

Legal and Institutional Framework of Preventive Archaeology in the Past Twenty Years and Today's Reality in Hungary – a Brief Overview of the Tendencies¹

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Abstract

In Hungary, after the historic turn of 1989, paradigm shift got started in archaeological heritage protection also, and it was during the third government (1998–2002), that archaeological heritage protection really gained ground in state administration and in national (development) politics. The years between 2001–2006 and 2007–2009 mark the 'Golden Age' of archaeology. From 1997 onward, the legislation stipulated that registered sites should be excavated prior to the development and the funds for the archaeological works (the total costs of the excavation at the level of at least 0,9% of the total investment costs) have to be secured by the investor. On the contrary, in 2011 time and financial limits were introduced in case of large development-led excavations. Today, the discretion of archaeology is becoming much more narrowed, being judged, for various of reasons, as a factor which hinders investment projects of national benefit. Together with legal tools, the heritage administration is under continuous reform, in order to 'rationalise' bureaucracy. Why we have arrived at this point, how heritage protection can evolve in this context? The author describing the past situation tries to answer these questions.

Keywords: *Hungary, preventive archaeology, heritage protection, large-scale excavations*

Kivonat

Magyarországon a rendszerváltoztatást, 1989-et követően, a régészeti örökség terén is megkezdődött a paradigmaváltás, amely 1998–2012 között, a harmadik parlamenti ciklusban teljesedett ki. A régészeti örökségvédelem mind az államigazgatásban, mind a nemzeti (fejlesztési) politikában kiemelt szerepet kapott. A

¹ This paper was commented by Katalin Wollák independent heritage consultant also here I would like to thank her for her important notes. The original title of the paper at the EAA conference was: Preventive archaeology from 2010 onwards in Hungary – legal background and the reality.

2001–2006 és még a 2006–2010 közötti időszak is a régészet „Aranykora” volt. 1997-től törvény mondta ki, hogy amennyiben nem lehet elkerülni a régészeti lelőhelyet a beruházással, akkor azt előzetesen fel kell tární és az ásatás költségét a beruházónak kell fedeznie, minimum a beruházás teljes bekerülési költségének kilenc ezrelékéig. Ezzel szemben 2011-ben a kormány maximálta az ásatásra fordítható időkeretet és meghatározta a maximálisan az ásatásra fordítható összeget. Jelenleg a régészet mozgástere igen beszűkült, különböző indokokkal, a régészetre, mint a nemzeti fejlesztéspolitika egyik hátráltatójára tekintenek. A jogszabályi környezet mellett, a régészeti hatósági intézményeket is folyamatosan átszervezik a bürokrácia-csökkentés jegyében. Miért jutottunk el idáig és ilyen körülmények között milyen lehetőségei vannak a régészeti örökségvédelemnek, a szerző az előzmények rövid bemutatásával próbál választ adni ezekre a kérdésekre.

Preface – international conference on preventive archaeology

It was twelve years ago, in Vilnius, that under the aegis of the Council of Europe Directorate of Culture and Cultural and Natural Heritage, the Lithuanian Academy of Cultural Heritage, the French National Institute for Preventive Archaeological Research (INRAP), and the Hungarian National Office of Cultural Heritage staged an international conference – with participants from 18 countries and the attendance of two professional organizations, the *Europae Archaeologiae Consilium* and the European Association of Archaeologists – on preventive archaeology (Bozóki-Ernyey 2007) connected to the Council of Europe’s monitoring and observation activities on the European Convention on the Protection of the Archaeological Heritage (Revised) Valletta, 1992 (hereafter: La Valletta Convention).

It was in Vilnius at the 22nd Annual Meeting of EAA, that we could share ideas on preventive archaeology, in three sections, such widely again.² The topics and problems discussed are still relevant: our heritage protection structure, the legislative background which is under continuous changes and under pressure, especially in the last years. From this perspective, foreign parallels, best and worst practices are all very important for us.

Hungarian institutional, legal system at the end of the 1990s

The significant social, political and economic changes of the historic turn of 1989 in Hungary required the reconsideration of the protection of historic monuments and the functioning of museums, as well as the new legal regulation of archaeology. The

2 It has to be mentioned that meanwhile the *Europae Archaeologiae Consilium* completed a triptych of debates on the true effects of the Valletta Convention on European archaeology (EAC Occasional Paper 9., 2014.; EAC Occasional Paper 10., 2015.; EAC Occasional Paper 11., 2016.) And there is a volume on its own (EAC Occasional Paper 6., 2012) dedicated to large-scale preventive excavations.

explanatory statement of the Act CXL of 1997 *on the protection of cultural property, museum institutions, public library services and cultural education* issued in 1997, already stressed the challenges for archaeology set by the investment projects in the new political system. The Act provided for the setting up of the first self-contained central state authority, the Cultural Heritage Directorate (hereinafter: KÖI), mainly for archaeology, but also for protected cultural goods on private property as of the 1st July 1998³. KÖI took over several official tasks so far entrusted to the Hungarian National Museum, but it was, however, short-lived.

In keeping with the government resolutions of 1996, 1999⁴ aiming to make administration simpler and client-friendly, it was fused with the so-far independent National Board for the Protection of Historic Monuments, producing a large institution with a staff of some 300, the National Office of Cultural Heritage (hereinafter: KÖH). The professional model was the English Heritage, but during its functioning, it fell way behind its model, particularly in strategic planning, public awareness and research.

The structure of archaeological heritage protection 2001–2006

The new integrated institution found itself in a new legal environment, separated from the special areas of museums, cultural education and libraries, when the Act LXIV of 2001 *on the protection of cultural heritage*⁵ was passed, – this was the first time that in the title of an act the phrase ‘cultural heritage’ has appeared (compare to Erdősi & Sonkoly 2004) – the act is still in force but has been continuously amended.

2001 marks the beginning of a relatively peaceful period lasting until 2006. It was a great achievement that archaeological administration was established and considered current, the circle of licensing procedures in which it was compulsory to involve the cultural heritage administration as consenting authority, and a growing number of preventive elements were included in the legal rules. These ensure site evaluation, archaeological planning in investment projects, the integration into spatial planning, etc.

This period was a ‘Golden Age’ of archaeological research. From 1997 onward, the legislation stipulated that registered sites⁶ (see Fig. 1.) should be excavated prior to the development and the funds for the archaeological works have to be secured by the investor. These included the total cost of the excavation, archaeological impact

3 The founding document is: 29/1998. (VI. 11.) MKM Order *on the Cultural Heritage Directorate*.

4 1100/1996. (X. 2.) Gov. Decision; 1052/1999. (V. 21.) Gov. Decision – according to the explanatory part of Act LXIV of 2001 (see further) – although with an erratum in it, noted by Wollák, K.

5 The Act was adopted by the Parliament on the 19 of June 1999 and it came into force on the 8 of October, with the exception of the Annexes, those entry into force was the day of promulgation.

6 On the inventorying of archaeological sites see more in details Bozóki-Ernyey (2013).

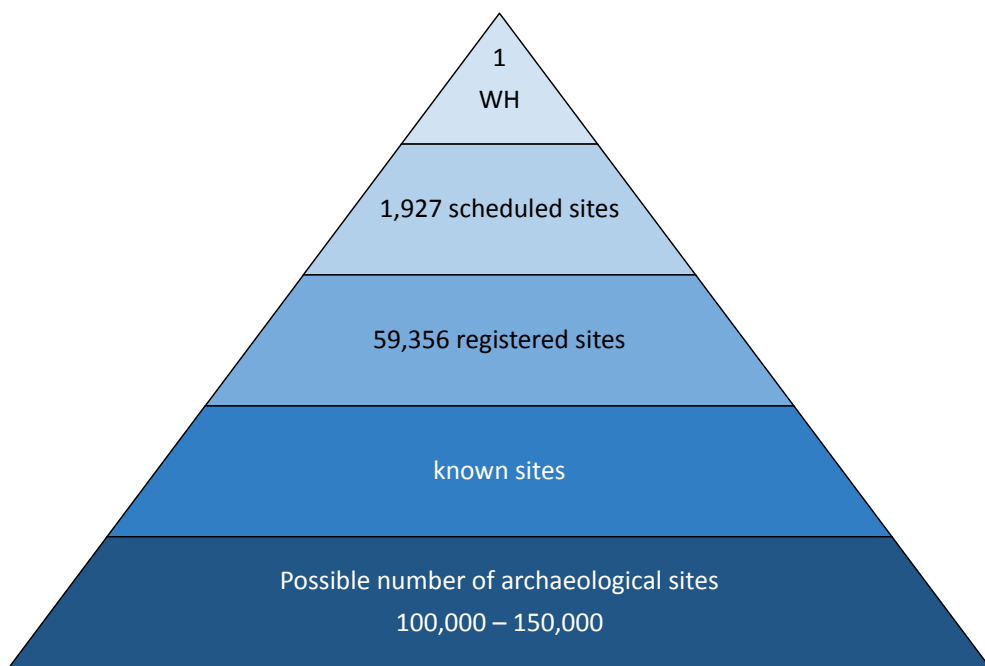


Fig. 1. Number of archaeological sites. On the top, there is one World Heritage (archaeological) site; the scheduled sites are the sites protected by ministerial order (actually); registered sites are sites inventoried in the national electronic database (on 11.25.2016). It is supposed that there are 1–1,5 sites/km² in Hungary (Wollák & Raczky 2012:123). (The idea of current diagram is based on ppt. of Újlaki Zs., Wollák 2009:56, EAC Occasional Paper 3.)

study, trial trenching (from 2001), watching brief (from 2006), documentation, primary find conservation (also primary find processing from 2001), and the extraordinary expenses of the placement of finds. At least 0,9%⁷ of the total development budget have to be secured for preventive archaeology.⁸ Between 1990 and 2007 just for motorway constructions nearly 7,700,000 m² were excavated containing 700 sites!⁹ (Fig. 2.)

7 In Bozóki-Ernyey (2004) on p.115, the number of '9 thousands' unfortunately was mistyped; the correct is, as above: 0.9%.

8 Compared to Raczky (2007), although Valletta Convention was enacted by the Hungarian Government only in 2000 – Government Order No. 149/2000. (VIII.31.) –, it was together with the *Convention Concerning the Protection of the World Cultural and Natural Heritage* (UNESCO 1972) that served much before 2000 the scientific, legal and political background for creating such a modern heritage law on a European-level.

9 Compared to Raczky (2007:14), the exact numbers are: total length of roads 1.064,133 km, total excavated area 7.688.603 m², number of excavated sites 696. Later in English: Wollák & Raczky (2012: tables 1–3).

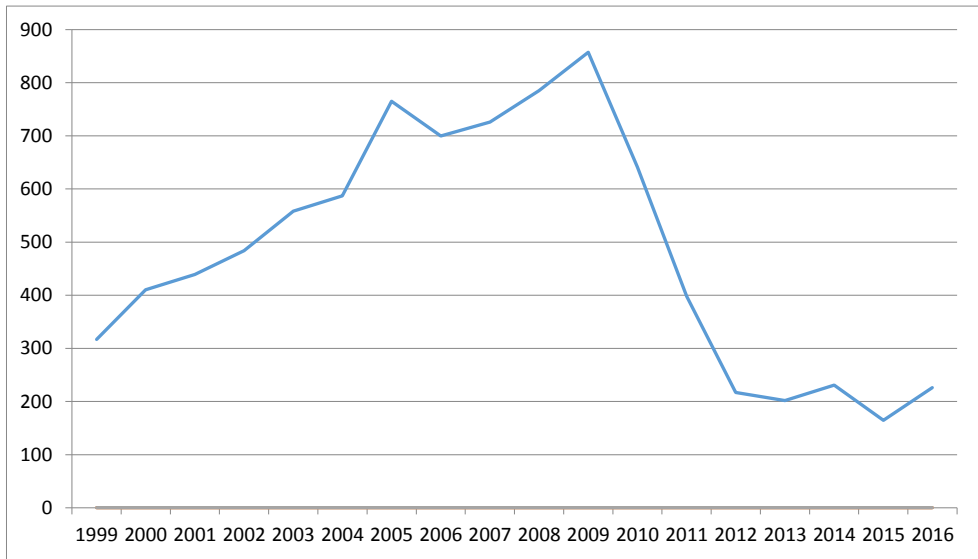


Fig. 2. The number of excavation licence applications in the last 18 years. The number of excavations increased till 2009, than the delayed effect of economic crisis is shown, but the differences are also due to legal changes as some activities. From August 2010 (for fieldwalking and, detection of sites by different instruments) and from May 2012 (for trial trenching in case of large-scale development-led excavations) authorisations were not required any more.

(Sources: 1999–2004 see in Bozóki–Ernyey (2004:112); 2005–2010 see in Wollák & Raczky (2012:127), data from 2006 is estimated; 2011–2012 information is based on the database of licence applications from ppt. of Wollák K.; 2013–2016 August data is provided by Forster Centre based on the database of licence applications compiled by Horváth C., Eleki N., Mészáros M.)

At that time, the development-led excavations could only be conducted by the county museums (19 in total) and the Budapest History Museum, within their territorial jurisdiction. The Hungarian National Museum, universities having faculties of archaeology, the Archaeological Institute of the Hungarian Academy of Sciences, and the mushrooming private archaeological firms could only be involved in the process as subcontractors of the county museums. In the new economic situation – when, for example, per capita support kept dwindling – several county museums were forced to keep up the institutional system from such income. According to the law, each county museum had the right to decide on the professional and financial terms of excavations within its jurisdiction, freely concluding a contract with the investor. The competent authority had no power to supervise the contract submitted appended to the permission for excavation. By the middle of the 2000s, it became clear that there were intolerable regional differences both in terms of professional standards

and of financial conditions, especially in large-scale projects between the different counties. The county museums themselves also tried to remedy the price differences, bringing about the Association of County Museum Directorates (founded in 2003)¹⁰ and working out e.g. a recommended price for field evaluation and surface excavation for the whole country. The first detailed protocols of site detection and of the way of accounting were developed by archaeologists for the National Motorway Co.¹¹ The self-consciousness of archaeologists is also shown by the fact that at the end of 2005 the nationwide Association of Hungarian Archaeologists was founded aiming to foster the professional's community enhancing also quality control, aiming to become chamber – that has never happened.

Centralisation attempt: establishment and termination of state archaeological field service 2007–2010

As a solution to the problem of regional differentiation and the pressure of increasing number of developments and development-led excavations, a handful of professionals recommended also the setting up of a single, central excavating agency, independently of the county museums. The idea received political support and in line with the introduction of the legal category of 'large investment project', in 2007 the Cultural Heritage Field Service (hereinafter: KÖSz) was established¹². The tasks of the Service ranged from e.g. explosive objects disposal, through excavation to publication and presentation in case of all large investment projects. The model was INRAP and similarly to the French example, an archaeological tax was also considered (compared to Bánffy & Raczky 2010), but later discarded. With its regional offices and laboratories, KÖSz soon grew into the ever largest archaeological institution in Hungary with an employment over 300. Its establishment elicited enormous protests from the county museums and county governments as it deprived them of a large deal of funds needed for their existence – the great income from large-scale projects, and of scientific challenges. The emergence of KÖSz remoulded the labour market, lured several archaeologists away from the museum network and many fresh graduates without experience were entrusted to direct excavations. Primary find processing, conservation of unearthened finds were left in abeyance; the specialists worked on contracts of the prefixed deadline and started one excavation after another at different places of the country. A positive outcome could

10 In Bozóki-Ernyey (2004) on p. 117, the datum was based on oral information, now written source is available at: http://magyarmuzeumok.hu/tema/639_uj_neven_magyar_videki_muzeumok_szovetsege.

11 These protocols were later accepted and required also by KÖH.

12 18/2001. (X.18.) NKÖM Order was amended by 21/2007. (III. 26.) OKM Order.

be registered by 2009–2010: the excavation methods became more or less unified all over the country, the documentation was in a set system, the contracts and price lists were standardized, there were new publications, the involvement of the public started.

KÖSz was founded on a professional basis but with definite political intervention and in the same way, its failure three years later in 2010, was caused in part by professional motives – its quality of work and financial operating was under continuous debate during the years – and moreover, by political decisions. Unfortunately, there are no comprehensive, analytic publications on the ‘real story’ of KÖSz, its past activity. So in 2010 KÖSz was dissolved and the right of large investment-led excavations went back to the county museums, with the obligation that also locally competent museums, out of the county museum system, had to be involved by law. The restoration had its difficulties, of course. KÖSz efforts in processing the finds were interrupted, a great part of the contracted persons were dismissed, one part of it, named as National Heritage Protection Centre was attached to the Hungarian National Museum (hereafter MNM-NÖK) as a branch.

Although KÖSz was terminated, it was obvious that there is a need for a kind of centralisation. As a first step, it became the MNM-NÖK that was responsible for producing – besides guidelines e.g. for preliminary archaeological documentation – directives for the calculation of archaeological expenses, a list for recommended (not approved) prices and a contract model. It became the task of MNM-NÖK first to coordinate between the museums and large project developers, from 2013 also to compile the preliminary archaeological documentation (introduced in 2010) which included later the excavation project plan as well, while the field work (evaluation, trial trenching, etc.) which formed the basis of it was still done by the county museums.

However, the termination of KÖSz in 2010 was only the beginning of a series of measures in the course of which the central government fundamentally redrew the institutional and legal frames of heritage protection, giving room to new priorities. Some of the reforms were part of a more comprehensive transformation of the state administration and the network of local governments other changes were goal-directed. The author of a social study tagged the period between 2010 and 2016 ‘the defeat of heritage protection at systemic level’ (Viskolcz 2016).

Restrictions 2011–2016 – institutional reforms

The regional agencies of KÖH were severed from the centre and integrated into the county government agencies¹³ as of 1 January 2011, then parallel with the formation of the district

13 324/2010. (XII. 27.) Gov. Order. Nine heritage offices were established, the area of competence of a heritage county office could cover 2, 3, 4 counties.

administration system as of 1 January 2013, into the districts¹⁴ – within the administration systems with shrinking decision-making potential, – while the appealing heritage authority was incorporated in the capital's government agency. As of 21 September 2012 KÖH in its original function was practically extinguished: the core – where scientific research of protected monuments, inventory of archaeological sites and protected monuments and authority work on the private protected cultural property (not discussed in this paper) – was divided into three parts. Two of them vanished integrated into the capital's government office and the Interior Ministry, showing the 'power' of the problems, respectively¹⁵. The profile of the remaining fragment changed fundamentally. Rumour spread that the long-planned transformations were triggered off by the unjustifiably large – actually misunderstood – budget proposal for preventive excavations of a large-scale private project (Mercedes-Benz). By merging it with the National Trust of Monuments for Hungary, they brought about a gigantic organization, named Gyula Forster National Centre for Cultural Heritage Management (hereinafter: Forster Centre), whose task became mainly the development of special national heritage programs, the management of state-owned listed buildings, the restoration, investment works of these monuments mainly under the aegis of the National Mansion and Castle Program.¹⁶ 'Suddenly', the Forster Centre had billions at its disposal!¹⁷ However, since 2012 three directors took turns at the helm of the Centre, this clearly indicates the difficulties in its functioning.

Further, for the first time, fundamental changes from the point of view of the excavating organizations took place. A new reform of the regional and local government system took place eliminated the county museum network. Summarizing very briefly, nearly all museums, with some special exceptions, after a brief transitory period, turned to be maintained by municipalities instead of the county governments.¹⁸ But the challenges of large investment-led excavations were, generally speaking, entrusted to the county competent town museums, practically to the same museums that were responsible for it before, but under new financial circumstances.

The really fundamental changes happened in 2015 when the compilation of the preliminary archaeological documentation in case of large investment projects was relegated to the Forster Centre (together with fieldwork), enforcing it with the partial integration of MNM-NÖK, creating again a giant agency of some 300 employees. Looking at the

14 393/2012. (XII. 20.) Gov. Order. Twenty-one district heritage offices were established, the area of competence of a district heritage office covered the territory of a county, in case of Budapest, Pest or Buda.

15 266/2012. (IX. 18.) Gov. Order (in force: 09.21.2012).

16 Képviseleti Információs Szolgálat, *infójegyzet*, 2016/26. (19.05.2016.)

17 The project is financed by the state and from European sources. From the budget of Economic Development and Innovation Operational Programme – 7.1.1-15 there are 106 million EUR (33 billion HUF) for this project.

18 1094/2012. (IV. 3.) Gov. Decision.

future one cannot build on upon this structure neither; this year (2016) the Government decided on the abolition of some 70 central institutions¹⁹ in accordance with red tape reduction, and the Forster Centre is also closed! As of 1 January 2017, the Forster Centre is to fuse, in the authority-tasks with the Prime Minister's Office, because in the meantime the heritage protection supervisory body from the Interior Ministry was transferred to the Prime Minister's Office. The maintenance of the Architectural Museum will be held by the National Art Academy and the preventive archaeology tasks and management of state-owned monuments will be taken over by a non-profit, state-owned, company²⁰.

The delayed effect of the economic crises, legal restrictions 2011–2016

From 2010, in the media and in the Government's communication, it has been voiced with increasing frequency that archaeology and heritage protection should not be the hindrance to development, especially to the investments of major importance to the national economy. The legal frames have been changed in this spirit.

For the first time, in 2011, due to direct pressure of the actors from the economic sphere, time and financial limits were imposed on preventive archaeology. The maximum amount to be spent on the large investment-led excavations was set at 1% of the total costs of the investment, but no more than 645.000 EUR (200 million HUF). Only the Government was entitled to give exemptions in individual cases. It was also legally fixed how long the excavation could last: 30 days for the test excavation and 30 days for the excavation of the entire surface. A new 'heritage-protection' term – 'covering' – was introduced which had to be resorted to when there was no more time or money to complete the excavation of the site in question. This change of paradigm elicited extensive resistance in the profession. Hungarian and international petitions together with official protest letters were written but in spite of all the efforts the situation did not change.²¹ (Fig. 3).

Since 2011 this framework has been slightly changed with some additions or withdrawals. However, the 645.000 EUR-limit (200 million HUF) turned to be more a disadvantage than an advantage for the investors, also because the restrictions had to be applied to the ongoing projects as well creating delays in several projects of major importance owing to the complicated permit procedure. Being impractical, the limit of 645.000 EUR was finally removed from the Act in 2015. The minimum

19 The official explanation is the completion of the easier structure and cost effective public administration.

20 1312/2016. (VI. 13.) Gov. Decision.

21 A very good summary of all these initiatives in English, can be read in the electronic Newsletter I./3. of the Association of Hungarian Archaeologists http://www.regesztet.org.hu/wp-content/uploads/2012/05/AHA_summary_of_Hungarian_archaeology20120511.pdf



Fig. 3. An effort to change political attitude: The Association of Hungarian Archaeologists and the Association of County Museum Directorates organized travelling exhibition 'Rescued heritage – Treasures from the heart of Europe' in the Parliament in 2012. The exhibition was arranged around three topics: results of development-led excavations from the last 15 years, civil engagement, responsibility of the public in heritage protection, and the wide variety of archaeological heritage in Hungary, modern methods of discovering. (Source: <http://megmentettorokseg.hu/>).

1% remained with the additional comment that the investor may undertake a higher amount. A separate budget of 0,35 % of the total cost of the investment was required for preliminary archaeological documentation. The July 2015 amendment introduced, instead of the recommended, the approved price's concept, clarifying that the numbers mean the highest possible prices.

In 2015, a new concept appeared in the law: all excavating organizations (state institutions and private enterprises) wishing to take part in preventive archaeology in large development-led projects must be accredited²². The clear aim of decision makers was marketisation of preventive archaeology. But there is no free market in archaeology yet because the circle of organizations entitled to lead such excavations remained the same: they are all state organisations (the museums, universities having MA courses in archaeology, the Archaeological Institute of the Research Center for the Humanities (as it is called now) of the Hungarian Academy of Sciences and the Forster Center, in special case). There are two lists of accreditation²³, the list of state organisations and another list with private firms that can only work as subcontractors to the state organisations. The accreditation in this current form is only a sort of guarantee for the developer that if e.g. the county museum fails to complete the large development-led excavation, there will be another accredited organization which can automatically take over the job without loss of time. Also, the accreditation of private

22 14/2015. (III. 11.) MvM Order.

23 See: <http://www.kormany.hu/hu/miniszterelnokseg/parlamenti-allamtitkar/regeszeti-akkreditalt-intezmenyek-es-szervezetek-jegyzeke>.



Fig. 4. There was an example already from 2015 summer on applying the rule of 9 days, when ruins of a Middle Age church was found at Bonyhád, covered by loess sludge, so in relatively good conditions during road construction. As a result in part it was excavated, thanks to heroic voluntary work during about a week, in part it was covered by new the road (using protective layers) and in part the investment itself was replaced. It was a difficult situation also for the heritage authority and the case triggered off an uproar among both professionals and the public at large. (Source: http://index.hu/belfold/2015/10/06/bonyhad_gotikus_templomrom_utepites/, Photo: Huszti I.)

firms helped this aim, making public procurement much easier. If we look at the current list of accreditations, there is only one single county museum which failed to get accreditation, but its case is very special. At present, there are five accredited private archaeological enterprises, two of them with competence in the whole country.

In view of these modifications one can't help noting that legal provisions concerning archaeological activities are increasingly tightening. Especially the accelerated high-priority transportation infrastructure developments are becoming harder. The legislation makes it clear that it shall not slow down the execution of such a project when during its implementation the watching brief happens to find a site or object unexpectedly. Briefly, it is up to the minister to decide whether he permits the excavation or not; if not, the project must be continued nine days after the notification. (Fig. 4.)

There is also another new element, that in these infrastructure projects the investor can charge the costs of ensuring the excavation for days beyond the legally set number of days. In the execution of such extra archaeological work and in certain special archaeological activities also the non-accredited institutions or organizations can be involved.

About a year later, in July 2016, it was further specified that these extra costs can be charged up above the maximum of 1% of the total development budget. Also, the category of large investment project was again redefined, now designating: 1) development projects above a total gross costs of 1.609.000 EUR (500 million HUF), 2) development projects managed by the National Infrastructure Development Co., 3) construction of ramparts, dykes, flood relief reservoirs of floor area above 2500 hectares, or 4) investments for public benefit for which legal expropriation was carried out.

Our legislation is like a *beta* version software finalized without a test run. In our case, the test-run goes live.

Political background, summary

After the historic turn of 1989, it was during the end of the second government, that paradigm shift got started in archaeological heritage protection and during the third one, between 1998–2002, the archaeological heritage protection really gained ground in state administration and in national (development) politics. It is emblematic that a synthetic and symbolic volume of 500 pages with noted authors was prepared by the Ministry of National Cultural Heritage, entitled ‘Hungarian Archaeology at the Turn of the Millennium’ in this period (Visy 2003).

The Hungarian laws and institutional frames for heritage protection were on the strong side in European perspective, the challenges of large-scale investments reached a magnitude in the early 2000s that began to burst the frames built on the traditional network of museums. In the new free-market system, the preventive archaeology remained the ‘monopoly’ of the state, more precisely, the monopoly of the counties. During the fourth government (2002–2006) the situation kept deteriorating, the pressure from large-scale projects was constantly increasing, particularly after Hungary’s entry into the EU in 2004. In 2006 during the local government elections, the representatives of right-wing parties came out victorious, while the left-wing still got the mandate for central government again. In this situation, a concept that was worked out by a handful of archaeologists to set up a state archaeological service for preventive archaeology – opposite the county museum system and which would also cut down the weight of the counties and boost central revenues – came in very handy for the state government. KÖSz, a new state agency, became responsible for preventive archaeology in the case of

large investment projects in the whole country. The model might have worked well, but KÖSz was dissolved by its 'rivals' at the first given chance. The right-wing politicians elected to power in 2010 'gave back' the 'large investment-led projects' to the counties who supported them, but the pre-2007 model was no longer feasible at that time.

As the settlement of large investment-led excavations was particularly urgent in the light of the global crisis of 2008, the state launched a quick salvaging operation after an unsuccessful attempt at central coordination. In 2011 drastic restrictive measures were taken: the amount of money and time to be spent on a large investment-led excavation was maximized, and the category of 'covering' archaeological sites and building on upon without excavation, was introduced, but the institutional licenses were not yet disrupted. The restrictions formulated in 2011 grew increasingly stricter and more sophisticated until 2014, but had no results, often expressly hindering the development contrary to their goal. In the meantime, the Government has transformed the state administration, the institutional network of museums and eliminated, or at least set on quite a different orbit, the heritage protection.

In January 2015 similarly to the model of 2007, the legislators entrusted again a central state agent to manage preventive archaeology on the country-level. New concept was a finer version of the 2007 model including more compromises: the 'new' institution, the Forster Center became in charge 'only' for the preliminary archaeological documentation (including the evaluation, trial trenches, and forming financial plans for further preventive steps), while, generally, the county museums remained responsible for the excavations. The restrictions as to the budget and the duration of excavation became 'reasonable' regarding the 2011 ones. It was a political intention to introduce the system of accreditation for large investment-led excavations. But the accreditation in this current form is only a sort of guarantee for the developer that if the locally competent county level town museum fails to complete the large investment-led excavation, there will be another organization, according to the law, available to take over the job without loss of time. The accreditation of private firms – helps this also – making much easier public procurement. Probably this was only the first step toward a wider liberalization.

The scientific processing of the unearthed finds was not touched in this paper, also due to the fact that there were hardly any legal provisions concerning it, although it is known that today the crucial question of excavations is the elaboration of the finds. From 2015 there is some progress from the legislative point of view, e.g. the rules of primary find processing and the final placement of the finds will be legally specified in a new order by the minister in charge of cultural matters. Negotiations are going on.

Finally, it must be stressed that the discretion of archaeology is becoming visibly ever narrower, being judged – for a variety of reasons – a factor that hinders

investment projects of national benefit. State administration included heritage administration, is under continuous reform in order to ‘rationalise’ bureaucracy. The legal framework, in general, is under continuous change. In 2016 alone, until August, nearly 70.000 pages of new laws were published in the Hungarian Official Gazette. In this context, it is difficult to produce any alternatives, but I think it is a problem also that there are no intellectual forums, a periodical, neither electronic, to speak about the problems²⁴, there are no detailed analyses. Unfortunately after nearly 20 years of the first ‘new’ act, in part archaeological heritage, was announced the culture of the study of archaeological heritage administration, management is still not developed in Hungary.

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24 E.g. the Hungarian Association of Archaeologists could get such a forum, but during the years, its attempt has failed. It was the Teleki László Foundation that started the study of the phenomenon of cultural heritage, but the research project was terminated, compare to Erdősi & Sonkoly (2004). Nearly more articles are published in foreign language than in Hungarian on archaeological heritage management.