

## Preventive Archaeology / Legal requirements

### THE EVALUATION

All development projects that will or may have an impact on archaeological deposits can be subject to archaeological investigation.

The following cases are automatically referred to the Regional Archaeology Service:

- all urban or rural development projects notified to relevant government or local government departments,
- all projects notified by developers in advance of legal requirements.

After receiving written notification the Regional Archaeology Service: has one month to decide whether or not there will be a field evaluation.

This delay is increased to two months if the development is subject to other planning constraints.

When an evaluation is ordered the Regional Archaeology Service notifies the planning authority, the developer, Inrap and accredited local government archaeology services which operate in the relevant geographical area.

### 1. Prescription

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## **2. Choice of contractor**

The local government bodies (region, department, municipality...), which have an accredited archaeological service have one month to decide to undertake the evaluation, If they decide against, Inrap is automatically designated as contractor.

The contractor is notified by the Regional Archaeology Service of their selection to perform the evaluation. The developer is informed of the identity of the contractor.

## **3. Draft research project**

Upon notification of their selection to undertake the evaluation, the contractor (in this case, Inrap) draws up a draft research project.

Within one month, a draft research project is submitted for approval to the Regional Archaeology Service. Modifications may be made

## **4. Drawing up a contract**

After approval of the research project, and within two months of being chosen to undertake the evaluation, the contractor sends a draft contract to the developer.

This defines the time limits for the realization of the evaluation and the report, the conditions and date of the availability of the site, and if necessary, the conditions for restitution of the site. In addition, a list of the equipment and resources to be contributed by the developer, and if necessary, the financial contribution of the contractor are mentioned. The penalties due by the contractor or developer if the agreed calendar is not respected by one party or the other are indicated.

If the developer and contractor do not reach an agreement, the Regional Archaeology Service called upon by the most diligent party, will define these conditions within fifteen days of the date of notification.

The contract is signed by the two parties.

A copy of the contract is sent to the Regional Archaeology Service.

## **5. Choice of the operation director**

The Regional Archaeology Service names the excavation director.

## **6. Beginning of the evaluation and completion of fieldwork**

Five days before the evaluation starts, the contractor and developer inform the Regional Archaeology Service when the evaluation will begin and end.

The field evaluation operation begins:

- written official notification of the beginning of the evaluation signed by the contractor and the developer
- completion of the evaluation in the field
- official notification of the end of the evaluation.

## **7. Evaluation report**

The evaluation report is sent to the regional Regional Archaeology Service and to the developer and the landowner.

## **8. Post-evaluation prescriptions by the Regional Archaeology Service**

Based on the contents of the evaluation report, the Regional Archaeology Service decides :

- to order an excavation
- to modify the development project to avoid all or partial excavation
- if a decision is not notified within three months, the Regional Archaeology Service is considered to have abandoned the procedure.

## **THE EXCAVATION**

The Regional Archaeology Service has three months from the date of reception of the evaluation report to order an excavation or the modification of the development project aimed at avoiding all or partial excavation.

If such a decision is not taken within three months, the Regional Archaeology Service is considered to have abandoned the procedure.

Once the Regional Archaeology Service has decided on an excavation, the planning authority and the developer are notified.

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Once the Regional Archaeology Service has decided on an excavation, the planning authority and the developer are notified.

### **2. Choice of contractor**

The developer chooses its contractor - Inrap, a local government archaeological service or any other accredited body.

If the developer is a public body, the procedure follows public contract procedures.

If no contractor applies, or no contractor fulfills the required conditions, the developer requests that Inrap realize the excavation and supplies the necessary documents.

If the interested parties do not agree on the conditions for the undertaking or the financing of the excavation, they jointly choose an arbitrator from among the list of those named, for a period of three years, by the Ministry of Culture.

### **3. The excavation contract**

The excavation contract, which defines the research project and all relevant conditions, is signed by the developer and the contractor. The research project mentions the means and procedures to be employed, the methods and techniques to be used, and the necessary human and material resources. It is established by the contractor based on the curator's specifications.

The contract states:

- the projected starting date of the excavation, its duration and cost

- the conditions and dates of availability of the site and of the excavation
- the penalties to be paid by one or the other parties if the specified time limits are not respected
- the date when the final excavation report will be handed in.

If the developer is an official body, subject to public regulations, the contract also mentions the relevant requirements.

#### **4. Application for authorization to excavate**

The signed excavation contract is transmitted by the developer to the Regional Archaeology Service which then has one month to deliver the excavation permit.

If the application is refused because it does not respect requirements, the Regional Archaeology Service can propose that the developer present a modified project within a specified time period. The Regional Archaeology Service has fifteen days from the date of reception of the modified project to notify its decision to the developer. If this notification is not made, the authorization request is considered to be refused.

#### **5. The excavation**

After receiving the excavation permit from the Regional Archaeology Service naming the Site director proposed by the contractor, the excavation can begin (official notification of the beginning and end of work).

#### **6. Site release**

Within fifteen days after notification by the developer of the completion of the archaeological excavation, the Regional Archaeology Service provides a statement confirming that the site is free of archaeological constraints.

If the statement is not received within this period, it is considered to have been delivered.

A certificate declaring that all constraints have been lifted can be delivered by the Regional Archaeology Service upon request.

#### **7. Final excavation report**

The final excavation report is written up, then sent by the contractor to the Regional Archaeology Service to the developer and, where appropriate, to Inrap.