

**No. 49256**

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**Switzerland  
and  
Greece**

**Agreement between the Federal Council of the Swiss Confederation and the Government of the Hellenic Republic on the import, transit and repatriation of cultural property (with appendices). Bern, 15 May 2007**

**Entry into force:** *13 April 2011 by notification, in accordance with article XIII*

**Authentic texts:** *English, French and Greek*

**Registration with the Secretariat of the United Nations:** *Switzerland, 6 January 2012*

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**Suisse  
et  
Grèce**

**Accord entre le Conseil fédéral de la Confédération suisse et le Gouvernement de la République hellénique concernant l'importation, le transit et le retour de biens culturels (avec annexes). Berne, 15 mai 2007**

**Entrée en vigueur :** *13 avril 2011 par notification, conformément à l'article XIII*

**Textes authentiques :** *anglais, français et grec*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Suisse, 6 janvier 2012*

**Agreement**

**between the Federal Council of the Swiss**

**Confederation and the Government of the**

**Hellenic Republic**

**on the import, transit and repatriation of**

**cultural property**

*The Swiss Federal Council*

*and*

*the Government of the Hellenic Republic (hereinafter ‘the Parties’)*

in application of the November 14, 1970 UNESCO Convention on the Means of Prohibiting and Preventing Illicit Import, Export and Transfer of Ownership of Cultural Property, to which both countries are a party, and in pursuit of relevant applicable provisions at the Parties,

in consideration that theft, looting and the illicit import, export and transfer of ownership of cultural property representing harm to the cultural heritage of mankind,

endeavoring to make a contribution to maintain and secure cultural heritage and to prohibit and prevent the illegal transfer of cultural property,

in the belief that cooperation between both countries may constitute an important contribution in this regard,

endeavoring to ease the repatriation of illicitly imported, exported and having its ownership illegally transferred cultural property and to strengthen contacts between both countries with regard to cultural exchanges,

*have agreed as follows:*

## **Art. I**

(1) This Agreement regulates the import, transit and repatriation of cultural property as it relates to both Parties.

(2) This Agreement applies exclusively to categories of cultural property of particular importance for the cultural heritage of the Party concerned as listed in Appendix I to this Agreement. Cultural property which is not covered by the categories of cultural property listed in Appendix I can be claimed on the basis of the respective domestic law.

(3) By “Territory” in respect of the Hellenic Republic is meant, the territory under its sovereignty, including the territorial sea as well as maritime areas over which the Hellenic Republic exercises in conformity with international law sovereign rights or jurisdiction.

(4) By “Territory” in respect of the Swiss Confederation is meant, its territory in conformity with the Swiss domestic and international law.

## **Art. II**

(1) Cultural property may be imported into one of the Parties to the extent demonstrated to the custom authorities that the export regulations of the other Party are fulfilled. If the law of this Party requires a permit to export cultural property, it must be presented to the customs authorities of the other Party.

(2) The following must be provided at the Swiss customs declaration:

- a. the cultural property object type;
- b. as detailed a description as possible on the place of manufacture, or if the result of archaeological or paleontological excavations, the place where the cultural property was found;
- c. an Export Permit issued by a Ministerial Decision of the Greek Minister of Culture;
- d. a valid Export Certificate, which amongst other information also provides a photograph of the object to be exported. A form and details of such an Export Certificate is provided for in Appendix II.

(3) The following must be declared at the Greek customs:

- a. the cultural property object type;
- b. as detailed a description as possible on the place of manufacture, or if the result of archaeological or paleontological excavations, the place where the cultural property was found.

### **Art. III**

(1) Each Party may file action for the repatriation of cultural property at the other Party into whose territory the cultural property was illicitly imported.

(2) The action may be filed before the competent courts at the location of the cultural property.

(3) Domestic law at the Party where the cultural property is located determines the prerequisites for the action.

(4) The competent authority pursuant to Article VII where the cultural property is located advises and supports the Party filing within the means at its disposal to:

- a. locate the cultural property;
- b. clarify competent court;
- c. find specialized legal representatives;
- d. temporary custody and conservative care of the cultural property until its repatriation.

(5) Nothing in the above provisions shall be held as waiving a Party's rights to file a suit in its own country on the basis of its domestic law in order to have cultural property returned to it.

### **Art. IV**

(1) The Party filing suit must demonstrate:

- a. that the cultural property belongs to one of the categories listed in the Appendix I, and
- b. that it was illicitly imported into the other Party's territory after this Agreement entered into force.

(2) Claims for repatriation by a Party are subject to a statute of limitation of one year after its authorities gain knowledge of where and with whom the cultural property is

located, at the latest, however, 30 years after the cultural property is illicitly exported.

(3) Nothing in this Agreement shall be held as waiving a Party's rights in relation to claims for repatriation of cultural property under the law as applies prior the Agreement entered into force.

#### **Art. V**

(1) The Party filing suit carries the costs for measures necessary for securing, maintaining, and repatriating the cultural property. The Party may recover the costs from the person who illicitly and in bad faith was in possession of or illicitly imported the cultural property into the country in conformity with the respective domestic law.

(2) The Party filing suit must pay the person who acquired the cultural property in good faith and is required to return it, fair and equitable compensation at the time of repatriation, taking into consideration the purchase price, as well as any necessary and useful expenses for protecting and maintaining the cultural property.

(3) The competent court at the Party, where the suit is pending pursuant to Article III, determines the amount of compensation.

(4) The person required to return the cultural property retains a right of retention of the same until compensation is paid.

#### **Art. VI**

The Parties to the Agreement are required to announce the contents of this Agreement as well as information relevant to its execution to circles impacted by this Agreement such as customs, criminal prosecution authorities and the art trade.

#### **Art. VII**

(1) The competent authorities for the execution of this Agreement are:

- a. in the Hellenic Republic: The Directorate for Museums, Exhibitions and Educational Programs, Greek Ministry of Culture;
- b. in the Swiss Confederation: The Specialized Body for International Cultural Property Transfer (Federal Office of Culture), Federal Department of Home Affairs.

(2) These authorities are authorized to cooperate directly with one another within the framework of their competencies.

(3) The competent authorities must immediately report changes of competencies or designations of the authorities pursuant to paragraphs 1 and 2.

#### **Art. VIII**

(1) The Parties report to each other via the competent authorities pursuant to Article VII thefts, lootings, loss and other events impacting cultural property listed under the categories in the Appendix I.

(2) The Parties immediately and reciprocally report any changes to domestic law on the import, export and transfer of ownership of cultural property.