

## Law of Georgia On Export and Import of Cultural Property

### General Provisions

#### Article 1. Legislation of Georgia in the sphere of export and import of cultural property

1. Legislation of Georgia in the sphere of export and import of cultural property consists of the international agreements and arrangements of Georgia on export and import of cultural property, this law and other normative acts.

2. In accordance with the principles of integrity of common customs space and frontiers this law establishes the common rule for export and import of cultural property.

#### Article 2. Application of law in relation to the form of ownership and subjects of ownership of cultural property.

1. The rule for export and import of cultural property established by this law applies to all the items of cultural property disregarding their form of ownership.

2. The requirements prescribed by this law are mandatory to be fulfilled for all the natural and legal persons being or (and) performing business within the territory of Georgia, also for the authorities, government bodies and official of Georgia.

#### Article 3. Concepts used in the Law

For the purposes of this law concepts are defined in the following way:

- a) export of cultural property – trafficking of cultural property existing within the territory of Georgia through crossing the customs borders of Georgia within any purpose without obligation of their return in the established timeframes;
- b) temporal export of cultural property – trafficking of cultural property existing within the territory of Georgia through crossing the customs borders of Georgia within any purpose without obligation of their return;
- c) import of cultural property – import of cultural property through crossing the customs borders of Georgia with any purpose without obligation of their return in the established timeframes;
- d) temporal import of cultural property – import of cultural property through crossing the customs borders of Georgia with any purpose without obligation of their return in the established timeframes;
- e) collection of cultural property – a group of objects gathered according to the common or diverse signs, which, disregarding cultural significance of each of them, together as whole, has a historical, artistic, scientific or other cultural significance;
- f) Ministry of Culture of Georgia - Ministry of Culture of Georgia, its territorial body or an authorized structural unit.

#### Article 4. Cultural Property this law applies to

All objects or their collections provided below are regarded as cultural property:

- a) created within the territory of Georgia by the Georgian people or other peoples resident within Georgia;
- b) created within the territory of Georgia by the foreign nationals not having citizenship of Georgia, resident within Georgia;
- c) found within the territory of Georgia;
- d) received a gift, or purchased with the consent of the competent authorities of the foreign states of origin of such a cultural property;
- e) acquired by archeological, ethnographical, natural science or other missions of Georgia with the consent of the competent authorities of the foreign states of origin such cultural property;
- f) cultural property, which has been subject of an exchange.

Article 5. Categories of objects the present law applies to

1. This law applies to the following categories of objects:

- a) A piece of fine arts created with any material and any technique;
- b) A piece of decorative, applied art created with any material and any technique;
- c) Objects connected with historical events or with the creative activities of historical persons;
- d) Objects and/or parts of objects discovered during archeological excavations or in cultural layers by chance;
- e) Cult objects made of any material and technique;
- f) Unique manuscripts, incunabula, civic and electric documents, books, diplomas and publications possessing historical, artistic, scientific and literary interest;
- g) Documents of the National Archive, including photo, phono, film and video archives;
- h) Ethnographical objects;
- i) Pieces of unique furniture and musical instruments;
- j) Monuments connected with the development of science and technology;
- k) original artistic assemblages and montages in any material;
- l) original engravings, prints, lithographs and original forms of their printing;
- m) dismembered (movable) parts and fragments of artistic, architectural and historical monuments, monuments of monumental art;
- n) unique manuscripts, incunabula, poliotypes, printed documents, books, deeds, civil and secular documents and publications singly or in the collections are of special historical, artistic, scientific and literature importance;
- o) postage stamps, other philatelic materials, revenue and similar stamps singly or in collections;
- p) rare specimens of flora and fauna, minerals and anatomy and all the other rare specimens of interest for anatomy, paleontology and mineralogy singly or in collections;
- q) other movable objects, including copies of historical copies of historical, artistic, scientific or other kind of cultural significance and protected by the state as the monuments of history and culture;

2. The present law does not refer to modern works produced as souvenirs, also items of serial or mass production having functions.

## Article 6. Cultural property not subject to export

1. Cultural property of certain categories, notwithstanding its form of ownership, is provided by the state with a special status prohibiting its export from the territory of Georgia.
2. Notwithstanding their of ownership, items of cultural property of the following categories are not subject to export from Georgia:
  - a) movable objects of special, national or local significance and containing historical, artistic or other cultural value, which disregarding the date of their creation, are most valuable for the cultural heritage of the peoples of Georgia;
  - b) movable items which had been entered on official lists and registers by State Bodies for Protection and Regulation of Export and Import of Cultural Property before the enactment of this law and the ones which on the basis of this law will be integrated on the State lists and Registers and were and will be protected by the state;
  - c) items of cultural property, which from the date of their discovery or purchase are constantly preserved in the State Museum funds, archives, libraries, other institutions for protection of cultural property, also in the analogous institutions under form of ownership;
  - d) other unique cultural property not referred to in the subparagraphs i) and j) of article 5 of this law.
3. The concrete list of the cultural property not subject to the export from Georgia is established and confirmed by the Ministry of Culture of Georgia in the form of a separate state register.

## Article 7. Cultural property, import or temporal import to Georgia of which is prohibited

Import or temporal import of cultural property for which search is announced based on the notice of the relevant bodies of foreign states is prohibited.

## II. Illicit export and import and legal regime of the form of ownership of cultural property

1. The import, export and transfer of ownership of cultural property effected contrary to this law, law "On Customs of Georgia" and other laws, shall be illicit;
2. The import, export and transfer of ownership of cultural property if it directly or indirectly arises from the complete or partial occupation of the country by the foreign state or lost of jurisdiction over certain territories of the country for some other reasons, shall be illicit.

## Article 9. Return of illicitly exported cultural property

1. In accordance with the commitments undertaken by Georgia under the international agreements and legislation of Georgia, the owner of the item has a right to bring up this issue to the relevant bodies of Georgian requesting state support for the restitution of the item which was under his/her ownership, has been illicitly exported from Georgia and is under the illegal ownership abroad.
2. Cultural property of this category in case of its import to Georgia is exempt from customs duties and other charges.

#### Article 10. Return of the illicitly exported cultural property

1. In accordance with the international commitments undertaken by Georgia and legislation of Georgia, cultural property illicitly imported to Georgia or the one existing under the illegal ownership on the territory of Georgia is subject to the return to the owner.
2. The objects shall be returned on the basis of the application of the requesting party or without it.
3. All expenses incident to the transportation of the objects within the territory of Georgia, in case of their withdrawal or return, are borne by the state.
4. Cultural property is exempt from the customs duties and other charges upon its return to the territory of the requesting state.
5. State acts as a guarantee of the return of illicitly imported cultural property to its owner.

#### Article 11. The right of an innocent purchaser of cultural property

In case of seizure or return of the cultural property to the legal owner, the innocent purchaser should be compensated the price of that cultural property by the natural or legal person or other body, party to the Georgia's international agreement under the condition that this international agreement provides for such compensation. In other case, the payment shall be voluntary or be made on the basis of the relevant legislation of Georgia.

### III Participation of state bodies, public organizations and citizens in the sphere of export and import of cultural property

#### Article 12. State bodies for regulations of export and import of cultural property and the spheres of their competence

1. In accordance with the international commitments undertaken by Georgia regulation of export and import of cultural property is controlled by the Ministry of Culture of Georgia.
2. State Archives Department and Customs Department of Georgia carry out their functions in relation to these questions within the frames of legislation.
3. Ministry of Culture of Georgia is responsible for overall co-ordination of the activities carried out by the organizations of the Archives Department of Georgia in terms of the application of this law.
4. The State Service for the Protection and regulation of Export and Import of cultural Property functions at the Ministry of culture of Georgia. The Charter of this service is approved by the Ministry.

#### Article 13. Competence of the Ministry of Culture of Georgia in the sphere of Export and Import of Culture Property

##### 1. Ministry of Culture of Georgia:

- a) contributes to the formation of the legislative basis to regulate export and import of cultural property;
- b) promotes the establishment and development of required scientific and technical institutions;
- c) establishes state lists and registers of the protected cultural property the present law applies to;
- d) inventories cultural property;
- e) establishes state registers of the cultural property on the basis of the state lists and registers of protected cultural property under any form of ownership, which, in

- accordance with the present law, are not subject to export from Georgia and export of which may cause appreciable impoverishment of the cultural heritage of Georgia;
- f) makes decision on the possibility of exporting on temporally exporting cultural property;
  - g) ensures provision of mandatory state expertise of the cultural property applied for export or temporal export, also the one needed after the return of the cultural property from temporal export;
  - h) issues licenses for export or temporal export of cultural property;
  - i) carries out or (and) controls foreign-economic relations regarding export and import of cultural property;
  - j) registers cultural property temporally imported to Georgia;
  - k) sees that the appropriate publicity is given through publications, mass media and other means allowed by the Law in or outside Georgia to the disappearance or theft of cultural property;
  - l) takes measures to protect rights of rightful owners of cultural property in accordance with the international commitments undertaken by Georgia;

2. The Ministry of Culture carries out its functions directly through the organizations of its system, also in collaboration with the Archive Department of Georgia, Customs Department of Georgia and other relevant bodies.

Article 14. Participation of state and non-state (non-governmental) organizations in protection of cultural property and of regulation of their export and import

1. With the aim of participation of state and non-state (non-governmental) organizations in protection and regulations of export and import of cultural property standing Consultative Body for Protection and Regulations of Export and Import of Cultural Property of Georgia staffed by the authorized representatives of the Ministry of Culture of Georgia, Customs Department, Academy of Sciences of Georgia and the Archive Department of Georgia functions at the Ministry of Culture.
2. The consultative Council is comprised of the representatives of the non-governmental organizations the candidatures of which are presented by the non-governmental organizations themselves.
3. Staff and number of the members of the Consultative Council is determined on the basis of principles of parity.
4. The charity of the consultative Council is confirmed by the Ministry of Culture of Georgia.

Article 15. Participations of public organizations and citizens in the protection and regulation of export and import of cultural property

1. Public organizations of Georgia participate in the sphere of protection and export and import of cultural property within the limits established by the legislation.
2. Public organizations of Georgia and citizens have unlimited right to receive complete and full information concerning protection, export and import of Georgia's cultural property, unless it represents a secret regarding state interests or the interests of natural and legal persons by the law.

IV. State regulations of export and import of cultural property

Article 16. State expertise of cultural property

1. Any person applying for the export and import of cultural property shall present the objects applied for export for expertise. Refusal to present objects is considered as a refusal on the export of cultural property.
2. If the results of the expertise provide grounds for entering these objects on the State Lists and Registers due to their significance, the Ministry of Cultural shall include these items in protecting Lists and Registers whether the persons applying for their export agree or not.
3. If the applicant does not agree with the conclusion of the expertise, special Expert Commission involving the Academy of Sciences, Georgia's State Archive Department and independent experts shall be set up the Ministry of Culture on the basis of the requirement of the expertise.
4. Deputes are reviewed and settled by the court.

#### Article 17. Regulations for conducting expertise of cultural property

1. The Decree “on the Regulations for conducting expertise of cultural property” is approved by the Minister of Culture.
2. To this end cultural property applied for export, temporal export, also the ones returned from temporal export is subject to mandatory state expertise, provision of which is organized by the Ministry of Culture of Georgia.
3. With the aim of the aforementioned the Ministry of Culture of Georgia will coordinate the activities of the Museums, Archives and Libraries subordinated to the Ministry of Culture, academy of Sciences, State Archive Department of Georgia, also collaborate with other independent specialists authorized to execute this kind of work on the basis of relevant contracts.
4. All expenses incident to expertise of the cultural property are borne by the owner of this property unless something else is prescribed by the law.

#### Article 18. Rule of payment of expenses incident to expertise

Payment of expertise for export and transfer of ownership of cultural property as well as other analogues activities is made on the basis of the contract concluded with the owner of the cultural which should reflect the works related to expertise and their actual market price for the day of payment.

#### Article 19. Regulations for export and import of cultural property by persons with diplomatic privileges

1. Regulations for export and import of cultural property prescribed by this law applies to the persons with diplomatic privileges and immunity.
2. Custom-house examination of the private baggage of the aforementioned persons shall be exercised on the basis of the general terms in accordance with the Customs Law of Georgia.

#### Article 20. Regulations for import of cultural property

In accordance with the procedure prescribed by the Customs Code of Georgia Cultural property to be imported shall be subject to mandatory customs inspection. The mentioned objects shall specially be registered in a maximum one week time. State Service for Protection and Regulations for export and import of cultural property shall periodically be notified on the aforementioned.

## Article 21. Transit of cultural property

Documents required by the customs' Law and international commitments of Georgia are presented to the Customs' bodies of Georgia for making transit of cultural property within the territory of Georgia ensure to determine that these objects enter the territory of Georgia only with the aim of transit.

## Article 22. Export of cultural property through mails and parcels

Export of cultural property through mails and parcels is carried out in accordance with the rules and terms determined by the legislation of Georgia in this field and the present law.

## V. Regulations of temporal export and import of cultural property

### Article 25. Temporal export and import of cultural property

1. Museums, archives, libraries, natural and legal persons can temporally export cultural property only for following purposes:

- a) organization of exhibitions;
- b) restoration and scientific research activities;
- c) concert, theatrical and other kinds of actor performances;
- d) in other cases not contradicting this law and the legislation of Georgia

3. Objects and their listed in item 2 of article 6 are also subject to temporal export of cultural property.

### Article 24. Submission of application of temporal export of cultural property

1. Submission of application of temporal export of cultural property by the State Museum Fund, archives and other institutions with the depositories of cultural treasury should be accompanied with:

- a) agreement with the receiver of the cultural property providing the goals and terms of temporal export of cultural property;