

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

Concluded on May 15, 2007

Entered into force on April 13, 2011

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.

- (3) If cultural property of suspicious origin is located in one of the Parties' territory, this Party shall notify the other Party immediately. Access to the place where the cultural property is located will be granted in conformity with the respective domestic law.

Art. IX

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

Art. X

- (1) The competent authorities pursuant to Article VII 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 meet, alternatively in Greece and Switzerland; furthermore, a meeting may be convened at the request of one Party, in particular for important changes to applicable legal and administrative regulations relating to the import, export and transfer of ownership of cultural property.

Art. XI

This Agreement in no way affects the Parties' obligations as these derive from other international, multilateral or bilateral treaties to which they are Parties.

Art. XII

- (1) Competent authorities pursuant to Article VII may exchange views in writing or meet for an oral exchange on the application or execution of this Agreement in general or as relates to specific cases.
- (2) Disputes regarding interpretation or implementation of this Agreement shall be resolved through consultation and negotiations amongst the Parties.

Art. XIII

- (1) This Agreement shall enter into force 30 days after the date on which the Parties have exchanged written notifications informing each other that the procedures required by their respective laws to this end have been completed. It shall remain in force for a period of 5 years. The Agreement is tacitly extended by 5 years, to the extent not terminated in writing by one of the Parties, at least six months prior to the expiration of this deadline.
- (2) The Parties may amend this Agreement by mutual consent. The agreed upon amendments shall be in writing and shall enter into force pursuant to the procedures set forth in paragraph 1.
- (3) Pending actions for repatriation are unaffected by termination.

Done at Berne, on May 15, 2007, in three originals in French, Greek and English, whereby all three texts are equally binding.

For the
Swiss Federal Council:

For the
Government of the Hellenic Republic:

Appendix I:

Categories of Swiss cultural property

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 chapiters, pilater strips, columns, akroters, friezes, jambstones between two windows, mosaics, mouldings and tarsias made of marble, etc. Approximate dating: 1000 BC–AD 1500.
- B. Inscriptions:** On various types of stone. Altars, gravestones, stele, honorary inscriptions, etc. Approximate dating: 800 BC–AD 800.
- C. Reliefs:** Made of limestone and other types of stone. Stone reliefs, gravestone reliefs, sarcophagus decorated or undecorated, cinery urns, stele, decorative elements, etc. Approximate dating: Primarily from 1000 BC–AD 800.
- D. Sculptures/Statues:** Made of limestone, marble and other types of stone. Grave and votive statues, busts, statuettes, parts of grave furnishings, etc. Approximate dating: Primarily from 1000 BC–AD 800.
- 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. Approximate dating: 130,000 BC–AD 800.
- F. Weapons:** Made of slate, flint, limestone, sandstone and other types of stone. Arrowheads, wrist guards, cannonballs, etc. Approximate dating: 10,000 BC–AD 800.
- G. Jewelry/Costumes:** From various types of stone, precious and semi-precious stones. Pendants, pearls, finger ring settings, etc. Approximate dating: Primarily from 2800 BC–AD 800.

II. Metal

- A. Statues/Statuettes/Busts:** Made of nonferrous metal, rare precious metal. Depictions of animals, humans and gods, potrait busts, etc. Approximate dating: 1200 BC–AD 800.
- B. Vessels:** Made of nonferrous metals, rare precious metals and iron. Kettles, buckets, cups, pots, sieves, etc. Approximate dating: 1000 BC–AD 800.
- C. Lamps:** Made of nonferrous metals and iron. Lamps and lighting fragments, etc. Approximate dating: 50 BC–AD 800.
- 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. Approximate dating: 3800 BC–AD 800.

- 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. Approximate dating: 3200 BC–AD 800.
- F. **Weapons:** Made of iron and nonferrous metals, rare precious metals. Daggers, swords, lance tips, arrowheads, knives, shield boss, cannonballs, helmets, armor. Approximate dating: 2200 BC–AD 800.

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. Approximate dating: 3800 BC–AD 1500.
- B. **Devices/Utensils:** Made of ceramics. Crafts-related devices and various utensils. Lots of variants. Approximate dating: 3800 BC–AD 1500.
- C. **Lamps:** Made of ceramics. Various types of oil and tallow lamps. Approximate dating: 50 BC–AD 1500.
- D. **Statuettes:** Made of ceramics. Depiction of figures of humans, gods, animals and body parts. Approximate dating: 1200 BC–AD 1500.
- 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. Approximate dating: 700 BC–AD 1500.

IV. Glass and glass paste

- A. **Vessels:** Made of colored or clear glass. Bottles, cups, glasses, bowls, glass seals for bottles. Approximate dating: 50 BC–AD 1500.
- B. **Jewelry/Costumes:** Made of colored or clear glass. Arm rings, pearls, beads, jewelry elements. Approximate dating: 1000 BC–AD 800.

V. Bone

- A. **Weapons:** Made of bones and antlers. Arrowheads, harpoons, etc. Approximate dating: 3800 BC–AD 800.
- B. **Vessels:** Made of bones. Parts of vessels. Approximate dating: 150 BC–AD 800.
- C. **Devices/Utensils:** Made of bone, antlers and ivory. Pickers, chisels, hatchets, axes, needles, awls, combs and decorated objects. Approximate dating: 10,000 BC–AD 800.
- D. **Jewelry/Costumes:** Made of bone, antlers, ivory and teeth. Needles, pendants, etc. Approximate dating: 10,000 BC–AD 800.

VI. Wood

- A. **Weapons:** Made of various types of wood. Arrows, bows, etc. Approximate dating: 3800 BC–AD 800.
- B. **Devices/Utensils:** Made of various types of wood. Flint axe, adze, spoons, knife handles, combs, wheels, small writing tablets, etc. Approximate dating: 3800 BC–AD 800.
- C. **Vessels:** Made of various types of wood. Various types of wood vessels. Approximate dating: 3800 BC–AD 800.

VII. Leather/Cloth/Various organic materials

- A. **Weapons accessories:** Made of leather. Shield coverings, etc. Approximate dating: 50 BC–AD 800.
- B. **Clothing:** Made of leather, cloth and plant fibers. Shoes, clothing, etc. Approximate dating: 3800 BC–AD 800.
- C. **Devices:** Made of plant fibers and leather. Nets, quivers, etc. Approximate dating: 3800 BC–AD 800.
- D. **Vessels:** Made of plant fibers. Various vessels, woven, sewn, etc. Approximate dating: 3800 BC–AD 800.
- E. **Jewelry/Costumes:** Made of snail shells, lignite, etc. Arm rings, pearls, etc. Approximate dating: 2000 BC–AD 800.

VIII. Painting

- A. **Murals:** Made on mortar. Murals of various subjects. Approximate dating: 700 BC–AD 1500.

IX. Amber

- A. **Jewelry/Costumes:** Made of amber. Figures or simple jewelry elements. Approximate dating: 1200 BC–AD 800.

Categories of Greek 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.

Appendix II:***Export-Movement of movable monuments from the Greek territory*****Conditions required:**

- (1) Export Permit issued by a Ministerial Decision of the Minister of Culture after the recommendation of the Central Archaeological Council.
- (2) Export Certificate with protection against forgery and security and safety serial number, accompanying the Ministerial Decision. The Export Certificate includes: complete personal data of the applicant, the country of origin of the monument, the destination country, detailed description of the monument accompanied by its photographs and the purpose of the export.

The above should be accompanied accordingly by:

- (1) Loan agreement and insurance certificate in case of a temporary export of monuments in order to be exhibited in museums or similar institutions or for scientific or educational purposes.
- (2) Confirmation document issued by the Competent Authority of the Ministry of Culture stating that, in the case of export of a monument with a purpose of its conservation, this conservation cannot take place in Greece.
- (3) Certificate declaring import/movement of a movable monument which has previously been imported in the Greek territory, in the case of its re-export.

Import-Movement of Ancient Monuments**Certificate declaring import-movement of movable monuments.**

The certificate includes: complete personal data of the applicant, detailed description of the monument with attached photographs, the manner by which the monument came to the possession of the applicant and the place and time of its import in the Greek territory.

The declaration should be accompanied by an export permit or certificate from the country of origin, invoice or receipt of its purchase and in case of donation or inheritance the appropriate legal supporting documents.