

Agreement between the Swiss Federal Council and the Government of the Republic of Cyprus on the Im- port and Repatriation of Cultural Property

Concluded on January 11, 2013

Entered into force through an exchange of notes on February 15, 2014

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

in application of the November 14, 1970 UNESCO Convention¹ 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.

¹ SR 0.444.1

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

(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.

Article X Reciprocal information

(1) The Parties shall report to each other via the competent authorities pursuant to Article IX of this Agreement, thefts, lootings, any loss and other events affecting cultural property listed under the categories in the Appendix.

(2) The Parties shall immediately and reciprocally report any changes in their domestic law on the transfer of cultural property.

Article XI Cooperation with International Institutions

In the execution of this Agreement, the Parties shall cooperate with international institutions responsible for combating the illegal transfer of cultural property, such as the United Nations Educational, Scientific and Cultural Organisation (UNESCO), International Criminal Police Organisation (Interpol), the International Council of Museums (ICOM) and the World Customs Organisation (WCO).

Article XII Follow-up

(1) The competent authorities pursuant to Article IX of this Agreement shall review the application of this Agreement on a regular basis and propose changes as appropriate. They may also discuss proposals that promote further cooperation in the area of cultural exchanges.

(2) Representatives of the competent authorities shall meet until the end of the period of this Agreement, alternatively in Switzerland and Cyprus; furthermore, a meeting may be convened at the request of one Party, in particular, regarding important changes to applicable legal and administrative regulations relating to the transfer of cultural property.

Article XIII Relationship to other international treaties

This Agreement shall in no way affect the obligations of the Parties stemming from other international, multilateral or bilateral treaties to which they are parties.

Article XIV Exchange of views and settlement of differences

(1) The competent authorities pursuant to Article IX of this Agreement may exchange views in writing or meet for an oral exchange on the application or execution of this Agreement in general or in relation to specific cases in particular.

(2) Disputes regarding the interpretation, application and execution of this Agreement shall be the subject of consultations and negotiations between the Parties.

Article XV Time-frame and consequences of termination

(1) Both Parties shall notify one another of the completion of the constitutional procedures required for this Agreement to enter into force. This Agreement shall enter into force thirty days after the delivery date of the final notification.

(2) This Agreement is concluded for a period of five years as from the date the Agreement enters into force. Its validity is extended automatically by periods of five years, to the extent it has not been terminated in writing by one of the Parties, six months prior to the expiration of this deadline.

(3) Pending actions for repatriation shall be unaffected by termination of this Agreement.

So agreed to and drawn up in three copies in Greek, German and English on 11th January 2013, in La Chaux-de-Fonds, all the texts being equally authentic. In case of any divergence in interpretation, the English text shall prevail.

For the
Swiss Federal Council:

For the
Government of the Republic of Cyprus:

Didier Burkhalter

Erato Kozakou-Marcoullis

Categories of Swiss cultural property

The following categories will apply to objects dating from prehistoric times through to 1500.

I. Stone

A. Architectural and decorative elements: Made of granit, sandstone, limestone, volcanic stone, marble and other types of stone. Construction elements belonging to grave sites, religious sites, and residences such as chapters, pilaster strips, columns, akroters, friezes, jambstones between two windows, mosaics, mouldings and tarsias made of marble, etc.

B. Inscriptions: On various types of stone. Altars, gravestones, stele, honorary inscriptions, etc.

C. Reliefs: Made of limestone and other types of stone. Stone reliefs, gravestone reliefs, sarcophagus decorated or undecorated, cinery urns, stele, decorative elements, etc.

D. Sculptures/Statues: Made of limestone, marble and other types of stone. Grave and votive statues, busts, statuettes, parts of grave furnishings, etc.

E. Tools/Devices: Made of flint and other types of stone. Various tools, for example, knife and dagger blades, axes, devices for craft activities, etc.

F. Weapons: Made of slate, flint, limestone, sandstone and other types of stone. Arrowheads, wrist guards, cannonballs, etc.

G. Jewelry/Costumes: From various types of stone, precious and semi-precious stones. Pendants, pearls, finger ring settings, etc.

II. Metal

A. Statues/Statuettes/Busts: Made of nonferrous metal, rare precious metal. Depictions of animals, humans and gods, potrait busts, etc.

B. Vessels: Made of nonferrous metals, rare precious metals and iron. Kettles, buckets, cups, pots, sieves, etc.

C. Lamps: Made of nonferrous metals and iron. Lamps and lighting fragments, etc.

D. Jewelry/Costumes: Made of nonferrous metals, rare precious metals. Leg, neck, arm and finger rings, pearls, needles, brooches (cloakpins), belt buckles and trimmings, pendants.

E. Tools/Devices: Made of iron and nonferrous metals, rare precious metals. Hatchets, axes, sickles, knives, tongs, hammers, drills, writing utensils, spoons, keys, locks, carriage parts, harnesses, horse shoes, chains, bells, etc.

F. Weapons: Made of iron and nonferrous metals, rare precious metals. Daggers, swords, lance tips, arrowheads, knives, shield boss, cannonballs, helmets, armor.

III. Ceramics

A. Vessels: Made of fine or rough ceramics of various color sources, to some extent, decorated, paint coating, glazed. Locally manufactured vessels and imported vessels. Pots, plates, dishes, cups, small vessels, bottles, ampules, sieves, etc.

B. Devices/Utensils: Made of ceramics. Crafts-related devices and various utensils. Lots of variants.

C. Lamps: Made of ceramics. Various types of oil and tallow lamps.

D. Statuettes: Made of ceramics. Depiction of figures of humans, gods, animals and body parts.

E. Stove tiles/Architectural elements: Made of ceramics, stove tiles often glaezed. Architectural terracotta and paneling. Cup shaped stove tiles, decorated flat tiles, niche tiles, ledge tiles, corner tiles, cornice tiles, decorated/stamped floor tiles and roof tiles.

IV. Glass and glass paste

A. Vessels: Made of colored or clear glass. Bottles, cups, glasses, bowls, glass seals for bottles.

B. Jewelry/Costumes: Made of colored or clear glass. Arm rings, pearls, beads, jewelry elements.

V. Bone

A. Weapons: Made of bones and antlers. Arrowheads, harpoons, etc.

B. Vessels: Made of bones. Parts of vessels.

C. Devices/Utensils: Made of bone, antlers and ivory. Pickers, chisels, hatchets, axes, needles, awls, combs and decorated objects.

D. Jewelry/Costumes: Made of bone, antlers, ivory and teeth. Needles, pendants, etc.

VI. Wood

A. Weapons: Made of various types of wood. Arrows, bows, etc.

B. Devices/Utensils: Made of various types of wood. Flint axe, adze, spoons, knife handles, combs, wheels, small writing tablets, etc.

C. Vessels: Made of various types of wood. Various types of wood vessels.

VII. Leather/Cloth/Various organic materials

A. Weapons accessories: Made of leather. Shield coverings, etc.

B. Clothing: Made of leather, cloth and plant fibers. Shoes, clothing, etc.

C. Devices: Made of plant fibers and leather. Nets, quivers, etc.

D. Vessels: Made of plant fibers. Various vessels, woven, sewn, etc.

E. Jewelry/Costumes: Made of snail shells, lignite, etc. Arm rings, pearls, etc.

VIII. Painting

A. Murals: Made on mortar. Murals of various subjects.

IX. Amber

A. Jewelry/Costumes: Made of amber. Figures or simple jewelry elements.

Categories of Cypriot cultural property

I. Stone Artifacts

(dating from prehistoric times through 1500)

- A. Sculptures or reliefs, independent or removed whole or in fragments from immovable monuments. Likewise, structural and architectural elements of such monuments.
- B. Rock inscriptions.
- C. Movable sculptures or reliefs.
- D. Vessels and utensils.
- E. Sarcophagi.
- F. Weapons.
- G. Tools and devices / Weights and anchors.
- H. Inscriptions.
- I. Seals.
- J. Jewelry.
- K. Household items / Furniture.
- L. Altars – Offering tables.

II. Metal Artifacts

(dating from prehistoric times through 1500. Made of noble or non-noble metals).

- A. Sculptures or reliefs, independent or removed whole or in fragments from immovable monuments.
- B. Movable sculptures or reliefs.
- C. Vessels.
- D. Jewelry.
- E. Weapons.
- F. Tools / Devices / Weights.
- G. Inscriptions, resolutions and anathemas.
- H. Seals.
- I. Household items / Furniture.
- J. Coins.
- K. Medals.
- L. Lead seals.
- M. Objects of religious worship.

N. Utensils and objects of daily use.

O. Instruments.

III. Pottery

(dating from prehistoric times through 1500)

A. Sculptures or reliefs, independent or removed whole or in fragments from monumental buildings. Likewise, structural and architectural elements of such monuments.

B. Movable sculptures or reliefs.

C. Vessels.

D. Utensils.

E. Jewelry.

F. Tools / Devices / Weights.

G. Clay inscriptions.

H. Seals.

I. Instruments.

J. Sarcophagi.

IV. Bone - Ivory Artifacts

(dating from prehistoric times through 1500)

A. Sculptures or reliefs, independent or removed whole or in fragments from movable or immovable structures.

B. Jewelry / Personal items.

C. Tools / Instruments.

D. Seals.

V. Wooden Artifacts

(dating from prehistoric times through 1500)

A. Woodcarvings and reliefs, independent or removed whole or in fragments from immovable monuments.

B. Movable woodcarvings.

C. Personal items.

D. Furniture / Ecclesiastical items.

E. Icons and painted surfaces.

VI. Glass Artifacts

(dating from historic times through 1500)

- A. Vessels.
- B. Jewelry / Personal items.
- C. Objects of daily use and decorative items.
- D. Ecclesiastical items.

VII. Artifacts of Faience, Steatite, Alabaster, Semiprecious Stones and other

(dating from prehistoric times through 1500)

- A. Sculptures.
- B. Vessels / Objects of daily use.
- C. Tools/ Utensils.
- D. Seals.
- E. Jewelry / Personal items.
- F. Furniture / Ecclesiastical items / Icons.

VIII. Fabric

(dating from historic times through 1500)

Fabric including ecclesiastical items.

IX. Scrolls - Parchments - Manuscripts - Books

(dating from historic times through 1500)

- A. Scrolls, Parchments, Manuscripts, Books, intact or in fragments, including ecclesiastical items.
- B. Preparatory drawings (cartoons).

X. Paintings

(dating from prehistoric times through 1500)

Paintings, independent or removed from immovable monuments, irrespective of the materials of which they are made or on which they are painted.

XI. Mosaics

(dating from historic times through 1500)

Mosaics independent or removed from immovable monuments, including ecclesiastical movable and immovable works.