



THEME 3.

ARCHEOLOGY

CARD 4.

**MARITIME CULTURAL ASSETS (SITUATED
IN THE STATE MARITIME PUBLIC
DOMAIN)**

**HERITAGE CODE - TITLE V: PROVISIONS APPLICABLE IN FRENCH
POLYNESIA (Articles L 750-1 to L 750-4)**

Article L750-1:

Articles L. 212-30, L. 221-1 to L. 221-5, L. 222-1 and L. 222-3 are applicable in French Polynesia.

Article L750-2:

Article L. 510-1 is applicable in French Polynesia. Articles L. 532-1 to L. 532-14 and L. 544-5 to L. 544-11 are applicable to assets located on the State maritime public domain.

Article L532-1:

(Law 2004-1343 of 9 December 2004 art. 78 XIV a 13°)



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.

Article L532-2:

Maritime cultural assets which are situated in the maritime public domain and which owner is unlikely to be found belong to the State. Those which owner could not be found within a period of three years following the publication date of their discovery belong to the State. Conditions of such publicity are established by decree by the State Council.

Article L532-3:

Anyone discovering a maritime cultural asset shall leave it on site and not touch it. The person must within forty-hours following the discovery or arrival to the first port, declare it to the administrative authority.

Article L532-4:

Anyone having incidentally taken a maritime cultural asset from the maritime public domain as a result of construction work being done or any other public or private activity should not get rid of them. This asset must be declared to the administrative authority within the period stated in article L.532-2. It must be deposited to the administrative authority within the same period or at its disposal.

Article L532-5:

In case of successive informants, the benefits of the discovery are granted to the first informant.

Article L532-6:

Anyone having discovered and declared a maritime cultural asset and which ownership is granted to the State in application of article L.532-2 may be given a reward which nature or amount is determined by the administrative authority.

Article L532-7:

No persons shall carry out excavations with specialised equipment enabling localization of a maritime cultural asset, excavations or probing without the prior administrative authorization issued according to qualification of the applicant as well as nature and procedures of the research. Any movement of an asset or any sampling on it is subjected, within the same conditions, to the prior administrative authorization.



Article L532-8:

Excavations, probing, prospecting, moving and sampling must be done under the effective control of the person who applied for and have been granted the authorization mentioned in article L. 532-7.

Article L532-9:

When the owner of a maritime cultural asset is known, prior written consent must be obtained prior any intervention on this asset.

Article L532-10:

When conservation of a maritime cultural asset is compromised, the administrative authority, after serving formal notice on the owner, if known, may automatically take protective measures in order to deal with this situation.

Article L532-11:

After serving formal notice on the owner to present his/her comments, the administrative authority, may be recognized as public interest acquisition by the State of a maritime cultural asset situated in the maritime public domain. Failing agreement with the owner, public interest is recognized by decree by the State Council. Common law courts order transfer of ownership after payment of a compensation before taking possession. This compensation must cover completeness of direct damage, material and certain. Failing amicable agreement, the court orders the compensation.

Article L532-12:

Articles L. 532-3 to L. 532-5 and L. 532-7 and L. 532-9 are applicable to maritime cultural assets situated within a contiguous zone between twelve and twenty-four nautical miles of the baselines of the territorial seas, subjected to delimitation agreements with neighbouring states.

Article L532-13:

Anyone having discovered and declared a maritime cultural asset belonging to the State and situated within the contiguous zone may be granted a reward which amount is determined by the administrative authority.

Article L532-14:

A decree of the Conseil d'Etat shall specify the conditions of application of this chapter.



Article L750-3:

As for application of Articles L. 750-1 and L. 750-2 in French Polynesia, terms listed hereinafter shall be replaced as follow:

- a) “department” or “region” by the words “territory of French Polynesia”;
- b) “préfet” by “representatives of the State in the territory”;
- c) “general council” or “regional council” by “assembly of French Polynesia”;

Article L750-4:

Without appropriate adaptation, references in provisions of this code applicable in French Polynesia, to provisions that are not applicable are replaced by references to provisions in conjunction with the same object applicable locally.

