

No. 25645

**BULGARIA, HUNGARY, GERMAN DEMOCRATIC
REPUBLIC, DEMOCRATIC PEOPLE'S REPUBLIC
OF KOREA, CUBA, MONGOLIA, POLAND and
UNION OF SOVIET SOCIALIST REPUBLICS**

**Agreement on co-operation and mutual assistance in mat-
ters concerning the retention and restitution of cultural
property illegally transported across State frontiers.
Signed at Plovdiv, Bulgaria, on 22 April 1986**

Authentic text: Russian.

Registered by Bulgaria on 8 February 1988.

**BULGARIE, HONGRIE, RÉPUBLIQUE
DÉMOCRATIQUE ALLEMANDE, RÉPUBLIQUE
POPULAIRE DÉMOCRATIQUE DE CORÉE, CUBA,
MONGOLIE, POLOGNE et UNION DES
RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES**

**Accord de coopération et d'assistance mutuelle en matière
de rétention et de restitution de biens culturels ayant il-
légalement franchi les frontières. Signé à Plovdiv
(Bulgarie) le 22 avril 1986**

Texte authentique : russe.

Enregistré par la Bulgarie le 8 février 1988.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON CO-OPERATION AND MUTUAL ASSISTANCE IN
MATTERS CONCERNING THE RETENTION AND RESTITUTION
OF CULTURAL PROPERTY ILLEGALLY TRANSPORTED
ACROSS STATE FRONTIERS

The Contracting Parties,

Taking into consideration that cultural property constitutes one of the elements of civilization and national culture,

Noting that the illicit export, transit and import of cultural property is detrimental to the national cultural patrimony, which it is incumbent on the customs and other competent authorities of States to protect,

Seeking to intensify efforts to prevent the illicit transport of cultural property across State frontiers and to strengthen customs collaboration in this area,

Desiring to develop the principles set forth in the Agreement on co-operation and mutual assistance regarding customs matters, signed on 5 July 1962 at Berlin, and bearing in mind the Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property of 14 November 1970,² have agreed as follows:

CHAPTER I. DEFINITIONS

Article 1. 1. For the purposes of the present Agreement, “cultural property” means property defined as such by the laws and other regulations of the State of export.

2. “State of export” means a State which is a Contracting Party to the present Agreement and from which the cultural property was initially exported.

3. “State of transit” means a State which is a Contracting Party to the present Agreement and through whose territory the cultural property passes on its way from the State of export to other States.

4. “State of import” means a State which is a Contracting Party to the present Agreement and into which the cultural property was imported.

5. “Illicit transport” of cultural property means the export, transit and import of such property effected in violation of the provisions of the present Agreement.

6. “Restitution of cultural property” means the effective handing over by the State of import or transit to the State of export of cultural property retained in connection with its illicit transport.

¹ Came into force on 2 May 1987, i.e., three months after the Government of three States had deposited their instruments of ratification, acceptance, approval or accession with the Government of Bulgaria, in accordance with article 10 (1):

<i>State</i>	<i>Date of deposit of the instrument of approval</i>
Bulgaria	24 October 1986
German Democratic Republic	7 August 1986
Union of Soviet Socialist Republics	2 February 1987

² United Nations, *Treaty Series*, vol. 823, p. 231.

CHAPTER II. BASIC PROVISIONS

Article 2. In cases provided for by the legislation of States which are Contracting Parties to the present Agreement, cultural property may be exported from those States upon the granting of an export permit.

Article 3. 1. The export permit shall be issued by the duly authorized bodies of the State of export of the cultural property and shall accompany the cultural property.

The customs administrations of the Contracting Parties shall provide each other with the requisite quantity of blank permit forms and stamps with which to certify them.

2. The permit shall be made out in the number of copies stipulated by the regulations of the State of export of the cultural property.

The customs authorities at the points of exit and entry of the States of export, transit and import of the cultural property shall certify that the cultural property has been presented for inspection by marking the back of the first copy of the permit.

Article 4. Individuals or representatives of bodies corporate transporting cultural property must declare such property and present it, together with the export permit therefor, for inspection by the customs authorities of those Contracting Parties through whose territory the cultural property passes.

Article 5. The Contracting Parties shall take steps to ensure:

1. The restitution to the State of export of cultural property found not to be accompanied by an export permit.

In the absence of an export permit, the customs authorities responsible for the clearance of cultural property shall not clear it, but shall retain it and immediately inform the customs authorities of the State of export that they have done so. In such cases, a time-limit shall be set for the presentation of an export permit for the cultural property; that time-limit shall not exceed two months.

2. Where proceedings are instituted against persons who have imported or transported in transit cultural property unaccompanied by an export permit, the restitution of that property to the State of export after the entry into force of the legal judgement regarding the liability of the said persons.

3. The designation of duly authorized representatives, in the form of the customs or other competent authorities, for the handing over and receipt of the cultural property being returned.

4. The exchange of information regarding cultural property which in accordance with the legislation of the Contracting Parties, may be exported with an export permit.

Article 6. Cultural property retained by the customs authorities of the State of import or transit shall be returned immediately to the authorities of the State of export designated in accordance with article 5, paragraph 3 of the present Agreement, and all claims relating to the restitution of the cultural property shall be examined by the State of export.

Article 7. 1. The customs authorities of the Contracting Parties shall provide assistance to each other regarding the application of the present Agreement free

of charge, with the exception of expenses connected with the storage, transport or restitution of the cultural property retained from the State of import or transit to the State of export.

The said expenses shall be borne by the customs authorities of the State of export.

2. Cultural property being returned in accordance with the present Agreement shall not be subject to any customs or other duties.

Article 8. The customs authorities of the Contracting Parties to the present Agreement shall exchange experience regarding the implementation of the present Agreement.

CHAPTER III. CONCLUDING PROVISIONS

Article 9. 1. The present Agreement is open to the participation of the Governments of all States.

2. Governments of States may become Contracting Parties to the present Agreement:

(a) By the deposit of an instrument of ratification, acceptance or approval after signature, or

(b) By the deposit of an instrument of accession.

3. The present Agreement shall be open for signature by all Governments of States at Plovdiv up to and including 31 July 1986.

4. After the date stipulated above in paragraph 3, the Agreement shall also be open to accession.

5. Instruments of ratification, acceptance or approval shall be transmitted to the depositary.

Article 10. 1. The present Agreement shall enter into force three months after the date on which the Governments of three States have deposited their instruments of ratification, acceptance, approval or accession.

2. After the entry into force of the present Agreement, it shall enter into force for each subsequent Contracting Party three months after the date of deposit of that Party's instrument of ratification, acceptance, approval or accession.

3. Any instrument of ratification, acceptance, approval or accession deposited following the entry into force of any amendment to the present Agreement shall be deemed to pertain to the present Agreement as amended.

4. Any instrument deposited after the acceptance of any amendment in accordance with the procedure laid down in article 11, but before its entry into force, shall be deemed to pertain to the present Agreement as amended from the date on which that amendment enters into force.

Article 11. 1. Proposals from one or more Contracting Parties for the introduction of amendments to the Agreement shall be transmitted, in writing, to the depositary, which shall communicate the text of the amendments to the Contracting Parties for their consideration.

2. Any proposed amendments communicated in accordance with the preceding paragraph shall be deemed to be accepted if, within six months from the date on which the text of the proposed amendment is communicated by the depositary, none of the Contracting Parties to the present Agreement raises an objection to the amendment.

3. The depositary shall inform all the Contracting Parties to the present Agreement whether an objection has been raised to the proposed amendment. If an objection has been raised to the proposed amendment, the amendment shall be deemed not to have been accepted, and no steps shall be taken regarding it. If no such objection has been communicated to the depositary, the amendment shall enter into force for all the Contracting Parties three months after the expiry of the six-month period referred to in the preceding paragraph.

Article 12. 1. Each Contracting Party may denounce the present Agreement by means of a written communication to that effect to the depositary.

2. The denunciation shall enter into force six months after the date on which such communication is received by the depositary.

Article 13. 1. The depositary of the present Agreement shall notify all the Contracting Parties in writing of:

- (a) Any signature, ratification, acceptance, approval and accession;
- (b) The date of the entry into force of the present Agreement;
- (c) Any denunciation;
- (d) The entry into force of amendments to the present Agreement.

2. The depositary shall transmit to all the Contracting Parties duly certified copies of the present Agreement.

The depositary of the present Agreement shall be the Government of the People's Republic of Bulgaria.

Article 14. The provisions of the present Agreement shall not affect the obligations of the Contracting Parties deriving from other agreements.

Article 15. The present Agreement was done at Plovdiv on 22 April 1986, in one copy in the Russian language.

IN WITNESS WHEREOF the plenipotentiaries have signed the present Agreement.

For the Government of the People's Republic of Bulgaria:

[Signed]

N. NIKOLOV

For the Government of the Hungarian People's Republic:

[Signed]

K. GARAMVYOLDI

For the Government of the German Democratic Republic:

[Signed]

G. STAUCH

For the Government of the Democratic People's Republic of Korea:

[Signed]

CHUE CHAN KHEN

For the Government of the Republic of Cuba:

[Signed]

O. CARREÑO GOMEZ

For the Government of the Mongolian People's Republic:

[Signed]

L. MINZHIN

For the Government of the Polish People's Republic:

[Signed]

Brig. Gen. J. CWIEK

For the Government of the Union of Soviet Socialist Republics:

[Signed]

A. I. MATVEEV