

**THE EXPORT OF CULTURAL GOODS LAW OF 2002 IS HEREBY
PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF
CYPRUS IN ACCORDANCE WITH ARTICLE 52 OF THE CONSTITUTION.**

No. 182(1) of 2002

THE EXPORT OF CULTURAL GOODS LAW

For the purpose of enforcing the Regulations of the European Community with the title:

“Regulation (EEC) No.3911/92 of the Committee of the 9th December 1992 relating to the export of cultural goods” (EE L 395 of the 31/12/1992, p.1).

“Regulation (EEC) No.752/93 of the Committee of the 30th March 1993 for the provisions for the enforcement of the Regulation (EEC) No.3911/92 of the Council in relation to the export of cultural goods” (EE L 077 of the 31/03/1993, p.24).

“Regulation (EC) No.2469/96 of the Council of the 16th December 1996 for the amendment, of the appendix of Regulation (EEC) No.3911/92 in relation to the export of cultural goods (EE L335 of the 24/12/1996, p.9).

“Regulation (EC) No.1526/98 of the Committee of the 16th July 1998 for the amendment of the Regulation (EEC) No.752/93 for the provisions of the enforcement of the Regulation (EEC) No.3911/92 of the Council in relation to the export of cultural goods (EE L 201 of the 17/07/1998, p.47).

“Regulation (EC) No.974/2001 of the Council of the 14th May 2001 for the amendment of Regulation (EEC) No.3911/92 in relation to the export of cultural goods (EE L 137 of the 19/5/2001, p.10)

The House of Representatives enacts as follows:

PART I

PRELIMINARY

1. This Law shall be cited as the Export of Cultural Goods Law of 2002.

2. In this Law:-

“Export license” means the license required for the export of cultural goods and for which the form is determined by virtue of the provisions of Sections 13 and 15 of this Law.

“Application” means the application submitted under Article 18 of this Law.

“Appropriate Authority” means the authority established under Section 4 of this Law.

“Clarification” means the clarification of export as is determined by the Director of the Department of Customs, by virtue of the provisions of the Customs and Excise Laws in force for the time being.

“Beneficiary” is the person to whom the export license is issued.

“Committee” means the committee established by virtue of the provisions of Section 5.

“Institution” includes any organisation, establishment or association which maintains a permanent collection of cultural goods.

“Member-state” means a member state of the European Union.

“Regulations” means the regulations published by virtue of the provisions of this Law.

“Museum” means a museum which has been established in the Republic by virtue of the provisions of the Antiquities Law or of any other Law, and which maintains a permanent collection of cultural goods.

“Cultural goods” means any cultural goods which fall within the categories of cultural goods defined in Appendix I.

“Customs” means the appropriate customs for processing the formalities for the export of cultural goods as defined in Section 25 of this Law.

“Third Country” means a country that is not a member of the European Community.

3. (1) This Law shall apply in relation to a cultural object for the export of which to a third country an export license is required and which:
 - (a) until the 1st January 1995 was located lawfully and definite outside the Republic, or
 - (b) after the 1st January 1995 was located within the Republic
 - (i) after a lawful and definite dispatch from a member state, or (ii) after re-importation from a third country to which it was dispatched lawfully from the Republic.
- (2) For the purposes of this Law the location of cultural goods within the Republic is considered lawful and definite provided they remained within the Republic for the last fifty years.
- (3) The provisions of this Section are particular and of superior force to any of the provisions of the Antiquities Law, or of any other relevant Laws regulating matters regulated by this Law.

PART II

ESTABLISHMENT OF THE APPROPRIATE AUTHORITIES AND OF THE COMMITTEE, COMPOSITION, OPERATION, COMPETENCE

4. The Appropriate Authorities to which the application is addressed for the issue of an export license for cultural objects, outside the Republic recorded in Appendix I of the present Law, are determined as follows:
 - (1) The Director of the Antiquities Department of the Ministry of Communications and Works for the cultural objects included in categories A1, A2 and 12b of the Appendix, only with regard to the collections that present ethnographic or numismatic interest.
 - (2) The Director of the Cultural Services of the Ministry of Education and Culture, for the cultural objects in categories A3, A3a, A4, A5, A6 and A12a of the Appendix only as to the collections and samples emanating from collections of anatomy A12b of the Appendix only, as regards collections that present historic interest A13 and A14 of the Appendix.
 - (3) The Registrar of the Public Records Office of the Ministry of Justice and Public order for the cultural goods in categories A7, A8, A10 and A11 of the Appendix.
 - (4) The Director of the Department of Geological Studies of the Ministry of Agriculture, Natural Resources and Environment for the cultural objects in categories A12a of the Appendix only as to the collections and samples emanating from collections of mineralogy and

A12b of the Appendix only as to the collections presenting paleontology interest.

(5) The Director of the Environment of the Ministry of Agriculture and Natural Resources and the Environment for the cultural objects in categories A12a of the Appendix only as to collections and samples emanating from collections of zoology and botanic.

(6) The Director of the state Library of the Ministry of Education and Culture for the goods in category A9 of the Appendix.

5. A Committee is established vested with the competence to decide whether an export license for a cultural object may be granted or not.

6. (1) The Committee consists of six members that is:

(a) Five of the members are appointed by the Council of Ministers from among the representatives nominated by the following:

(I) Antiquities Department Ministry of Communications and Works

(II) Cultural Services of the Ministry of Education and Culture

(III) Public Record Office of the Ministry of Justice and Public Order

(IV) Department of Geological Survey of the Ministry of Agriculture, Natural Resources and the Environment

(V) Non governmental organisations nominated by the Antiquities Department of the Ministry of Communications and Works and which have taken an active part in the preservation and protection of the cultural heritage of the Republic

(b) A representative of the appropriate authority to which the application for the export license was submitted.

(2) Chairman of the Committee shall be appointed the representative of the Antiquities Department of the Ministry of Communications and Works.

(3) The term of office of the chairman and of the Committee members is for four years and may be renewed in accordance with the appointment provisions of this Section.

(4) In the event the Chairman is temporarily prevented due to any cause from the exercise of his duties the Committee selects one of its members to act as Chairman.

(5) In the event the position of Chairman or member of the Committee is vacated before the expiration of its period of office, the Council of Ministers proceeds to the appointment of a new chairman for the remaining period of the term office of the outgoing chairman, in accordance with the appointment provisions of this Section.

(6) To the Chairman and members an allowance is granted the amount of which is decided by the Council of Ministers.

7. (1) The Chairman chairs the Committee, and convenes the meetings as provided in Section 8, and signs the records and all other important documents.

- (2) The Chairman is responsible for the implementation of the decisions and for the exercise of the remaining according to Law powers of the Committee before the judicial and other authorities.
8. (1) The Chairman convenes the Committee meetings when in his view this is necessary but shall call a meeting the earliest possible, and in any event within a time-limit of one month, if this is asked for in writing by at least two member of the Committee that specify at the same time the matters for discussion.
- (2) The invitation to a meeting is in writing and is addressed to all the members of the Committee at least seven days before the appointed for the meeting date.
- (3) The agenda is drawn up by the Chairman and is communicated to the members together with the invitation for the meeting.
9. (1) The Committee is lawfully constituted provided that at the meeting the Chairman or his deputy is present and two members of the Committee, and the decisions of the Committee are fully reasoned, may be taken by majority, and are forwarded to the appropriate authority for appropriate action.
- (2) The Committee may through its chairman summon in any meeting, any officer of the public service or organisation of public or private Law as well as any person whose views or specialised knowledge on a specific matter may possibly be considered useful, or necessary for its work.
10. The Ministry of Communications and Works provides the Committee with the necessary clerical, material and technical assistance.

P A R T I I I

FORMS OF EXPORT LICENSE FOR CULTURAL GOODS

11. The export of any cultural object whatsoever from the Republic to third countries without an export license is hereby prohibited.
12. For the export of cultural goods, according to circumstances one or the other forms of license may be used:
- (a) The standardized license, or
- (b) A general open license.
13. The standardized license is issued on the basis of "Form A" included in Appendix III of the present Law and provides for the permanent export of the cultural good from the Republic or its temporary export.
14. (1) The validity of the standardized license for export does not exceed twelve months from the date of issue.
- (2) In case of an application for a temporary export license, the appropriate authority specifies the time limit within which the cultural goods shall be re-imported in the Republic.
15. The general open license is issued on the basis of the application in Form B included in Appendix III and provides for any temporary export of any cultural good from those that from part of a permanent collection of a museum or of any other establishment.
16. The general open license may:
- (1) Issue only if the Committee is convinced that the museum or the establishment provides all the guarantees deemed necessary so that the object may be returned in good condition in the Republic.

(2) To be used to cover any combination of cultural objects of the permanent collection of a museum or of an establishment on any occasion of temporary export, or to be used to cover a series of different combinations of cultural objects either successively or simultaneously.

17. The general open license is valid for a period of five years.

P A R T I V

PROCEDURE FOR THE ISSUE OF AN EXPORT LICENSE OF CULTURAL GOODS

18. (1) Any person wishing to export any cultural object from the Republic to a third country, submits an application for an export license to the appropriate authority in the form specified in Sections 13 and 15 of this Law, which is accompanied with the elements specified in Section 19 of this Law and the payment of a fee of a hundred and fifty pounds.

(2) (a) Subject to the provisions of paragraph (c) for every consignment of cultural goods a separate export license is issued.

(b) within the meaning of paragraph (a) the consignment may concern either one cultural object, or more than one cultural objects.

(c) in the event that one consignment consists of more than one cultural object, the appropriate authority determines whether the grant of an additional export license is required for the specific consignment.

(3) The application is completed, in the manner provided in paragraph 5 of Section 3 of the Regulation (EEC) No.752/93 of the Committee of 30th March 1993 in paragraph 5 of Section 3 of the Regulation (EEC) No.752/93 of the Committee of 30th March 1993 provisions for the enforcement of Regulation (EEC) No.3911/92 of the Council relating to the export of cultural goods (EE L 077 of the 31/03/1993, p.24).

19. Notwithstanding any of the elements specified in the license forms included in Appendix II and III of the present Law the application is accompanied by the additional elements required by paragraph 2 of Section 6 of Regulation (EEC No.752/93 of the Committee of the 30th March 1993 provisions of the enforcement of Regulation (EEC) No.3911/92 of the Council relating to the export of cultural goods (EUL 077 of the 31/03/1993, p.24).

20. (1) The appropriate authority in receipt of the application examines whether the following conditions are satisfied:

(a) The application includes all required elements, in accordance with Sections 13, 15, 18 and 19, and

(b) The payable fee has been paid.

(2) (a) In the event that the application is not in accordance with the provisions of Sections 13, 15, 18 and 19 of the present Law, or the required fee was not paid, the appropriate authority returns the application to the applicant, who within two months from the date of

return of the application, has the right to correct any possible omission and to return same to the appropriate authority.

(b) In the event in which the said omission is not corrected within the time mentioned in paragraph (a) then the application on the expiration of the above time limit, is deemed to be dismissed.

21. (1) The application after examination by the appropriate authority in accordance with Section 20 of this Law is referred to the Committee for scrutiny and for the taking of the relevant decision.

(2) In the event that the Committee considers that further elements are necessary for the examination of the application it may request same in writing from the applicant.

(3) The Commission may, where it considers it necessary, request the views of the appropriate Governmental or not services for the examination of particular matters arising from the application.

(4) The Committee examines the application the soonest possible and decides whether the cultural object may be exported or not.

(5) The decision of the Committee is communicated simultaneously to the applicant and the appropriate authority, which in case of a positive decision, the soonest after the receipt of the communication, proceeds to the issue of an export license.

(6) The export license is issued in three copies:

(a) a copy consisting of the application and bears the number 1,

(b) a copy intended for the beneficiary that bears the number 2,

(c) a copy is dispatched to the appropriate authority that issues the license and bears the number 3.

(7) The appropriate authority may before granting the license, demand the physical presentation of the cultural object to be exported.

(8) After the issue of the export license the appropriate authority retains the specified in Section (6) copy bearing number 1, and returns the other copies to the applicant, who becomes the beneficiary of the export license or to his authorized representative:

(9) In the event the export license is not used and its validity has expired, the possessor immediately returns to the appropriate authority the mentioned documents in his possession.

22. The appropriate authority from which the export license has been issued, provided it informs for this the Committee, may revoke any export license, at any moment, if the conditions under which it was issued cease to exist.

PART V

PROCEDURE FOR THE EXPORT OF CULTURAL GOODS

23. By virtue of this Law appropriate customs for the processing of the formalities for the export of cultural goods are appointed the customs of Nicosia, Larnaka and Limassol.

24. For the export of cultural goods, the exporter or his authorised representative, shall deposit at the appropriate customs clarification of export in which to attach copies of the export license.

25. Copies of the export license submitted with the clarification of export are:

(a) The copy no.2 which is destined for the beneficiary

(b) The copy no.3 which is destined for the authority from which the license was issued.

26. (1) The customs certifies that the contents of the clarification of export correspond to the elements of the standardized export license, as well as the fact that reference is made in the said license in square 44 of the clarifications of export.

It takes the appropriate measures to ascertain the identify of the elements that also include certification of the authenticity of the seal of the customs. The copy no.3 of the standardized export license that is dispatched to the appropriate authority is attached to the copy no.3 of the unified administrative document.

(2) The customs after completing square 19B returns the copy destined for the beneficiary to the exporter or his authorised representative.

(3) The copy of the certified license which is dispatched to the appropriate authority must accompany the consignment of the cultural goods until the custom exit from the custom's territory of the European Union. The customs after completing, in any case, square 5 of this copy places its seal in square 22 and returns it, so that it may be dispatched to the appropriate authority, the exporter or his authorised representative.

27. (1) The customs that receives the clarification of export, secures that the general open permit, is produced together with the list of the goods to be exported and which are also described in the clarification of export. The list must be included in the document bearing the head line of the establishment and every page must be signed from a representative of the establishment and be cited in the said license.

(2) The license is attached in copy no.3 of the unified administrative document and must accompany the consignment in the customs to the point of exit from the customs territory of the community. When copy no.3 of the unified administrative document is

placed at the disposal of the exporter or his representative the license may be allocated as well for use and the next time.

P A R T VI

FORM OF EXPORT LICENSE

- 28.** (1) The Antiquities Department of the Ministry of Communications and Works is nominated as the appropriate department for the printing of the prescribed form of the export license and for securing its validity and authenticity.
- (2) The prescribed form of the license is printed and completed in the manner and the procedure provided for in Section 3 of Regulation No.752/93 of the Committee of the 30th March 1993 provisions for the enforcement of Regulation (EEC) No.3911/92 of the Council in relation with the export of cultural goods (EE L 077 of the 31/03/1993, p.24).
- (3) The Department of Antiquities of the Ministry of Communications and Works apart from entrusting the printing of the prescribed form to the Government printing office, may entrust its printing to private printing offices that it approves. In this case, reference of the approval shall be made in every prescribed form of license.
- (4) Every prescribed form bears an indication of the name and the address of the printer, or a sign that allows for the verification of his identity. It bears as well a serial number printed or impressed with a seal so that it may be distinguished by its individuality.

P A R T VII

CRIMINAL OFFENCES – FINAL PROVISIONS

- 29.** Forgery of the prescribed form of the export license constitutes an offence punishable with imprisonment not exceeding ten years.
- 30.** (1) Any person that exports or attempts to export, or who is an accessory to the export of a cultural good is guilty of an offence and liable to imprisonment not exceeding four years or to a fine not exceeding two thousand pounds or to both such imprisonment and fine.
- (2) The cultural good which was unlawfully removed and which is the property of the person committing the offence under Section (1) may be subject to confiscation by order of the Court of the Court trying the case.
- 31.** (1) The Council of Ministers issues regulations for the better application of the provisions of this Law and for the determination or regulation of

any matter which according to this Law, needs to be determined or regulated.

(2) Particularly and without prejudice to the generality of the previous Section with the said Regulations it may define any additional element that the Committee considers necessary for examination of the application.

32. This Law comes into force by decision of the Council of Ministers to be published in the Official Gazette of the Republic.