

Law on the protection of underwater cultural heritage

Official reference	Wet van 4 april 2014 betreffende bescherming van het cultureel erfgoed onder water	
Relevant dates	Document	4/04/2014
	Publication	18/04/2014
	Entry into force	1/06/2014
Policy level	Federal	
Type of instrument	Law	
Legal coverage in the BNS	Territorial sea, exclusive economic zone and Belgian continental shelf (regarding the latter two: only finds that have been under water for over 100 years)	
Competent authorities in Belgium	Governor of West Flanders (receiver)	

// abstract:

This law aims to protect the underwater cultural heritage. The articles apply to finds in the territorial sea, as well as discoveries in the exclusive economic zone and continental shelf if the objects have been under water for at least 100 years. The law does not apply to currently used installations, including pipelines and cables.

The law describes how the finder should handle the finds in question, i.e. reporting, prohibition on intentionally bringing finds to the surface without authorisation and on carrying out work without permission of the flag State unless there is immediate danger. The recipient of the underwater cultural heritage should develop an electronic public register. Unless the inclusion of a particular discovery poses a risk or presents a danger (e.g. looting or damage), finds are all included therein.

The recipient draws up a research report for each find including a reasoned opinion to the minister to determine whether the find is cultural heritage or not. If the find is not considered heritage, the ownership of the find is transferred to the finder.

The law describes how the conservation (in situ, ex situ) of the heritage should be done and what measures should be observed. A person can provide evidence to reclaim ownership up to nine months after publication of the heritage, subject to reimbursement of expenses made for the protection thereof. Similarly, a public administration, a non-profit entity or an accredited museum can indicate that they wish to become the owner of a recognised find. If no one claims the heritage within the first 9 months, it may be transferred to the finder.