

To all ABAP Superintendencies
All Archaeological Parks

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To the Legislative Office
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To the General Secretary
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To the Museums General Directorate
Dg-mu@beniculturali.it

To the Directors of the Museums

Circular 7

Subject: Circular No 4/2019 laying down the guidelines for granting research and archaeological digging (Legislative Decree No 42 of 22 January 2004, Articles 88 to 89).

Clarifications and explanations

With the notes prot. No. 459 of February 4, 2019 and prot. No. 2058 of February 7, 2019, attached below, for the Archaeological Park of Ostia Antica and the Superintendence ABAP of Umbria have asked this General Directorate to provide clarification on some issues that, in the opinion of the said offices, were not evaluated and regulated in the circular in question.

In response to the questions raised, in order to avoid critical issues resulting from any unambiguous conduct by the Institutes in question, and to ensure, however, the proper protection of cultural heritage in the public interest, we specify what follows:

1. applications for concessions for the conduction of archaeological research and/or excavations to be carried out by persons outside the BAC administration, within the territorial areas of relevance to the archaeological parks of major national interest, as declared pursuant

to, respectively, art, paragraphs 1 and 3, and 9, paragraph 2, of Ministerial Decree no. 198/2016 (Campi Flegrei, Appia Antica, Ercolano, Ostia Antica, Paestum, Villa Adriana and Villa d'Este, limited to the archaeological site of Villa Adriana) and of Article 6, paragraph 6, of Ministerial Decree no. 44/2016, as amended by Article 3, paragraph 1, letter b) of Ministerial Decree no. 44/2016. 15/2017 (Pompeii and Colosseum), whose directors are recognized as exercising the functions that fall to the Superintendents of Archaeology, Fine Arts and Landscape, must be presented directly to these institutes that will transmit them, accompanied by the relevant documentation, as identified in Circular No. 4/2019, to this General Directorate;

2. applications for concessions to conduct research and/or archaeological excavations to be carried out, by persons outside the BAC administration, in archaeological areas belonging to the Museum Poles must, however, be submitted to the competent Superintendencies for the territory, which will take care of the investigation of the same in accordance with Circular No. 4/2019, given that, pursuant to art. 7 of Ministerial Decree no. 44/2016, the directors of the Museum Poles, on the goods given to them, are entitled to perform, on them, the (only) functions of administration and control, as well as the execution of the "related conservation measures", from which the latter are to be considered as excluding research and / or archaeological excavation.

It is just the case to specify that, by virtue of the principle of loyal cooperation that must distinguish the relationship between bodies and offices, also belonging, as in the present case, to the same Administration, the execution of archaeological investigations that may become necessary during the work for the realization, by the directors of the above mentioned Museum Poles, of conservation interventions on the buildings they deliver, is not subject to the authorization of this General Directorate, but will be managed through procedures of prior consent to the related interventions, to be defined with the competent Superintendencies (such as, for example, the "Superintendence"). The establishment of special technical tables, with joint signature of the project documents, or affixing of a sharing visa by the Superintendent).

It should also be noted that in the event that the aforesaid Institutes themselves intend to undertake archaeological investigations for research purposes in the areas of their pertinence, although in such cases the

procedure of granting such activities, pursuant to Articles 88 and 89 of Legislative Decree no. 231/2001, does not apply. 42/2004, however, in order to ensure the same purposes of safeguarding and protecting archaeological assets as the action to protect this General Directorate, it seems necessary that, pursuant to Article. 2, paragraph 1 of Ministerial Decree no. 44/2016, the applications must be submitted - without the use of forms - to the Superintendence ABAP competent for the territory, which, after carrying out the checks of competence, will be responsible for transmitting them to the writer for the subsequent assessments.

To this end, taking into account the articulated professional skills of the staff of the various local institutes, we invite the Superintendencies in charge to verify that the direction of the works is in any case entrusted to subjects in possession of a specific preparation and consistent with the activity of excavation and / or archaeological research to be carried out;

3. Any research activity that, although not involving earthmoving, must be performed through the use of appropriate technical equipment (such as, by way of example and not limited to, geophysical investigations, the use of drones, the LIDAR, etc.) falls within the definition of non-invasive archaeological investigations, for the execution of which it is necessary to issue an authorization of exclusive competence of this General Directorate. It should be noted that for all non-invasive investigations carried out as part of research activities and / or excavations already subject to concession, no further authorization will be required. Otherwise, it will be necessary to apply - without the use of forms - to the office territorially competent, which, after assessing the request and attaching its own opinion, will forward it to this Directorate for the follow-up of competence.

Territorial reconnaissance is not included in the list of non-invasive archaeological researches subject to the authorization of the undersigned Direction, and will continue to be subject to the specific and prior authorization of the Superintendent, or of an equivalent subject, competent for the territory. It will be the responsibility of the coordinator of these investigations to make the necessary arrangements with the owners of the land;

4. the guarantee policy, the stipulation of which is referred to in point II, section "Procedural indications", of Circular no. 4/2019, is to be understood as a guarantee instrument that the concessionaire can produce as an alternative to any other instrument that is equally suitable to

guarantee its obligation to indemnify the Administration from any liability and/or compensation action that may be undertaken, for damaging events caused during the excavation operations, for the entire duration of the concession.

The operating instructions for the completion of the application forms for the concession of excavation, updated in view of the new procedural indications, are attached, replacing Annex 1 to Circular No 4/2019.

THE GENERAL DIRECTOR
(Dr. Gino Famiglietti)

ANNEX 1

OPERATING INSTRUCTIONS FOR THE COMPILATION OF APPLICATIONS FOR THE GRANTING OF ARCHAEOLOGICAL RESEARCH AND EXCAVATIONS

In order to make clearer, both for the concessionaires and for the peripheral offices, the methods of presentation of the documentation concerning the granting of concessions for research and archaeological excavations, please follow the instructions below.

FOR DEALERS

1. access the address http://www.ic_archeo.beniculturali.it;
2. click on the section Transparent Administration > Excavation Concessions > Circulars and forms and download the following files in editable pdf format:

- concession request (01_istanza),
- declaration of excavation dealer (04_dich_dealer)
- statement excavation director (06_dich_excavation_director)
- statement of staff members with responsibility roles (09_dich_staff_scavo)
- declaration(s) of the owner(s) of the property under investigation (11_dich_owner).

This documentation must be thoroughly completed - even if gradually saving it on your terminal with the command "Save as" - and signed only at the end of the compilation, by affixing the digitalized signature (N.B. not digital) through the command "Fill in and sign" available in the basic package of Acrobat Reader DC or other pdf reading software, in order to make the completed document no longer editable.

3. Take care of the following supplementary documentation, duly signed:

- removal of the cadastral plan from which the particles concerned by the investigations can be seen;
- copy of the identity document of the legal representative of the concessionary body;
- copy of the identity document of the excavation director;
- curriculum vitae of the excavation director;
- copies of the identity documents of the staff members with responsibility roles;
- copy(s) of the identity document(s) of the owner(s) of the property(s) concerned of the investigation;
- copy of the receipt of the insurance policy or equivalent document showing the insurance coverage and the relative limits.

and the following scientific documentation:

- for new applications:

CTR detail or Google Earth/Maps screenshot (at an adequate readability scale) with positioning of the excavation area, coordinates of the vertices and reference and projection system;

- for renewals:

plan of the end of the excavation with forecasts of further enlargements and plans of the individual essays at an appropriate scale of detail and 4-8 significant photographs of the investigations conducted, all to be merged into a single pdf file.

c4. Once the whole procedure has been completed, name the individual files as specified in the table underneath:

Documentation list

List of documents	File name
1 Application for a concession	01_instance_location name for which the concession is applied for
2 Excerpt of cadastral planimetry	02_catastal_location name for which you request the licence
3 CTR detail or screenshots Google Earth / Maps	03_topography_location name for which the licence request is made
4 Dealer declaration	04_dich_dealer_location name for which the concession is applied for
5 Copy of the identity document of the dealer	05_doc_dealer_location name for which the concession is applied for
6 Declaration of excavation director	06_dich_digital_director_location_name for which the concession is applied for
7 Copy of the identity document of the excavation director	07_doc_director_excavation_location_name for which the concession is applied for
8 Curriculum vitae of the excavation director	08_cv_digital_director_location_name for which the concession is applied for
9 Statement of staff members with responsibility roles	09_dich_staff_digging_location_name for which you request the licence (in the case of more than one member, proceed to name as 09A, 09B, etc.)
10 Copy of identity document of staff members with responsibility roles	10_doc_staff_digging_location_name for which you request the licence (in the case of several members, proceed to name as 10A, 10B, etc.)

11 Declaration by the owner(s) of the properties under investigation (individuals and local authorities)	11_dich_owner_location_name for which the concession is applied for (in the case of several owners, proceed to name as 11A, 11B, etc.)
12 Copy(s) of the identity documents of the owner(s) of the properties under investigation (individuals and local and regional authorities)	12_doc_owner_location name for which the request is made concession (in the case of several owners, proceed to name as 12A, 12B, etc.)
13 End of excavation plan with plans for further enlargements, plans of the individual essays and 4-8 photographs (only for renewals)	13_Images_location_name for which the request for licence is made
14 Copy of the receipt of the insurance policy or equivalent document showing the insurance coverage and its maximum amounts	14_policy_location_name for which you request the concession (in the case of different types of policy, proceed to name as 14A, 14B, etc.)

The maximum size of the folder should not exceed 10 MB: therefore, please reduce the size of the image files and / or compress the documentation in a folder with zip extension, which should be named as follows:

Common_location name for which the concession is requested.

5. Send the folder to the peripheral office / Institute with special autonomy in charge in the territory.

FOR PERIPHERAL OFFICES

Once the concessionaire's request has been received and registered, the

necessary evaluations have been carried out,

1. access the address http://www.ic_archeo.beniculturali.it;
click on the section Transparent Administration > Excavation Concessions
> Circulars and forms and download the file
SABAP_PA_concession_fact sheet.

The above file must be filled in every part - even little by little, saving it on your terminal with the command "Save as" - and signed only at the end of the compilation, adding the scanned signature (N.B. not digital) with the command "Fill in and sign" available in the basic package of Acrobat Reader DC or other pdf reading software, in order to make the completed document no longer editable.

2. Collect the received documentation, complete with concession card and transmission note, in a folder named as follows:

SABAP_Common_location name for which the licence is applied for
or

PA_Common_location name for which the concession is applied for

3. Send the above compressed folder in zip format via the "Apecargo" service to dg-abap.concessionidiscavo@beniculturali.it.

It is reiterated that for multi-year concessions and those in progress, the competent local offices must send the General Directorate of Archaeology, Fine Arts and Landscape a summary report on the progress of the investigations for each year of excavation, with specific reference to the conservation aspects, accompanied by appropriate photographic documentation that documents the state in which the sites were left at the end of the previous excavation campaign, the place and conditions of conservation of mobile materials found and the restoration work carried out.