein. This will include:
  - Transit areas of the project where archaeological investigations are required through trial trenching, as well as existing monuments which may be affected by the construction work.
  - The competent Regional Services of the M.C.T. and the chief archaeologist for each section of the project.
  - Any necessary individual studies for protection and maintenance of monuments.
  - Existing infrastructure of the M.C.T. which is available for storage, maintenance, etc. of any findings in each area.

- Approximate budget for research expenditures on regions where archaeological research is known to be needed.

These will be identified on a geographic chart with imprints of the project implementation zone, to be provided by the Project Investor.

The “basic plan – budget” shall be amended on a semi annual basis by the Office depending on the progress of the work, the section schedules, and research findings, on the authority of the M.C.T. through the Office and in consultation with the Project Investor.

2. The competent Ephorates of Antiquities will monitor all earthworks, including deforestation, surface digging, excavation, landscaping, and embankments, in all sections of the project. If the available data indicate that there is a need for immediate and continuous monitoring of excavation work, field archaeologists will be recruited for the needs of the project, which will be appointed as supervisors and monitor all of the above works, in all sections of the project. They will submit reports to the competent Ephorates of Antiquities on a weekly basis, covering progress of the works, the number of workers employed in the archaeological works, any archaeological findings, and a timetable for completion covering each archaeological work. Teams performing the above tasks are required to follow the directives of designated officials of the M.C.T., in regard to the manner and means of work, as well as, where appropriate, with regard to the type of machinery.
3. In the event that the project passes through an area where there are no visible antiquities or superficial indications of the same (shreds or others) and the construction is done with embankments without any excavation work on the soil surface, other than removal of topsoil and/or construction of a culling layer, then trial excavations will not take place under any circumstances. If archaeological evidence is found during the removal of topsoil, then a trial survey shall be conducted.
4. In the event that antiquities are discovered, mechanical excavation shall cease and archaeological excavation research will begin as set out in Article 3 below. Otherwise, after completion of excavation works, the area shall be handed over by the competent service of the M.C.T. for the implementation of the project. In the case of the first section of this paragraph, and following completion of archaeological excavation researches, i.e. the archaeological excavation works and documentation (preliminary reports of results, photographic and sketched surveys for the purpose of dating and interpretation of the findings), the competent Regional Services of the M.C.T. shall send (within 15 days at the most) the relevant case file, depending on the authority to: (a) the Secretariat of the competent Local Council of Monuments, in order to introduce the topic, at absolute priority, in its next scheduled session, in accordance with the provisions of Article 49 of Law 3028/2002, or (b) the Office, in order for the subject to be introduced with absolute priority at the next scheduled Meeting of the competent central consulting body of the M.C.T., the Central Archaeological Council [C.A.C.], or the Central Council of Modern Monuments [C.C.M.M.] respectively, depending on which has authority, in accordance with the provisions of [Article] 50 of Law 3028/2002, so that there are no delays in delivery of the spaces and in order to respect the timeframe of the project.

5. To avoid delays, the Project Investor is responsible for promptly delivering spaces in which archaeological research is to be conducted, fenced and free of any networks, vegetation, or newer construction following compliance with relevant provisions. There must also be provisions regarding runoff of rainwater and retaining/bracing of slopes adjacent to buildings and streets, in the event of archaeological excavation.
6. In order for research to be conducted quickly and efficiently, it is essential for the Project Investor to secure the necessary logistics/infrastructure in a timely manner.

### **Article 3**

#### **Extent and duration of the archaeological research**

1. If, during the course of trial excavations or during the course of works, in any part of the project, the presence of antiquities is identified, works shall cease immediately, to be followed by salvage archaeological excavations.
2. The Heads of the competent Regional Services of the M.C.T., prior to the commencement of any archaeological excavation or other archaeological work, shall make a preliminary estimate of the duration of the survey or intervention, and the required number of personnel of each specialty, in collaboration with the Project Investor, in order to meet partial Milestones for the implementation of the Project as far as possible. Following the finding of antiquities and, depending on the extent of the trench, foreseen depths, types of findings, and any adverse weather conditions, the completion time for the archaeological excavation works may be revised.
3. During the surveys, a diary of the work shall be kept, signed by the chief archaeologist, in which will be recorded:
  - a. Employees, by specialty and assignment.
  - b. Necessary transportation or other work.
  - c. Work stoppages due to weather or other problems.
4. On a monthly basis, a progress-scheduling report shall be delivered to the Project Investor, which the following will contain:
  - a. The number of workers.
  - b. Other expenses in accordance with the obligations of the Project Investor.
  - c. A summary of archaeological excavation results which will be reflected in the geographic chart.
  - d. An assessment of compliance with the schedule which shall also be reflected in the geographic chart on an appropriate scale in order to reflect the form of the works, the boundaries of the zone occupied by the project, and the archaeological excavation grid.
  - e. Requests for redefinition of time or expansion of the work, as well as issues related to the preliminary report of results after completion of archaeological excavation for the purpose of dating and interpretation of them (recording, maintenance, documentation, etc.), always accompanied by the required budget.

5. The direction, scientific supervision, and responsibility for all types of archaeological works or projects, such as (surface) surveys, trial trenching, and salvage archaeological excavations, shall be the responsibility of the competent Head of the Ephorate of Antiquities of the M.C.T., who shall plan and coordinate the archaeological work and shall cooperate with the Project Investor to solve any problems. The Head of the Ephorate shall also assign tasks to field archaeologists, whose chief shall be designated, as the case may be and according to the availability of the Regional Service, an archaeologist of the Service with a permanent or indefinite employment relationship.
6. The Ephorates of Antiquities must cooperate closely with each other, as well as with the Office, in order to coordinate their actions, to avoid delays and bureaucratic obstacles.
7. The Project Investor must take all measures necessary for monitoring and prevention of damage to existing monuments which are adjacent to the project zone. The Project Investor shall bear the responsibility and expenses for the restoration of monuments and the surrounding area. Wherever the competent Services of the M.C.T. deem it necessary, distortions (static and dynamic) will be monitored by instruments in order to avoid damage to monuments and buildings.

#### **Article 4**

##### **Archaeological excavation –documentation**

Archaeological excavation and documentation (maintenance of excavation logbook, cleaning and maintenance of findings, recording, photographing, charting and documentation, and submission of extensive scientific reports with a list of findings) will be covered from the project expenditures, in accordance with Article 37 of Law 3028/2002, concerning paragraph 2 of Article 9 of Law 3028/2002.

#### **Article 5**

##### **Findings Recording**

1. Recording crews are required in sections of the surface survey, trial trenching, and archaeological excavations, composed of a surveyor and designers, in order to record findings under the instructions of the field archaeologist in a timely and accurate manner (in conventional and digital form) and to ensure swift and uninterrupted continuation of the archaeological excavation.
2. The archaeological excavation monitoring team, joined by an architect and designer through computer systems, shall prepare general plans for each section, which shall be certified by the Head of the competent Ephorate and shall be filed in the plan archive of the competent Regional Service of the M.C.T. Requirements for recording of findings shall be identified in a relevant request by the supervising archaeologist to the Project Investor, and shall then be included in the monthly progress report and in the program-budget (Article 3). Cost of recording of the findings shall be borne by the Project Investor.

## **Article 6**

### **Photographing of findings**

1. The field archaeologists shall take photographs for documentation. General shots, video, special photography of findings and sites (aerial photography), computer processing of the same, and their printing, if and when deemed necessary, shall be assigned at the expense of the Project Investor to professional photographers.
2. All photographic material with relevant catalogs shall be delivered by the monitoring group, after having been associated with the final report and the catalog of findings in the photo database of the competent Regional Service of the M.C.T. The cost of photographs of the findings shall be borne by the Project Investor.

## **Article 7**

### **Storage, Maintenance and documentation of movable findings**

1. The movable findings of the surface survey, trial trenching and excavation shall be stored, maintained and documented with the responsibility of the Regional Services of the M.C.T. by appropriate personnel in their laboratories or in places which will be created, if such laboratories are not sufficient to accommodate the new findings.  
The need for new storage sites, the recruitment of additional maintenance personnel, the need for additional equipment of the existing laboratories and the final timetable regarding the funding of the relevant expenses by the Project Investor shall be discussed between the competent Services of the M.C.T. and the Project Investor, following relevant request from the Services of the M.C.T. The whole process shall be coordinated by the Office.
2. The Project Investor shall ensure the qualified and ancillary maintenance personnel, as well as the necessary infrastructure (machinery, tools and materials) throughout the duration of the archaeological excavation and following a request of the competent Regional Services of the M.C.T., in consultation with the Office of Coordination and Monitoring of Archaeological Works within the framework of Major Projects, and approval of the Project Investor for a reasonable period, beyond that time period which shall not exceed 6 months, in order for the final archaeological excavation report and the findings' list to be completed.
3. Responsibility for transfer of the movable findings of the surface survey, trial trenching and archaeological excavation lies with the competent Ephorates, by means of appropriate transport provided specifically for that purpose by the Project Investor to the archeological warehouses of the Regional Services of the M.C.T. or in the sites which shall be ensured for that purpose by the Project Investor pursuant to paragraph 1, for a reasonable period, until a suitable place is found by the M.C.T. In addition, in case that there is a need to transfer heavy or large volume antiquities (architectural parts etc.) in which case maintenance, retention, storage and insurance costs may arise, such need and costs shall be

addressed following discussion of the competent Departments of the M.C.T. with the Project Investor, following a relevant request by the M.C.T. Services.

4. Upon discovery of antiquities in each archaeological excavation sector and in order to ensure the protection of movable findings during the reasonable time period required until their storage, the Project Investor takes care for the security of the site throughout the duration of the archaeological excavation and he shall be obliged to appoint and provide, as appropriate, security personnel for this purpose which shall be employed 24 hours a day with rotating shifts.
5. The total expenditure for the archeological work, namely the monitoring of the archaeological excavation work, the performance of salvage excavations pursuant to article 37 of L. 3028/2002 and the undertaking of precautionary measures to protect the monuments against risks during the implementation or operation of the project and for the research, archaeological excavations, management and promotion of archeological findings shall be funded by the Project Investor. If the budget of such expenses exceeds the total budget of the expenditure by 5%, it shall be approved by decision of the Minister of Culture and Tourism following a reasoned opinion of the competent Central Councils of the same Ministry.

## **Article 8**

### **Protection of antiquities**

1. For the purpose of maintenance and protection of antiquities revealed, the valid provisions of the archeological legislation are applicable and the relevant expenses are borne by the Project Investor.
2. If alterations regarding the location of the project are required for the purpose of maintaining and protecting the antiquities, following an Opinion of the competent bodies of the M.C.T., the Project Investor shall be **promptly** informed so that the relevant agreements and actions shall take place.
3. In case where, for any reason whatsoever, an early discontinuation or termination of the relevant construction Contract for the project occurs, the findings shall be immediately buried back into the soil under terms and procedure to be set forth by a decision of the Minister of Culture and Tourism following an opinion of the C.A.C. or C.C.M.M. pursuant to the provisions of L.3028/2002.

## **Article 9**

### **Personnel**

1. The definition and specialty of the necessary scientific and technical personnel to carry out archaeological research and works in the framework of this memorandum shall be effected by the competent Directorate of the General Directorate of Antiquities and Cultural Heritage or the General Division of Restoration, Museums, and Technical Works following recommendation of the competent Regional Services and shall be communicated to the Project Investor along with the work timetable which may be amended depending on the progress and the type of works required

at every stage of the archeological research. The above personnel shall be selected by the Project Investor following consent of the competent Regional Services of the M.C.T., following which, it shall be recruited by the Project Investor.

2. In case a member or members of the scientific and technical personnel need(s) to be replaced for reasons affecting the progress of the archeological researches and works, the competent Division of par. 1 of the present article proceeds with the necessary actions, following recommendation of the competent Regional Services of the M.C.T. and after the Project Investor having been informed on the matter, has stated its opinion and proposed the substitute(s). The recruitment of the substitute(s) is obligatory for the Project Investor.
3. Under the procedure of the previous paragraph the number or/and specialty of the scientific and technical personnel shall be increased or reduced, depending on the progress of the archeological research and works and the nature and number of findings. The information provided to the Project Investor comprises of the delivery of a documented report regarding the progress of the archeological research and works and the need for redefining the number of the personnel based on the time schedule set for the completion of the salvage archeological research and works.
4. In case one of the contracting parties wishes to accelerate the works in a specific section, in order for the deadlines to be met, it may raise the issue of recruitment of additional personnel or overtime work. The M.C.T. shall be responsible for the organization and monitoring of the works during the overtime work.
5. The employees in the archeological projects, as well as in the projects regarding the protection and promotion of monuments, archeological sites and historical places shall be obliged to perform the work assigned to them, taking orders and instructions only by the Head of the competent Regional Service of the M.C.T., who shall exercise control over their work.
6. The Project Investor and the Contractor procure for the compliance with the safety rules for employees and third parties.
7. The work schedule to be followed is that of the Project site, whilst the employees might work overtime pursuant to par. 2 of Article 9. Moreover, any change to the working hours might take place following a joint request of the competent Regional Services of the M.C.T., if the matter concerns the protection and security of revealed antiquities.

## **Article 10**

### **Infrastructure**

1. The infrastructure is comprised of the following categories:
  - a. General infrastructure, including the creation of office space and temporary storage space in a separate premise or in the project site along with the necessary networks.
  - b. Infrastructure of surface research, trial trenching and archaeological excavation and the consumables required.

2. The provision of the above shall be ensured by the Project Investor following a request by the competent Head of the Regional Service of the M.C.T.

## **Article 11**

### **Promotion and publications of the archaeological work**

Pursuant to the terms in Paragraph 6 of Article 37 of Law 3028/2002, necessary costs for preservation, photographing, recording, and study of archaeological materials shall be covered by the Project Investor, following an agreement with the competent Regional Service of the M.C.T.

The parties shall work together for the promotion and publicizing of antiquities that will come to light through archaeological excavations in accordance with current legislation (article 39 of Law 3028/2002), as well as the preservation and promotion of archaeological monuments, by all measures deemed appropriate (e.g. publications, meetings, events, permanent or temporary exhibitions, provision of access to archaeological sites and labeling of the same, transportation and preservation of monuments in adjacent areas, etc.).

On the initiative and by request of the Project Investor, it is possible to enhance and promote the archaeological project, through the exhibition of casts and photographs on the installations of the construction site. The relevant proposal – study shall be formed in consultation with the competent Regional Services of the M.C.T. and shall be submitted, through the Office of Coordination and Monitoring of Archaeological Works within the framework of Major Projects, to the competent Departments of the M.C.T., for approval by the Central Service, following an opinion of the C.A.C. or the C.C.M.M.

## **Article 12**

### **Individual Memoranda of Understanding and Cooperation**

For all Private Works which fall into the broader category of “major investment projects”, respective Memoranda of Understanding and Cooperation shall be drafted, which will take into account all articles of this Memorandum and will contain additional terms which will concern each Major Private Project. They will be co-signed by the relevant Heads of the Regional Services of the M.C.T. and the Project Investor.

## **Article 13**

### **Guarantees**

Responsibility and supervision of compliance with the terms of this Memorandum shall be borne by:

- The competent Departments of the Central Service of the M.C.T., assisted by the Office of Coordination and Monitoring of Archaeological Works within the framework of Major Projects, the competent Regional Services, and
- The Project Investor.

## **Article 14**

### **Final provision**

This Memorandum shall be in force following its signature by representatives of both parties. In witness of the agreement of the parties to the above, this memorandum is drafted and signed in triplicate.

### **THE AGREEING PARTIES**

#### **For and on behalf of the Ministry of Culture and Tourism:**

Mrs. Maria Andreadaki-Vlazaki

Head of the General Directorate of Antiquities and Cultural Heritage

and

Mrs. Evgenia Gatopoulou

Head of the General Directorate of Restoration, Museums, and Technical Works

#### **For and on behalf of ICGB AD**

Mr K. Karagiannakos

Executive Officer

and

Mr V. Slaveikov

Executive Officer