

No. 51845*

**Cyprus
and
Switzerland**

Agreement between the Government of the Republic of Cyprus and the Swiss Federal Council on the import and repatriation of cultural property (with appendix). La Chaux-de-Fonds, 11 January 2013

Entry into force: *15 February 2014, in accordance with article XV*

Authentic texts: *English, German and Greek*

Registration with the Secretariat of the United Nations: *Cyprus, 11 April 2014*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Chypre
et
Suisse**

Accord entre le Gouvernement de la République de Chypre et le Conseil fédéral suisse concernant l'importation et le rapatriement de biens culturels (avec appendice). La Chaux-de-Fonds, 11 janvier 2013

Entrée en vigueur : *15 février 2014, conformément à l'article XV*

Textes authentiques : *anglais, allemand et grec*

Enregistrement auprès du Secrétariat des Nations Unies : *Chypre, 11 avril 2014*

** Numéro de volume RTNU n'a pas encore été établie pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

Agreement
between the Government
of the Republic of Cyprus
and the Swiss Federal Council
on the Import and Repatriation
of Cultural Property

*The Government of the Republic of Cyprus
and
the Swiss Federal Council,
hereinafter referred to as 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,

considering that the theft, looting and illicit Import and export of cultural property are an obstacle to legal cultural exchanges,

understanding that the loss of cultural property represents a danger to the cultural heritage of mankind,

endeavouring to make a contribution to the preservation, protection and security of cultural heritage and for the suppression of any incentive for the illegal transfer of cultural property,

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

endeavouring to facilitate the repatriation of illicitly imported cultural property and to intensify contacts between both countries with regard to cultural exchanges,

considering that the interchange of cultural property among nations for scientific, cultural and educational purposes increases the knowledge of the civilization of Man, enriches the cultural life of all peoples and inspires mutual respect and appreciation among nations,

have agreed as follows:

Article I Subject

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

(2) This Agreement applies exclusively to the categories of cultural property listed in the Appendix to this Agreement.

Article II Import regime

(1) Cultural property may be imported into the territory of one of the Parties to the extent demonstrated to the custom authorities that the export regulations of the other Party have been complied with. If the law of the exporting Party requires a permit to export cultural property, this shall be presented to the customs authorities of the importing Party.

(2) The following shall be provided for in the customs declaration:

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

Article III Claims for repatriation: Jurisdiction, applicable law, support

(1) One Party may file an action for the repatriation of cultural property before the competent courts of the other Party into whose territory cultural property was illicitly imported and is located.

(2) The domestic law of the Party where the cultural property is located shall determine the requirements for the action.

(3) The competent authority pursuant to Article IX of this Agreement where the cultural property is located, shall advise and support the Party filing the action within the means at its disposal to:

- a. locate the cultural property;
- b. clarify which is the competent court;
- c. find specialised legal representatives;
- d. place the cultural property in temporary custody and in conservation until its repatriation.

Article IV Repatriation regime: Modalities

(1) The Party filing the action shall demonstrate:

- a. that the cultural property falls within one of the categories listed in the appendix, and
- b. that it was illicitly imported into the other Party after the Agreement entered into force.

(2) If the protection of the cultural property cannot be guaranteed during repatriation to the territory of the Party filing the action, due to exceptional events, including natural disasters, that endanger the cultural heritage of this Party, the other Party may suspend execution of repatriation until the protection of the cultural property is guaranteed during repatriation.

(3) Claims for repatriation by a Party pursuant to this Agreement are subject to a Statute of limitation according to the applicable national law.

Article V Repatriation regime: Costs, compensation

(1) The Party filing the action shall bear the costs for all measures necessary for the security, preservation, and repatriation of the cultural property.

(2) The Party filing the action shall, at the time of repatriation, pay the person who acquired the cultural property in good faith and is required to return the same, compensation for the purchase price paid and any necessary and useful expenses for the protection and preservation of the cultural property, unless the person renounces compensation.

(3) The competent court of the Party, where the action is pending in accordance with Article III, shall determine the amount of compensation.

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

Article VI Announcement requirements

The Parties shall announce the Contents of this Agreement, in particular, to circles likely to be affected by this Agreement, such as the art trade as well as the customs and criminal prosecution authorities.

Article VII Treatment of returned cultural property

The Party filing the action shall ensure that the cultural property returned is reasonably protected, accessible and offered for research and exhibition purposes in the territory of the other Party.

Article VIII Promotion of cooperation and training

The Parties shall endeavour to promote cooperation and training within the scope of this Agreement such as:

- a. Exchange of experiences, Organisation of joint research projects, joint Seminars, Workshops or other meetings.
- b. Exchange of archaeologists, conservators and other specialists.
- c. Exchange of experiences, information and publications related to archaeological research, conservation and promotion of archaeological sites and ancient monuments, as well as issues concerning archaeological and ethnographical museums.
- d. Exchange or Organisation of archaeological exhibitions of mutual interest.
- e. Exchange and training of personnel

Article IX Competent authorities

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

- a. in the Republic of Cyprus: the Department of Antiquities, Ministry of Communications and Works;
- b. in the Swiss Confederation: The Specialised Body for Cultural Property Transfer (Federal Office of Culture), Federal Department of Home Affairs.

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

(3) The competent authorities shall transmit the relevant contact details to one another after this Agreement enters into force and appoint a point-of-contact officer.

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