



April, 2013

Import, Transit and Export of cultural property

The **Federal Act on the International Transfer of Cultural Property (CPTA)** as well as the implementing ordinance (CPTO) **have entered in effect on June 1, 2005.**

The CPTA regulates the import of cultural property into Switzerland, its transit and export as well as its repatriation from Switzerland (Art. 1 CPTA). With the Act, the Federal Government desires to make a contribution to the maintenance of the cultural heritage of mankind and prevent theft, looting, and illicit import and export of cultural property (Art. 1 CPTA).

Customs authorities inspect the transfer of cultural property at the border. Customs processing occurs pursuant to provision of customs legislation (Art. 19 CPTA, Art. 23 CPTO).

Whoever imports, transits or exports cultural property must provide the following at the customs declaration (Art. 25 CPTO):

- the cultural property **object type** (eg. “statue”) **and** as detailed a description as possible on the **place of manufacture**, or if the result of archaeological or palaeontological excavations, the place **where** the cultural property was found.
- if the export of cultural property from a contracting state is subject to a permit under the laws of that state or not. If this is the case, the required **export permit** must be submitted. (This information is provided by applying a „statistical key“, see herafter ③)



A false declaration or the illicit import is punishable (Art. 24 para. 1 let. c, CPTA).

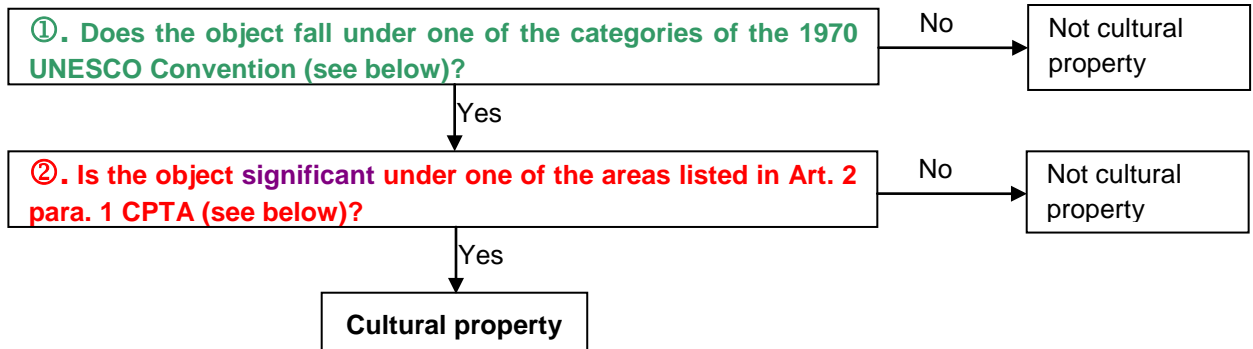
The list below includes a brief overview on the following topics:

- ① Is the property to be imported cultural property? → **Checklist.**
- ② What customs tariff number applies? → **Overview.**
- ③ What “statistical key” applies? → **Overview.**
- ④ Must an export permit from a foreign country be presented to import the property?
→ **Answer.**
- ⑤ Under what circumstances is an import considered illicit under the CPTA?
→ **Answer.**
- ⑥ Where can I obtain additional information? → **Addresses.**

1 Is the property to be imported cultural property? → Checklist

Cultural property in terms of the CPTA is described in Art. 2 para. 1 CPTA. As a matter of principle, all rights and obligations arising from the CPTA are derived from the term cultural property pursuant to Art. 2 para. 1 CPTA.

The checklist serves to determine whether an object qualifies as cultural property. The principle of self-declaration is imperative. Proceed as follows when using the checklist:



①. Does the object fall under one of the categories of the 1970 UNESCO Convention?

- | | No | Yes |
|---|--------------------------|--------------------------|
| ▪ Rare collections and specimens of fauna, flora, minerals and anatomy as well as objects of palaeontological interest | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Historically related property, including the history of science and technology, military and society as well as the life of leading personalities, thinkers, scientists and artists and events of national | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Results of archaeological excavations (both approved and illegal) or archaeological discoveries | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Portions of dismembered artistic or historical monuments or excavation sites | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Antiquities that are more than one hundred years old. such as inscriptions. coins. engraved seals | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Objects of ethnological interest | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Property of artistic interest such as pictures, paintings and drawings made exclusively by hand on any medium and in any material (excluding mass-produced and hand-signed reproductions); original works of statuary art and sculpture in any material; original engravings, prints and lithographs; originals of artistic composites and montages in any material | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Rare manuscripts, incunabula, old books, documents and publications of special interest, individually or as collections | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Stamps. revenue stamps and similar items. individually or as a collection | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Archives, including sound. photographic and cinematographic archives | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Articles of furniture more than one hundred years old and old musical instruments | <input type="checkbox"/> | <input type="checkbox"/> |

②. Is the object significant to one of the following areas?

- | | No | Yes |
|---------------|--------------------------|--------------------------|
| ▪ Archaeology | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Pre-history | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ History | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Literature | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Art | <input type="checkbox"/> | <input type="checkbox"/> |
| ▪ Science | <input type="checkbox"/> | <input type="checkbox"/> |

An object may qualify as **significant** (cf. [Federal Council message](#), German version p. 572 f.), when e.g.:

- it is exhibited or worthy of exhibiting in a museum;
 - its loss would represent a loss to the cultural heritage;
 - it is of special interest to the public;
 - relatively rare;
 - mentioned in the specialized literature.
- (The list is not all encompassing!)

Cultural property

If you answered YES to any question in section ① and ②, the property is cultural property. It must be declared at customs.

2 What customs tariff number applies at customs?

9701.	Pictures, paintings and drawings created completely by hand, excluding drawings under number 4906 and commercially manufactured goods, collages and similar pictures enhanced by hand
1000	- Pictures, paintings and drawings
9010	- other:
9090	- Collages and similar pictures mass or professionally manufactured
	- other
9702.0000	Original engravings, carvings and lithographs
9703.	Original creations of sculpture, from all types of material:
0010	- from stone
0020	- from non-precious metals
0090	- from other materials
9704.0000	Stamps, revenue stamps, post marks, first day covers, covers and similar, cancelled or unused, other than property under 4907
9705.0000	Collections or pieces from a collection, zoological, botanical, mineralogical or anatomical, or such items of historical, archeological, paleontological, ethnographical or numismatic value.
9706.0000	Antiques older than 100 years
...	Source: www.tares.ch

3 What “statistical key” applies to processing cultural property?

	When the property is exported from a contracting state (country that ratified the 1970 UNESCO Convention, see list below):
911	- Export is subject to an export permit in this country
912	- Export is not subject to an export permit in this country
913	Not exported from a contracting state
	Source: www.tares.ch

Countries that have ratified the 1970 UNESCO Convention (as of April 2013).

(The current list is available at <http://www.unesco.org/eri/la/convention.asp?order=alpha&language=F&KO=13039%20>) :

Afghanistan	Cuba	Kuwait	Rwanda
Albania	Cyprus	Kyrgyzstan	Sambia
Algeria	Czeck Republic	Lebanon	Saudi-Arabia
Angola	Denmark	Libya	Senegal
Argentina	(England see United Kingdom)	Lithuania	Serbia
Armenia	Dominican Republic	Madagascar	Seychelles
Australia	Ecuador	Mali	Slovakia
Azerbaijan	Egypt	Mauritania	Slovenia
Bahamas	El Salvador	Mauritius	South Africa
Bangladesh	Equatorial Guinea	Mexico	Spain
Barbados	Estonia	Moldova	Sri Lanka
Belarus	Finland	Mongolia	Swaziland
Belgium	France	Montenegro	Sweden
Belize	Gabun	Morocco	Switzerland
Bhutan	Georgia	Macedonia (FYROM)	Syria
Bolivia	Germany	Nepal	Tajikistan
Bosnia and Herzegovina	Grenada	Netherlands	Tanzania
Brasilia	Greece	New Zealand	Tunisia
Bulgaria	Guatemala	Nicaragua	Turkey
Burkina Faso	Guinea	Niger	Ukraine
Camobdia	Haiti	Nigeria	Uruguay
Cameroon	Honduras	Norway	United Kingdom
Canada	Hungary	Oman	United States of America
Central African Repulic	Iceland	Pakistan	Uzbekistan
Chad	India	Palestine	Venezuela
China (excl. Hong Kong)	Iran	Panama	Viet Nam
Colombia	Iraq	Paraguay	Zambia
Congo	Italy	Peru	Zimbabwe
Costa Rica	Japan	Poland	
Côte d'Ivoire	Jordan	Portugal	
Croatia	Kazakhstan	Qatar	
	Korea	Romania	
		Russian Federation	

④ **Must an export permit from a third-party country be *presented* for the property to be imported or for transit purposes? → Answer.**

An **export permit** is **only required** from countries that have entered into a **bilateral agreement** in terms of Art 7 CPTA. If it cannot be presented, the planned import is illicit and may be punishable pursuant to Art. 24 para. 1 let. c CPTA (refer as well to ⑤ below).

Conversely, the export from a country that has ratified the 1970 UNESCO Convention must be reported regardless of export permit requirements. Adding a copy of the export permit eases the work of the customs authorities as applicable.

Bilateral agreements currently in force:

Italy:

Switzerland concluded a bilateral agreement with Italy on October 20, 2006. The agreement has entered into force on April 27, 2008.

Egypt:

Switzerland concluded a bilateral agreement with Egypt on April 14, 2010. The agreement has entered into force on February 20, 2011.

Greece:

Switzerland concluded a bilateral agreement with Greece on May 15, 2007. The agreement has entered into force on April 13, 2011.

Colombia:

Switzerland concluded a bilateral agreement with Colombia on February 1st, 2010. The agreement has entered into force on August 4, 2011.

Information on when further agreements enter into force will be published on <http://www.bak.admin.ch/kgf>. Other informations related to the bilateral agreements will also be published on this website.

⑤ **Under what circumstances is an import considered illicit under the CPTA? → Answer.**

According to the CPTA (Cultural Property Transfer Act), an import is illegal in the following two cases:

- when it infringes a **bilateral agreement on the import** or return of cultural property, **or**
- when it contravenes a **time limited measure** taken by the Federal Council in order to protect the cultural heritage of a foreign state (Art. 2 para. 5 CPTA).

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Time limited measures by the Federal Council to protect cultural heritage:

Verordnung über Wirtschaftsmassnahmen gegenüber der Republik Irak (Ordinance on economic measures against the Republic of Iraq)

On 28 May 2003 the Federal Council took a series of measures relating to the Republic of Iraq, in particular concerning cultural property, amending the above-mentioned ordinance as follows:

Prohibited is the import, transit and export as well as the sale, distribution, arrangement, procurement and other form of transfer of Iraqi cultural property stolen, otherwise lost against the will of the owner in the Republic of Iraq, or illicitly exported out of the Republic of Iraq.

The illicit export of cultural property is presumed when it can be documented to have been located in the Republic of Iraq after August 2, 1990. Persons and institutions in possession of such cultural property must report it immediately to the Federal Office of Culture.

⑥ Where can I obtain additional information? → Addresses.

For customs-related questions: Customs district offices <ul style="list-style-type: none">▪ Basel Tel. +41 61 287 11 11 kpbs.zentrale@ezv.admin.ch▪ Schaffhausen Tel. +41 52 633 11 11 kdsh.zentrale@ezv.admin.ch▪ Genève Tel. +41 22 747 72 72 kdge.zentrale@ezv.admin.ch▪ Lugano Tel. +41 91 910 48 11 kdti.zentrale@ezv.admin.ch The customs offices will also gladly answer your questions.	For cultural property-related questions: Bundesamt für Kultur (BAK) Fachstelle Internationaler Kulturgütertransfer Hallwylstrasse 15 <u>3003 Bern</u> Tel. +41 31 322 03 25 Fax. +41 31 324 85 87 kgk@bak.admin.ch/kgk
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