

GENERAL BYLAWS TO THE LAW OF CULTURAL PATRIMONY

Executive Decree 2733, Official Registry 787 of July 16, 1984.

OSWALDO HURTADO LARREA,

Constitutional President of the Republic,

Considering:

That by means of Supreme Decree Number 3501 of June 19th 1979, promulgated in the Official Registry Number 865 of July 2 of the same year, the Law of Cultural Patrimony was issued;

That it is necessary to regulate the Law of Cultural Patrimony to facilitate its application; and,

In exercise of the attributions granted by Article 78 letter c), of the Political Constitution of the Republic of the Ecuador

Decreases:

THE FOLLOWING

"GENERAL BYLAWS TO THE LAW OF CULTURAL PATRIMONY"

FIRST CHAPTER Of Governmental organs, its administration and attributions

Article 1. - The National Institute of Cultural Patrimony is an Institution of the public sector, adscript to the House of the Ecuadorian Culture that enjoys of legal capacity.

OF THE DIRECTORY. -

Article 2. - The Directory of the National Institute of Patrimony will be conformed pursuant Article 2 of the Law; will meet ordinarily every six months and extraordinarily when its president summons it by his own initiative, or at request of four of its members.

Article 3. - Attributions and duties of the Directory of the National Institute of Cultural Patrimony are:

a) to look after the fulfillment of the Law;

b) to authorize the temporary exportation of the country of goods belonging to the Cultural Patrimony of the Nation, in compliance with Article 23 of the Law; as well as of those goods that have to undergo technical exams or procedures of qualified restoration;

- c) to request the National Government or the Municipalities the declaration of public utility, seeking the expropriation of real estate that are part of the Cultural Patrimony of the Nation;
- d) to authorize the international exchange of furniture state belonging to the Cultural Patrimony with other national or foreigner goods;
- e) to approve the Budget of the Institute and the Annual Working Plan entered by the National Director;
- f) to issue, approve or reform the Functional Organic Bylaws of the Institute, and the necessary internal Bylaws for the good performance of the Institute;
- g) to appoint the National Director and the Sub Regional Vice-Directors; and
- h) all the other ones that are pointed out by the Law and the present Bylaws.

Article 4. - Simple majority will take all decisions that the Directory should take. In the event of a tie in the voting, the Minister of Education and Culture or whomever represents him, will have the final vote.

OF THE NATIONAL DIRECTOR. -

Article 5. - The National Director of the National Institute of Cultural Patrimony is its legal representative; will be appointed by the Directory and will last four years in duty. His duties and attributions are:

- a) to fulfill and to make fulfill the Law and the Bylaw;
- b) to represent the Institute in national and international meetings, pursuant Article 3 of the Law;
- c) to execute the resolutions of the Directory;
- d) to request the Minister of Education and Culture the declaration of goods belonging to the Cultural Patrimony, previous obtainment of the technical reports from the corresponding national departments. If such declaration is about real estate, the area of influence will have to be defined.
- e) to request from the Directory the authorization for the temporary exportation from the country, of goods belonging to the Cultural Patrimony of the Nation, pursuant Article 23 of the Law;
- f) to request from the Directory the authorization for the temporary exportation from the country of goods belonging to the Cultural Patrimony of the Nation that should be subjected to technical exams or restoration and that, due to their characteristics, cannot be carried out in the country;
- g) to authorize the exit from the country of fragments of goods belonging to the Cultural Patrimony of the Nation that should be subjected to technical exams and that due to their characteristics cannot be carried out in the country;
- h) to authorize the transfer of domain of the objects belonging to the Cultural Patrimony of the Nation, previous report of the corresponding Departments, with the limitations that on this matter states the Law;

i) to authorize investigation works within the specific areas referred by the Law, previous report from the corresponding National Departments;

j) to authorize the repair, restoration or modification of the goods belonging to the Cultural Patrimony of the Nation and to order to take measures to protect them, previous the technical reports from the corresponding National Departments;

k) to authorize the rising of monuments pursuant Article 27 of the Law, in agreement with the specific Regulation that the Directory will approve with this aim, without prejudice of other legal norms that specially regulate this matter;

l) to carry out the inventory of the goods belonging to the Cultural Patrimony of the Nation;

m) to request the Minister of Education and Culture to declare that an object has lost its character of good belonging to the Cultural Patrimony of the Nation, previous the report of the corresponding National Departments;

n) to temporarily delegate on officers of the National Institute of the Cultural Patrimony the attributions conferred by the Law and the present Bylaws;

ñ) To delegate the attributions of controlling the fulfillment of the Law, pursuant Article 42 thereof;

o) to submit the working plan and the annual budget of the Institute for the consideration of the Directory; and,

p) all the other ones that are conferred by the Law and these Bylaws.

SECOND CHAPTER Of the goods belonging to the Cultural Patrimony of the Nation

Article 6. - The investigation, conservation, preservation, restoration, exhibition and promotion of the Cultural Patrimony of the Nation will be subjected to the rules of the Law and Bylaws, and to the generally accepted principles on this matter.

The National Institute of Cultural Patrimony will furnish technical assistance to the institutions of public or private right, to juridical people of public or private right, and to natural people, for the investigation, conservation, restoration, recovery, increase, exhibition, inventory or revaluation of goods belonging to the Cultural Patrimony of the Nation.

Article 7. - The National Institute of Cultural Patrimony will warn the Jurisdictional Function, the State Attorney General, the Secretary of the National Security Council and the Civil and Custom Police of any neglect attempt or violation of the Law and of these Bylaws, in order to adopt necessary corrective measures and to impose the corresponding penalties, according to each case.

Article 8. - When there is doubt that an object has the indispensable characteristics to be included in any of the literals of Article 7 of the Law, the National Director of the National Institute of Cultural Patrimony, previous the corresponding technical reports, will determine whatever is convenient.

Article 9. - The Minister of Education and Culture, upon request from the Director of the National Institute of Cultural Patrimony, who shall count with the

report of the investigations carried out by the corresponding National Departments, will declare that a good belongs to the Cultural Patrimony of the Nation.

The Director of the National Institute of the Cultural Patrimony will notified the owner or holder of the good with this Declaration, within thirty days counted as from the date of issuance of the Ministerial Resolution.

Article 10. - A real estate property belonging to the Cultural Patrimony of the Nation will be object of domain transfer only with previous written authorization from the National Director of the Institute of Cultural Patrimony; same that will be demanded by the Municipality and the Property Register as a requirement prior registration. In the case of furniture estate goods, an application will be filled out in forms provided by the Institute.

Article 11. - The Director of the National Institute of Cultural Patrimony will be able to declare as collection, the goods belonging to the Cultural Patrimony of the Nation that had been gathered with coherent criteria, in accordance with the technical report from the corresponding National Department.

Article 12. - The transfer of a collection can only be authorized as indivisible good; however, in case that the owner demonstrates that the transfer to third parties of one or more objects that are part of the collection do not affect the coherence and integrity of it, the National Director will be able to grant the requested authorization.

Likewise, the National Director will be able to authorize, as a temporary measure, that one or more objects of the collection can be exhibited in separate, according to the terms and modalities determined therein.

Article 13. - The Director of the Institute, previous the technical report of the corresponding National Department, will be able to request the Minister of Education and Culture the issuance of the corresponding Resolution declaring that a good has lost its character of good belonging to the Cultural Patrimony of the Nation, when its deterioration has totally eliminated its interest as such, and its restoration would not be feasible.

Whoever requests such a declaration will have to demonstrate before the Institute, by means of documentation and detailed graphic information, that the good has lost its attributes.

Article 14. - The Director will be able to delegate his controlling attributions of fulfillment of the Law of Cultural Patrimony, or of its Bylaws, to the public authorities that deems convenient by means of a written communication containing the term and the modalities of the delegation.

Article 15. - The Directory of the Institute will be able to authorize the exchange of goods belonging to the Cultural Patrimony of the Nation with others that belong or not to this Patrimony; provided that the objects that will be exchanged don't have unique characteristics and that numerous similar pieces exist in the country.

THIRD CHAPTER Of the inventory

Article 16. - The National Director of the National Institute of Cultural Patrimony, by means of the media, will inform to the public on the requirements that the owners and holders of goods belonging to the Cultural Patrimony of the Nation

will have to fulfill, granting a term to enter the information required to carry out the inventory. With this aim, pursuant Article 7 of the Law, the kind of goods that should be inventoried and the places in which the registration will be performed, will be determined.

Article 17. - In the event of museums or of public or private collections, the National Director will be able to determine the terms and modalities for the registrations, by means of written communications addressed to owners, holders or responsible ones.

Article 18. - For the registration of goods belonging to the Cultural Patrimony of the Nation, its owners or holders will have to fill out the records and forms issued by the Institute, in accordance with the instructive issued for each case.

Article 19. - Any person should inform to the Institute of the existence of goods belonging to the Cultural Patrimony of the Nation that should be included in the above-mentioned inventory.

Article 20. - All owner or holder of goods belonging to the Cultural Patrimony of the Nation is forced to allow the visit of authorized officers from the National Institute of Cultural Patrimony, so that they make the respective investigations and verify or carry out the corresponding inventory.

Article 21. - Based on the inventory detailed in the previous articles, the Institute, through the corresponding National Department, will prepare a listing containing two registries, one of the furniture and another of the real estate goods belonging to the Cultural Patrimony of the Nation.

Article 22. - The inventory of goods will state the written, graphical or audiovisual detailed description of their essential characteristics. In the event of real estate properties layouts will be included.

Article 23. - The interested parties, previous the corresponding payment, will be able to obtain certified photocopies of the records that exist within the notes of the inventory of the National Institute of Cultural Patrimony.

FOURTH CHAPTER Of the commercialization

Article 24. - The National Director of the Institute will authorize all transfer of domain, be it gratuitous or onerous title, of the goods belonging to the Cultural Patrimony of the Nation that are registered or inventoried.

Article 25. - When transferring the domain of a good belonging to the Cultural Patrimony of the Nation, this good won't be able to be dismembered or divided if its essential characteristics are affected.

Article 26. - In the event of change of location or of domain of a good belonging to the Cultural Patrimony of the Nation, the owner or holder will count with the authorization of the National Director of the Institute and will obtain the respective certification of having fulfilled with this requirement.

Article 27. - All natural or juridical person, of public or private right who has the activity of commercialization of goods belonging to the Cultural Patrimony of the Nation, should obtain the respective authorization granted by the National Institute of Cultural Patrimony.

Article 28. - The application to obtain the authorization pointed out in the previous article should contain the following data:

1. - Inventory of the goods that will be marketed;
2. - Address in which the commercial establishment will work;
- 3.- If the applicant is a juridical person subjected to the control of the Superintendence of Companies:
 - a) A current certificate from the Registrar of Commerce, or from the Registrar of Deeds, related to the legal existence and social object of the company;
 - b) A certificate from the Superintendence of Companies, stating that the company is not behind in the fulfillment of its obligations towards this institution;
 - c) A certified copy of the registered appointment of the legal representative(s) of the company; and,
 - d) A copy of the identification card of tributary control.
- 4.- If the applicant is a natural person:
 - a) A copy of the trade registration;
 - b) A copy of the identification of tributary control; and,
 - c) If the applicant is a foreigner, a certificate granted by the Ministry of Foreign Relations showing that he/she has permanent resident's visa.

The National Director of the National Institute of Patrimony will grant his authorization or will deny it within 15 days counted from the date on which application was filed.

Article 29.- The place dedicated to the commercialization of the cultural furniture estate goods will gather the following requirements:

- a) Functionality;
- b) Security; and,
- c) Favorable environmental conditions that will hold up the deterioration or destruction of the goods.

Article 30. - Natural or juridical people that has a place dedicated to the commercialization of furniture cultural goods will allow the visit of authorized officers from the Institute so that they could perform periodical inspection of the site with the purpose of determining if it gathers the conditions contained in the previous article, and to check if the goods are properly inventoried and to check if the respective sale authorization exists.

Article 31. - The person that has the legal authorization to market cultural goods belonging to the Cultural Patrimony of the Nation must have a registration of the movement of sales, according to the modalities and regulations that the Institute will issue to that effect.

FIFTH CHAPTER Of the conservation, preservation and restoration

Article 32. - To carry out restoration works or repair of goods belonging to the Cultural Patrimony of the Nation, it is necessary to obtain the written authorization from the National Director of the National Institute of Cultural Patrimony.

Article 33.- Natural or juridical people of public or private right, in order to obtain the authorization stated in the previous article, will have to file the corresponding application that will include the conservation proposal and restoration of the good, signed by a restorer duly registered in the National Institute of Cultural Patrimony.

They will also submit the necessary guarantees for the correct execution of the work, in agreement with the forms and regulations that to the effect issues the Institute. Once the works are concluded, a final report will be submitted to the National Institute of Cultural Patrimony.

Article 34.- In the case of restoration of real estate goods belonging to the Cultural Patrimony of the Nation, the application detailed in the previous articles will be accompanied by the lay outs of the pre-project, a descriptive memory, and the historical and photographic documentation that will be useful for the analysis, study and approval from the Institute. On being approved the preliminary design, the definitive project will also have to be presented for its approval. In case that the real estate properties are located inside a Historical Center or Urban Group declared Cultural Patrimony of the State, the applications will be filed before the respective Municipal Commissions that have received delegation of abilities from the National Institute of Cultural Patrimony for the control of the execution of the Law of Cultural Patrimony.

Article 35. - The repair or restoration of a good belonging to the Cultural Patrimony of the Nation, will be made strictly observing the norms that the National Director of the Institute settles down in the respective authorization.

Article 36. - The National Director of the Institute, through the officer or officers that he authorizes, will carry out the visits or inspections that he deems necessary in order to watch over the execution of the dispositions that have been issued and those that are referred to in previous article.

Article 37. - When works are executed without the respective authorization, or the works therein contained are not fulfilled so that it affects a good belonging to the Cultural Patrimony of the Nation, the National Director of the Institute will order the suspension of the restoration or reconstruction of the good, as the case may be, in the term that he determines and without prejudice of the pertinent penalties.

Article 38. - In the case contemplated in previous article, the owner of the good will be jointly liable with whoever authorized and ordered the execution of the work along with the contractors and people in charge of the execution.

Article 39. - If the execution of a work of any nature can cause damage or affect a good belonging to the Cultural Patrimony of the Nation, to its area of influence or to the Historical Centers of the cities possessing them, the National Director of Cultural Patrimony will request the Municipalities or public or private entities, the suspension of the work and, if it were necessary, its overthrow. In case the work has destroyed elements of a good belonging to the Cultural Patrimony of the

Nation or that were part of an environmental area, these will have to be restituted.

Article 40. - The Directory of the National Institute of Cultural Patrimony will request from the Municipalities and from the pertinent organisms the reforming of the approved Regulating Plans that attempt against the goods belonging to the Cultural Patrimony of the Nation.

Article 41. - The representatives of governmental organisms, religious institutions, juridical people in general and natural people that are owners or holders of goods belonging to the Cultural Patrimony of the Nation, previous communication from the Director of the Institute and summing up in common agreement the days and hours, have the obligation of allowing the inspection, observation, study, photographic, drawing reproduction, etc., of the mentioned goods. The results of these investigations will be published without any restriction.

The delegates of the National Institute of Cultural Patrimony, in order to make the aforementioned investigations, will carry the respective credentials.

Article 42. - The Director of the National Institute of Cultural Patrimony will be able to request the declaration of public utility of a real estate property belonging to the Cultural Patrimony of the Nation that doesn't belong to Institutions of the Public Sector, if it is in danger of destruction, to proceed to its acquisition in agreement with the Law.

Article 43. - All denounces of violations of the Law and of present Bylaws will be filed in writing and with the signature and denouncer's complete identification as he will be responsible for the contents of the denounce. The accusation will have character of reserved.

Article 44. - The National Director of the Institute will be able to personally, or through properly authorized officers, verify if a good belonging to the Cultural Patrimony of the Nation is in danger. In that case he will be able to order the withdrawal from the place they are and their transfer to another place. If the risk persists, the goods will be given in custody to one of the museums of the country.

Article 45. - The National Institute of Cultural Patrimony will maintain the necessary coordination with the Secretary of the National Security Council, in order to establish the mutual implications that can exist among the archaeological, monumental, historical areas, etc., current or potential, and the strategic areas determined in the Ecuadorian territory for means of National Security, in order to accord the actions and measures seeking to preserve and defend the National Patrimony.

Article 46. - The officers of the National Institute of Cultural Patrimony will demand to those responsible for the holding of goods belonging to the Cultural Patrimony, the adoption of necessary measures for the protection of these goods; if they were not fulfilled, the National Director of the Institute will request to the competent authorities that the pertinent sanctions be applied.

SIXTH CHAPTER Of the exhibition, promotion and eventual exit from the country

Article 47.- Pursuant the Law of Cultural Patrimony, the Directors or Directors in Charge of Museums, Files, Newspaper and magazine libraries, Film libraries,

Photo libraries, Map libraries and other similar organisms, property of natural people or of public or private juridical people that possess goods that belong to the Cultural Patrimony of the Nation and that hold the attention of the public in general, will be subjected for their performance to the dispositions contained in the current Bylaws and to the requirements contained in the instructive provided by the National Institute of Cultural Patrimony.

The National Director of the Institute, through one of the collective media, or personally, will inform to those responsible for the organisms determined in the previous insert, of the requirements that should be observed by these organisms.

Article 48. - Those responsible for the organisms already mentioned will annually present to the corresponding National Department of the National Institute of Cultural Patrimony, a listing of all the new acquisitions of goods that belong to the Cultural Patrimony of the Nation, and they will also provide all the information that the Institute requires.

Article 49. - The organisms mentioned in the previous article will be subjected to a regular schedule determined by the Institute of Cultural Patrimony, being able to change their schedules of attention according to their specific necessities and properly authorized by the Institute.

Article 50. - The officers of the National Institute of Cultural Patrimony, previous the presentation of their credentials, will be able to enter to the places where the organisms mentioned in Article 47 of this Regulation perform, not only to their exhibition rooms but to the cellars and other dependences, in order to inspect the setting up of the works and the state of their conservation, and the general characteristics of the place.

Article 51. - All natural or juridical person, of public or private right, who wants to organize and to put into operation one of the organisms mentioned in Article 47 of the Bylaws, shall request approval from the Institute of Cultural Patrimony, and file an application accompanying the following documents:

- a) General lay out of the building and location of the place or places where it will work.
- b) Description of the general state of the building;
- c) List of the services and equipment with which will work;
- d) Listing or registration of the goods belonging to the Cultural Patrimony of the Nation
and,
- e) Its financing.

Article 52.- In case that a good belonging to the Cultural Patrimony of the Nation needs proofs, investigations or restorations that should be carried out abroad because it is not possible to carry them out in the country, the authorization for the temporary departure of this good will be granted by the Directory of the Institute.

The owner or the party interested in obtaining the authorization for the temporary exportation of a good belonging to the Cultural Patrimony of the Nation, will have to fulfill all the requirements determined to that effect by the

Institute as well as to fulfill the requirements established in numbers 6, 7, 8 of literal a) and in literals c), d), f) h), i), and j), of Article 54 of present Bylaws.

Article 53. - In the case that fragments or small samples of goods belonging to the Cultural Patrimony of the Nation need proofs or technical investigations that should be made abroad, the authorization for temporary exportation will be granted by the National Director of the Institute.

Article 54. - The Directory of the National Institute of Cultural Patrimony will be able to authorize the temporary exit of goods belonging to the Cultural Patrimony of the Nation with the purpose of being displayed in exhibitions or with other popularization ends, exclusively on request from the National Director of the Institute and for a determined term, according to the cases.

Institutions of well-known prestige will organize these exhibitions and that fulfill the following requirements:

a) Filing of corresponding application before the National Director who, if deems convenient, will take the pertinent steps before the Directory of the Institute. Together with the application, the following should be filed:

1. - Name of the organizing and sponsoring entity and, when foreign, the name of the entity representing it in the country, if there is one;
2. - Complete address;
3. - Specific purpose of the exhibition;
4. - Justification of the application;
5. - Denomination of the cultural event in which the goods will be exhibited;
6. - Detailed inventory of the requested goods that, necessarily, will have to include the following data:
 - Identification of the good with its written and graphic description;
 - Front and back pictures;
 - Cultural characteristics;
 - Preservation state;
 - Appraisal;
 - State of integrity;
 - Name of the person who made the inventory; and,
 - Date.
7. - Insurance policy (door to door) that guarantees the security of each one of the goods and that totally covers all the risks;
8. - Term on which the authorization for temporary exportation is requested along with the due justification;

9. - Exact determination of the entities, cities and countries where the goods will be exhibited; and,

10. - All the other requirements established by the Institute.

b) So that the temporary exportation of a good belonging to the Cultural Patrimony of the Nation be authorized, the organizing entity will grant a guarantee that assures its return to the country, its preservation, its physical integrity up to the moment when it is returned to its original place, as well as the transportation expenses in the country and abroad, and those expenses pertaining to its care, surveillance, packing, etc.;

c) Every good that will temporarily leave the country will be inspected by officers from the National Institute of Cultural Patrimony to check the truthfulness of the Inventory;

d) In the application addressed to the Directory of the Institute seeking the obtainment of the authorization for the temporary exportation of a good with means of promotion and popularization, the National Director will include:

- All the documents stating the fulfillment of the requirements demanded to the interested party;

- Certificate of inspection of the goods granted by the corresponding National Department;

- The total and properly detailed inventory; and,

- The corresponding technical reports.

e) Once the Directory of the Institute grants the authorization, the interested party is demanded to take care that packing of the goods is made under necessary precautions for its due preservation. This packing should be carried out with the presence of officers from the Institute specially appointed for this effect and who will check that the goods are the same ones for which the temporary authorization of exportation was requested. They will also inspect that the packing is the appropriate one to avoid its deterioration; officers from the Institute using stamps that impede its adulteration will seal bundles;

f) No good belonging to the Cultural Patrimony of the Nation that has temporarily gone out of the country with popularization aim will remain outside of the country for a term longer than the one for which it was authorized, except on *force majeure* properly justified cases or extension of the term authorized by the Directory of the Institute. In both circumstances it will be demanded to maintain the validity of the guarantee pursuant literal b) of the present article;

g) Upon return of the goods to the country, in the respective Custom District the bundles containing them will be opened up in the presence of: authorized officers from the National Institute of Cultural Patrimony, a representative of the responsible entity, the owner or holder and of a delegate of the Insurance Company, all of whom will inspect the state and condition in which the goods are and they will verify that their number is complete in accordance with the authorization;

h) After the carried out inspection states that goods are not in equal conditions or that one or several of them are missing, the guarantee rendered will become effective.

i) If one or more goods were missing, the Institute will investigate if this loss can be due to blame and complicity of the organizing entity or of a third party, with the purpose of taking the corresponding legal measures; and,

j) In the event of deterioration, the cost of the damage certificate will be covered by the organizing entity, without prejudice that this value is further reimbursed by the Insurance Company.

Article 55. - Migration and Customs authorities to allow the departure from the country of any person, even those showing the quality of diplomats, will demand them to present their sworn affidavit stating that they don't take in their baggage any good belonging to the Cultural Patrimony of the Nation; this declaration will be submitted in the forms provided by the Institute.

Article 56.- Natural or juridical people who want to be ruled under Article 24 of the Law of Cultural Patrimony, will file an application addressed to the Director of the Institute so that he could declare them as cultural goods which incoming is exempt of the payment of custom taxes. To this effect, they will submit a detailed list of such cultural goods accompanied by photos, description and complete documentation indicating if it is a temporary or definitive incoming.

Article 57. - In the case of goods belonging to the Cultural Patrimony of the Nation that at present are abroad and that had legally left the country before the Law of Cultural Patrimony was enforced, the goods will be able to enter temporarily to the country as long as this temporarily entry has public exhibition, popularization or investigation purposes.

The authorization of the Director of the Institute must have the approval of the respective Custom authorities and, should the need arise, the cultural goods can remain under custody within Customs while the steps taken for the entrance authorization last.

Article 58.- People interested in taking out of the country goods considered of cultural but not of national value, shall file before the respective Migration and Customs authorities the authorization duly registered and legalized by the National Institute of Cultural Patrimony which shall state the requirements for the exit of the goods.

Article 59. - The officers from the Institute will be able to enter to Migration and Customs departments and to the facilities of moving or packing companies, previous the presentation of the corresponding identification cards, with the purpose of verifying the existence or not existence of goods belonging to the Cultural Patrimony of the Nation.

Article 60. - The declaration stated in Article 37 of the Law shall be made in the forms provided with this aim by the National Institute of Cultural Patrimony.

Custom authorities per-se or upon request of an officer from the Institute of Cultural Patrimony could inspect the luggage with the purpose of checking the truthfulness of the declaration.

In the case of diplomats the inspection to verify the truthfulness of the declaration shall be made by officers from the Ministry of Foreign Relations upon request and in presence of officers from the National Institute of Cultural Patrimony.

Article 61. - The National Director will authorize all investigation work related with areas of the Cultural Patrimony of the State, previous written report from the corresponding National Department.

Article 62. - The authorization to which refers the previous article will only be granted to national or foreign professionals of well-known scientific solvency who are sponsored by the National Institute of Cultural Patrimony, or that count as counterpart of the investigation institutions of prestige, and that fulfill the plans and methods determined in the Bylaws of the National Institute of Cultural Patrimony.

Article 63. - The party interested in carrying out works of archaeological pursuit shall file before the National Institute of Cultural Patrimony an application containing the following:

- a) Name of the main investigator and his résumé;
- b) Work Plan;
- c) Associate investigators' résumé and,
- d) Entity or entities responsible for its financing.

The permission for the prospecting will have similar term to the period stated in the corresponding project; this term might be renewed previous a favorable report from the corresponding National Department of the Institute of Cultural Patrimony.

The investigators, should the need arise, can request attendance and technical advice from the corresponding National Department of the Institute of Cultural Patrimony,

Article 64. - Applications to obtain excavation permits might not be filed before the Institute of Cultural Patrimony without prior justification of works of archaeological prospecting on the area to be dug.

The application will contain the following:

- a) Name of the main investigator and résumé;
- b) Working Plan;
- c) Associate investigators' résumé and,
- d) Entity or entities responsible for its financing.

The excavation permit will have a term similar to the period stated in the corresponding project; this period could be renewed previous application made by the main investigator and counting with favorable report from the corresponding National Department.

The National Institute of Cultural Patrimony will furnish the investigators with forms and detailed bylaws for the excavation.

Article 65. - All the investigations that were authorized are subjected to the inspection that the corresponding National Department can carry out at any moment.

Article 66. - The whole archaeological material coming from the excavation will be inventoried by an officer from the corresponding National Department, and the goods shall not leave the country, except on the case of fragments of goods that are considered of interest to be analyzed in laboratories abroad, in which case, the National Institute of Cultural Patrimony will extend a special permission for their departure.

Article 67. - The National Institute of Cultural Patrimony will establish the priority areas to be investigated, according to the advance in the archaeological studies and of the interest for the history of the country; the investigators and entities could propose changes in their investigations.

Article 68. - The National Director of the Institute will grant credentials to the investigators who would have obtained permission from the National Institute of Cultural Patrimony; this document will state the date of expiration of the permission.

EIGHTH CHAPTER Of the Exemptions

Article 69. - To obtain tax exemptions on the goods determined in Article 20 of the Law, the interested party must count with certificates issued by the National Institute of Cultural Patrimony crediting that these goods are inventoried.

Article 70.- So that the goods enjoy of property taxes exemption covering real estate referred in Article 21 of the Law, it is necessary to count with a report from the National Director of the Institute of Cultural Patrimony stating that the goods are inventoried and in good preservation status.

The Director of the Institute will file before the municipality the petition of termination of the exemption when the correct preservation status has been neglected.

Article 71. - To be subjected to custom tax exemption previewed in Article 24 of the Law, the interested party shall obtain from the National Director of the Institute of Cultural Patrimony a certificate stating that the goods that are to be entered to the country, are cultural goods.

Article 72.- In the event of temporary entering of cultural goods, the National Institute of Cultural Patrimony will determine the term of such entering. This term shall be renewed if the good is to remain for a longer period of time in the country. If the mentioned term is not renewed on due time, the Directory of the Institute could declare such goods as property of the Cultural Patrimony of the Nation and will expropriate them if it deems necessary, pursuant the Law.

NINTH CHAPTER Of the Penalties and of the judgment

Article 73. - Whoever damages, adulterates or attempts against a good belonging to the Cultural Patrimony of the Nation, be of public or private property, will be fined from one to ten vital minimum wages and the seizure of the tools, equipment, cattle, transport means and other tools used in the commitment of the illicit, without prejudice to the penal action that could be started.

Article 74. - The holders of archaeological goods who don't communicate this matter, within the terms determined by the National Institute of Cultural

Patrimony, will be punished with a fine from one to ten vital minimum wages, without prejudice of the contents of insert 2 of Article 9 of the Law of Cultural Patrimony.

Article 75. - As a precautionary measure and in order to avoid confusions with the authentic pieces, the current copies of archaeological objects should have a carved stamp that would be part of their structure. In the event of ceramic objects the stamp will be engraved prior to cooking.

The Institute will prohibit the sale of copies of archaeological objects not bearing the mentioned stamps and will proceed to their seizure and it will be up to the Institute to order their destruction. The copies or imitations that are clearly identified for their characteristics as contemporary crafts are exempt of this disposition as long as they don't give place to be confused with authentic pieces.

Article 76. - Whoever transfers the domain of goods belonging to the Cultural Patrimony of the Nation without the corresponding authorization from the National Institute of Cultural Patrimony will be punished with a fine from one to twenty vital minimum wages.

Article 77. - Whoever carries out repairs, restorations or modifications of goods belonging to the Cultural Patrimony of the Nation without counting with the authorization from the Institute, will be punished with a fine from one to ten vital minimum wages, without prejudice of their obligation of restoring the good to their previous status, within the term determined by the Institute of Cultural Patrimony.

Article 78. - The officer of a state or sectional organism that has ordered or authorized the overthrow, repair or restoration of goods belonging to the Cultural Patrimony of the Nation, without being properly authorized by the National Institute of Cultural Patrimony, will be punished with a fine from one to ten vital minimum wages.

If persisting in his attitude, the Institute could request the pertinent organisms to remove the offender.

Article 79. - Whoever fraudulently seek to send or in fact sends outside of the country goods belonging to the Cultural Patrimony of the Nation will be punished with a fine from four to a hundred vital minimum wages, without prejudice to the penal action that could take place.

The offender will also pay the packaging, shipping and insurance costs of the pieces until their re-entering into the country.

Article 80. - Penalties determined in this chapter when it refers to a juridical person of public or private right, will be imposed to his legal representative or to the officials who had ordered or authorized the doing of the illicit.

Article 81. - The fines imposed will be paid at any of the Revenue Offices based on a simple collection order issued by the punishing authority or based on a credit title issued by the Internal Revenue Service, upon request of the Director of the National Institute of Cultural Patrimony.

Article 82. - The officer, employee or worker of the National Institute of Cultural Patrimony that were the author, accomplice or concealer of any of the violations determined in the Law of Cultural Patrimony, besides the punishments corresponding to him, will be removed from his position pursuant the Law.

Article 83. - The National Director and the Regional Vice-Directors, within their jurisdictional area, will be competent to know and to punish non-criminal violations stated in the Law of Cultural Patrimony and in these Bylaws. This Resolution could be appealed before the Directory of the Institute of Cultural Patrimony.

Article 84. - When the Director or the Regional Vice-Directors have knowledge that a violation has been committed, they will notify the violator and will grant him a five days term to file an answer to the charges filed against him, and once it is done or in default, a five days term of proof will be opened; at the end of this term, a Resolution will be issued within a three days new term.

Article 85. - The Recourse of Appeal could be filed within the three days term counted as from the date on which Resolution was notified.

Recourse will be resolved within a sixty days term after reception of the expedient and in merit of the writs; but, without request of either part, performance of necessary steps could be order, seeking clarification of facts.

Article 86. - When the punishing authority considers that a violation has been committed, which is punished with jail, the authority will send the corresponding expedient to the Penal Judges.

Article 87. - The product of the established fines will be deposited at the Unique Account of the National Treasury, which funds will be oriented towards the programs of the National Institute of Cultural Patrimony.

Article 88. - The goods under seizure and not belonging to the Cultural Patrimony of the Nation, could be sold in public auction following the procedure settled down in the laws and corresponding Bylaws, and the product of the sale will be deposited according to what is previewed in the above article.