

No. 51018

**United States of America
and
Italy**

Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Italy concerning the imposition of import restrictions on categories of archaeological material representing the pre-classical, classical and imperial roman periods of Italy. Washington, 19 January 2001

Entry into force: *19 January 2001 by signature, in accordance with article IV*

Authentic texts: *English and Italian*

Registration with the Secretariat of the United Nations: *United States of America, 15 July 2013*

**États-Unis d'Amérique
et
Italie**

Mémoire d'accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République italienne relatif à l'imposition de restrictions à l'importation sur certaines catégories d'objets archéologiques des périodes préclassique, classique et de l'empire romain de l'Italie. Washington, 19 janvier 2001

Entrée en vigueur : *19 janvier 2001 par signature, conformément à l'article IV*

Textes authentiques : *anglais et italien*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 15 juillet 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF ITALY
CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS
ON CATEGORIES OF ARCHAEOLOGICAL MATERIAL
REPRESENTING
THE PRE-CLASSICAL, CLASSICAL AND IMPERIAL ROMAN
PERIODS OF ITALY**

The Government of the United States of America and the Government of the
Republic of Italy;

Acting pursuant to the 1970 UNESCO Convention on the Means of
Prohibiting and Preventing the Illicit Import, Export and Transfer of
Ownership of Cultural Property, to which both countries are States Party; and

Desiring to reduce the incentive for pillage of irreplaceable
archaeological material representing the Pre-Classical, Classical and Imperial
Roman periods of Italy's rich cultural heritage;

Have agreed as follows:

ARTICLE I

A. The Government of the United States of America, in accordance with its legislation entitled the Convention on Cultural Property Implementation Act, shall restrict the importation into the United States of the archaeological material ranging in date from approximately the 9th century B.C. to approximately the 4th century A.D., including categories of stone, metal, ceramic and glass artifacts, and wall paintings identified on a list to be promulgated by the United States Government (hereinafter known as the “Designated List”), unless the Government of the Republic of Italy issues a license or other documentation which certifies that such exportation was not in violation of its laws.

B. The Government of the United States of America shall offer for return to the Government of the Republic of Italy any material on the Designated List forfeited to the Government of the United States of America.

C. Such import restrictions shall become effective on the date the Designated List is published by the U.S. Customs Service in the U.S. Federal Register, the official United States Government publication providing fair public notice.

ARTICLE II

A. Representatives of the Government of the United States of America and representatives of the Government of the Republic of Italy shall take appropriate steps to publicize this Memorandum of Understanding.

B. Both Governments agree that in order for United States import restrictions to be fully successful in deterring pillage, the Government of the Republic of Italy shall use its best efforts to increase scientific research and protection of archaeological patrimony and protective measures for archaeological excavations at known sites, particularly in areas at greatest risk from looters. The Government of the United

States of America acknowledges the efforts of the Government of the Republic of Italy in recent years to devote more public funds to guard archaeological sites and museums and to develop Italian tax incentives for private support of legitimate excavation. The Government of the Republic of Italy agrees to continue to pursue these efforts.

C. The Government of the Republic of Italy shall reinforce, with respect to the 1970 UNESCO Convention, the protection of its cultural patrimony. In particular, the Government of the Republic of Italy shall provide for:

1. instituting more severe penalties and prompt prosecution of looters,
2. regulating the use of metal detectors,
3. providing additional training for the Carabinieri Special Unit for the Protection of Artistic Patrimony, and
4. intensifying the investigations by the Carabinieri Special Unit for the Protection of Artistic Patrimony on the looting of archaeological sites and on the routes of the smugglers of these artifacts.

D. Both Governments agree that, in order for United States import restrictions to be most successful in thwarting pillage, the Government of the Republic of Italy shall endeavor to strengthen cooperation among nations within the Mediterranean Region for the protection of the cultural patrimony of the region, recognizing that political boundaries and cultural boundaries do not coincide; and will seek increased cooperation from other art-importing nations to restrict illicit imports, in the effort to deter further pillage.

E. The Government of the United States of America recognizes that the Government of the Republic of Italy permits the interchange of archaeological materials for cultural, exhibition, educational and scientific purposes to enable widespread public appreciation of and legal access to Italy's rich cultural heritage. The Government of the Republic of Italy agrees to use its best efforts to encourage further interchange through:

1. promoting agreements for long-term loans of objects of archaeological or artistic interest, for as long as necessary, for research and education, agreed upon, on a case by case basis, by American and Italian museums or similar institutions, to include: scientific and technological analysis of materials and their conservation; comparison for study purposes in the field of art history and other humanistic and academic disciplines with material already held in American museums or institutions; or educational presentations of special themes between various museums or academic institutions;
2. encouraging American museums and universities jointly to propose and participate in excavation projects authorized by the Ministry of Culture, with the understanding that certain of the scientifically excavated objects from such projects could be given as a loan to the American participants through specific agreements with the Ministry of Culture; and
3. promoting agreements for academic exchanges and specific study programs agreed upon by Italian and American institutions.

F. The Government of the United States of America acknowledges the efforts by the Government of the Republic of Italy in recent years to review the laws concerning the export of archaeological artifacts and to improve the efficiency of the system to release certificates of exportation. The Government of the Republic of Italy will continue to examine new ways to facilitate the export of archaeological items legitimately sold within Italy.

G. The Government of the United States of America and the Government of the Republic of Italy shall use their best efforts to facilitate appropriate contacts between U.S. and Italian museums and institutions for the development of increased and extended loans of Italy's archaeological cultural patrimony to U.S. museums.