



**UNIDROIT CONVENTION**  
**ON STOLEN OR ILLEGALLY EXPORTED CULTURAL OBJECTS**

**ARTICLE 17**

**Written information concerning legislation of the Republic of Cyprus**  
**regulating the export of cultural objects.**

1. **Export of Cultural Goods Law of 2002, Law No. 182(I)/2002**

The above legislation was enacted for the purpose of implementing the following European Union Regulations.

- Council Regulation (EEC) No.3911/92 on the export of cultural goods (OJ L 395, 31.12.1992, p.1), as amended by Council Regulation (EC) No. 2469/96 of 16<sup>th</sup> December 1996 (OJ L 335, 24.12.1996,p.9) and Council Regulation (EC) No.974/2001 of 14<sup>th</sup> May 2001 (OJ L 137, 19.5.2001,p.10)
- Commission Regulation (EEC) No.752/93 of 30 March 1993 laying down provisions for the implementation of Council Regulation (EEC) No. 3911/92 on the export of cultural goods (OJ L 077, 31.03.1993, p.24), as amended by Commission Regulation (EC) No.1526/98 of 16<sup>th</sup> July 1998 (OJ L 201, 17.07.1998, p.47)

**Competent authorities for addressing applications for licence to export a cultural good (section 4).**

Depending on the category of the cultural good in question (specified in the Annex to the Law) the competent authorities are as follows:

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The Director of the Antiquities Department of the Ministry of Communications and Works for goods falling under categories A1, A2 and A12b of the Annex, only as regards collections which present ethnographic or coinage interest.

The Director of Cultural Services of the Ministry of Education and Culture, for goods falling under categories A2, A3a, A4, A5, A6 and A12a of the Annex, only as regards collections and samples emanating from anatomy collections, A12b of the Annex only as to the collections which present historic interest, A13 and A14.

The Registrar of the State Archives of the Ministry of Justice and Public Order for cultural goods falling under categories A7, A8, A10 and A11.

The Director of the Geological Surveys Department of the Ministry of Agriculture, Natural Resources and Environment, for cultural goods falling under categories A12a, only as to collections and samples emanating from mineral collections and A12b only as to collections presenting palaeontological interest.

The Director of the Environmental Services Department of the Ministry of Agriculture, Natural Resources and Environment for cultural goods falling under category A 12a only as regards collections and samples emanating from zoology and botanical collections.

The Director of the State Library of the Ministry of Education and Culture for goods falling under category A9.



**Establishment of a Committee vested with competence and authority to decide whether an export licence of a cultural good may be issued (Sections 5-10)**

The Committee established under the Law consists of six members. Five members are appointed by the Council of Ministers from designated representatives of the following bodies:

- Department of Antiquities of the Ministry of Communications and Works
- Cultural Services of the Ministry of Education and Culture
- State Archives of the Ministry of Justice and Public Order
- Department of Geological Surveys of the Ministry of Agriculture, Natural Resources and Environment
- A Non-Governmental Organization designated by the Antiquities Department of the Ministry of Communications and Works which can demonstrate active role in the preservation and protection of cultural heritage in the Republic.

The Committee's sixth member shall be the representative of the competent authority which was the addressee of the export application.

The representative of the Antiquities Department is appointed as Chairman of the Committee.

Decisions by the Committee are taken by majority and they must be fully reasoned. Once taken, the decisions are communicated to the competent authority for further action.

**Procedure for obtaining export licence (Sections 18-22)**

The application is submitted to the competent authority in the form and upon payment of fees envisaged by the Law. The competent authority examines whether the following conditions are satisfied:



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- (a) that the application includes the information under sections 13,15,18 and 19, and
- (b) that the prescribed fee has been submitted.

In case the application does not satisfy the above requirements it is returned to the applicant, who, within two months from the date of its return may proceed with rectifying any omissions and resubmit the application to the competent authority. If the said period expires without further action on the part of the applicant, the application is deemed to be dismissed.

Applications which satisfy the above conditions are forwarded to the Committee for examination and decision. The Committee may seek further information from the applicant and it may also, if it considers it useful, seek comments from Governmental or non-Governmental bodies for the examination of specialized issues in relation to the application.

The decision of the Committee is communicated simultaneously to the applicant and to the competent authority, which in the case of a positive decision, the soonest possible after receipt of the decision, proceeds with the issue of the export licence.

The competent authority having issued an export licence may, provided it notifies the Committee, at any time revoke such licence if the conditions under which it was issued no longer apply.

**Penal provisions (sections 29-30)**

Forgery of an export licence constitutes a criminal offence punishable with imprisonment up to ten years.

Any person who exports or attempts to export or who is an accomplice to the export of a cultural good without an export licence is guilty of an offence punishable with imprisonment of up to four years and/or to a fine not exceeding two thousand Cyprus pounds.



2. Return of Cultural Goods Law, Law No.183(I)/2002

For information purposes, it is further noted that the above legislation was enacted by the Republic of Cyprus for the purpose of harmonization with Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State (OJ L074. 27.3.1993, p.74) as amended by Directive 96/100/EC of 17<sup>th</sup> February 1997 (OJ L060, 1.3.1997,p.59) and Directive 2001/38/EC of 5 June 2001 (OJ L197, 10.7.2001, p.43).

Competent Central Authority established under the Law

The Antiquities Department of the Ministry of Communication and Works is appointed as the Competent Central Authority of the Republic of Cyprus with powers, inter alia,

- To search, upon application of a member state, for a specific cultural good which has been illegally removed from the territory of that member state and to establish the identity of the exploiter or/and possessor.
- To communicate to interested member states the discovery of a cultural good in the Republic, which it reasonably believes to have been illegally removed from the territory of the other member state.
- To provide facilities to the authorities of the applicant member state for establishing whether the good discovered in the Republic is a cultural good, on condition that this establishment is made within two months of the communication made under the above paragraph.



- To file applications with the competent Court to prevent any acts aiming to evade the return procedure.
- To address to other member states applications for the search of a specific cultural good which has been illegally removed from the Republic, for the establishment of the identity of the exploiter or/and possessor
- To certify to that member state which has communicated to the Competent Central Authority the existence on its territory of the good which is believed to have been illegally removed from the territory of the Republic whether the said good constitutes a cultural good and whether this has been illegally removed from the Republic.

#### **Powers of the Court for issuing Search Warrants**

The District Court (within the jurisdiction of which a cultural good is found or within the jurisdiction of which the Competent Central Authority believes that a cultural good is so situated) is vested with powers under the Law, inter alia :

- to issue warrants for the execution of search for the purposes of discovery of a cultural good,
- to issue orders for the material maintenance of an object which has been determined to be a cultural good.
- to prevent an evasive act as provided in section 5 of the Law.

In issuing the said orders the Court may authorise an officer of the Competent Central Authority to take possession of the cultural good and/or to surrender the good for safe keeping to a person of institution which is described in the order.



The Law lays down detailed provisions as regards the procedure to be followed for the issue of such orders and the conditions to be satisfied for the Court to issue the same (section 8).

### Return of Cultural Goods

Every member state has a separate right of application against the exploiter or/and possessor for the return of the cultural good which has illegally been removed from its territory.

Such application is filed before a Court accompanied by

- A document describing the object in respect of which the application was submitted
- Declaration that this is a cultural good
- Declaration by the competent authorities of the member state that the object has been illegally removed from its jurisdiction.

The Court may issue an order for the return of the cultural good if satisfied that

- It is the one described in the application
- It has illegally been removed from the territory of the member state filing the application.

The Court shall not issue a return order if satisfied

- that the application was filed after one year from the date that the member state was notified as to the place the cultural good was situated.
- That the application was filed after expiry of the prescription period under section 11.

Under section 11 the right of Application is prescribed after the lapses of 30 years from the date that the cultural good has been illegally removed

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from the territory of the member state. Provided that if the good constitutes a part of a public collection (as defined in section 2 of the Law and in the Annex) or ecclesiastical object, the Application for return is not subject to prescription.

Cultural goods which were illegally removed from the territory of other member states after 1<sup>st</sup> January 1960 fall within the provisions of the Law.

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Copies of the two legislations referred to above can be obtained by the Antiquities Department of the Ministry of Communications and Works of the Republic of Cyprus.