Agreement between the Swiss Federal Council of the Swiss Confederation and the government of the Republic of Italy on the import and repatriation of cultural property

Concluded on October 20, 2006
Entered into force through an exchange of notes on April 27, 2008

The Swiss Federal Council and the Government of the Republic of Italy (hereinafter ‘the Parties’),
in application of the November 14, 1970 UNESCO Convention on the Means of Prohibiting and Preventing Illicit Import, Export and Transfer of Ownership of Cultural Property, to which both countries are a Party, in pursuit of provisions applicable in this regard at the Parties to the agreement,
in consideration that the theft, looting and the illicit import and export of cultural property affects the destruction of the contextual relationship,
understanding, that the dispersal of cultural property and the loss of the context is detrimental to the cultural heritage of mankind,
endeavoring to make a contribution to maintain and secure cultural heritage and to prevent the illegal transfer of cultural property,
in the belief that the cooperation between both countries may constitute an important contribution in this regard,
endeavoring to ease the repatriation of illicitly imported and exported cultural property and intensify contacts between both countries with regard to cultural exchanges,
have agreed as follows:

Translation

SR 0.441.145.41
1 Translation of the original Italian text (RU 2008......).
2 SR 0.444.1
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Art. I
(1) This agreement regulates the import, transit and repatriation of cultural property as it relates to both Parties to the agreement.

(2) This agreement applies exclusively to categories of cultural property listed as an appendix to this agreement.

Art. II
(1) Cultural property may be imported to one of the Parties to the agreement, to the extent demonstrated to the custom authorities that the export regulations of the other Party to the agreement are fulfilled. If the law of one of the Parties to the agreement requires a permit to export cultural property, the same must be presented to the custom authorities of the other Party to the agreement.

(2) The following must be included in the customs declaration:
   a. the cultural property object type;
   b. as detailed a description as possible on the dating and place of manufacture, or if the result of archeological or paleontological excavations, the place where the cultural property was found.

Art. III
(1) One Party to the agreement may file suit for the repatriation of cultural property at the other Party to the agreement in whose territory the cultural property was illicitly imported.

(2) The suit may be filed before competent judges for the Party to the agreement at the location of the cultural property.

(3) Domestic law at the Party to the agreement where the cultural property is located determines prerequisites for the action.

(4) The competent authority pursuant to Art. VIII of this agreement where the cultural property is located advises and supports the Party of the agreement filing within the framework of means at its disposal:
   a. locating the cultural property;
   b. clarifying the competent judge;
   c. finding specialized legal representatives;
   d. with regard to temporary custody and conservative care of the cultural property until its repatriation.

Art. IV
(1) The Party to the agreement filing suit must demonstrate:
   a. that the cultural property belongs to one of the categories listed in the appendix, and
b. that it was illicitly imported to the other Party to the agreement after this agreement entered into effect.

(2) If the protection of the cultural property is not guaranteed during repatriation in the territory of the Party to the agreement filing suit, due to armed conflict, natural disasters and other exceptional events that endanger the cultural heritage of a Party to the agreement, the other Party to the agreement may suspend execution of repatriation until the protection of the cultural property during repatriation is guaranteed.

(3) Claims for repatriation by a Party to the agreement are subject to a statute of limitation of one year after its authorities gain knowledge of the location and possession of the cultural property, at the latest, however, 30 years after the cultural property is illicitly exported.

Art. V

(1) The ordinary budget of the competent authorities at the Party to the agreement filing suit bares the costs for measures necessary to secure, maintain, and repatriate the cultural property.

(2) The Party to the agreement filing suits must pay the person who acquires the cultural property in good faith and is required to return the same, a compensation at the time of repatriation, oriented to the purchase price as well as necessary and useful expenses for protecting and maintaining the cultural property.

(3) The competent court at the Party of the agreement, where the suit is pending pursuant to Art. III, determines the amount of compensation.

(4) The person required to return the cultural property retains a right of retention of the same until compensation is paid.

Art. VI

The Parties to the agreement are required to announce the contents of this agreement, in particular, to circles impacted by this agreement such as customs and criminal prosecution authorities as well as art trade associations.

Art. VII

The Party to the agreement filing suit agrees to provide reasonable protection of repatriated cultural Party and facilitate access to the same as well as its availability for research and exhibition within the territory of the other Party to the agreement.

Art. VIII

(1) The competent authorities for the execution of this agreement are:

a. for the Republic of Italy: the Dipartimento per la Ricerca, l’Innovazione e l’Organizzazione, Ministero per i Beni e le Attività Culturali;

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Art. IX
(1) The Parties to the agreement mutually report to each other via the competent authorities pursuant to Art. VIII of this agreement thefts, lootings, loss and other events impacting cultural property listed in the categories in the appendix.
(2) The Parties to the agreement inform each other immediately on any changes to respective domestic law in the area of cultural property transfer.

Art. X
The Parties to the agreement cooperate with international institutions responsible for fighting illicit transfer of cultural property as part of implementing this agreement such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Criminal Police Organization (Interpol), the International Council of Museums (ICOM) and the World Customs Organization (WCO).

Art. XI
(1) The competent authorities pursuant to Art. VIII of this agreement review the application of this agreement at regular intervals and propose changes as appropriate. They may also discuss proposals that promote further cooperation in the area of the exchange of culture.
(2) Representatives of the competent authorities meet, at the latest at the end of the period of this agreement, and alternatively in Italy and Switzerland; furthermore, a meeting may be convened at the request of one Party of the agreement, in particular, for important changes to legal and administrative regulations that apply to the transfer of cultural property.

Art. XII
This agreement in no way impacts obligations of the Parties of the agreement from other international, multilateral or bilateral treaties to which they are Parties.

Art. XIII
(1) Competent authorities pursuant to Art. VIII of this agreement may exchange views in writing or meet for an oral exchange on the execution of this agreement in general or as relates to specific cases.
(2) Any disputes regarding interpretation and execution of this agreement may be the subject of consultations and negotiations between the Parties of the agreement.

Art. XIV

(1) The Parties to the agreement mutually notify one another on the completion of constitutional procedures required for this agreement to enter into force. It enters into force 30 days after the delivery date of the final notification.

(2) This agreement is concluded for a period of five years as of the date the agreement enters into force. The agreement is tacitly extended by five years, to the extent not terminated in writing by one of the Parties to the agreement at least six months prior to the expiration of this deadline.

(3) Pending actions for repatriation are unaffected by termination.

In witness thereof the authorized agents affix their signatures to this agreement.

In two copies in Italian in Rome on October 20, 2006, whereby both texts are legally binding.

For the Swiss Federal Council: For the Government of the Republic of Italy:

Pascal Couchepin Francesco Rutelli
Appendix

I. Stone

A. Architectural and decorative elements: Made of granite, sandstone, limestone, volcanic stone, marble and other types of stone. Construction elements belonging to grave sites, religious sites, and residences such as chapiters, pilater strips, columns, akroters, friezes, jambstones between two windows, mosaics, mouldings and tarsias made of marble, etc. Approximate dating: 1000 BC – AD 1500.

B. Inscriptions: On various types of stone. Altars, gravestones, stele, honorary inscriptions, etc. Approximate dating: 800 BC – AD 800.

C. Reliefs: Made of limestone and other types of stone. Stone reliefs, gravestone reliefs, sarcophagi decorated or undecorated, cinery urns, stele, decorative elements, etc. Approximate dating: Primarily from 1000 BC – AD 800.

D. Sculptures/Statues: Made of limestone, marble and other types of stone. Grave and votive statues, busts, statuettes, parts of grave furnishings, etc. Approximate dating: Primarily from 1000 BC – AD 800.

E. Tools/Devices: Made of flint and other types of stone. Various tools, for example, knife and dagger blades, axes, devices for craft activities, etc. Approximate dating: 130,000 BC – AD 800.

F. Weapons: Made of slate, flint, limestone, sandstone and other types of stone. Arrowheads, wrist guards, etc. Approximate dating: 10,000 BC – AD 800.

G. Jewelry/Costumes: From various types of stone, precious and semi-precious stones. Necklaces, pearls, finger ring settings, etc. Approximate dating: Primarily from 2,800 BC – AD 800.

II. Metal

A. Statues/Statuettes/Busts: Made of nonferrous metals, rare precious metals. Depictions of animals, humans and gods, portrait busts, etc. Approximate dating: 1200 BC – AD 800.

B. Vessels: Made of nonferrous metals, rare precious metals and iron. Kettles, buckets, pottery, sieves, etc. Approximate dating: 1000 BC – AD 800.

C. Lamps: Made of nonferrous metals and iron. Lamps and lighting fragments, etc. Approximate dating: 50 BC – AD 800.

D. Jewelry/Costumes: Made of nonferrous metals, rare precious metals. Leg, neck, arm and finger rings, pearls, needles, broaches (cloak pins), belt buckles and trimmings, pendants. Approximate dating: 3800 BC – AD 800.

E. Tools/Devices: Made of iron and nonferrous metals, rare precious metals. Hatchets, axes, sickles, knives, tongs, hammers, drills, writing utensils, spoons, keys,
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locks, carriage parts, harnesses, horse shoes, chains, bells, etc. Approximate dating: 3200 BC – AD 800.

**F. Weapons:** Made of iron and nonferrous metals, rare precious metals. Daggers, swords, lance tips, arrowheads, knives, shield boss, helmets, armor. Approximate dating: 2200 BC – AD 800.

**III. Ceramics**

A. **Vessels:** Made of fine or rough ceramics of various color sources, to some extent, decorated, painted, coated, glazed. Locally manufactured vessels and imported vessels. Pots, plates, dishes, cups, small vessels, bottles, ampules, sieves, etc. Approximately dating: 3800 BC – AD 1500.


C. **Lamps:** Made of ceramics. Various types of oil and tallow lamps. Approximate dating: 50 BC – AD 1500.

D. **Statuettes:** Made of ceramics. Depiction of figures of humans, gods, animals and body parts. Approximate dating: 1200 BC – AD 1500.

E. **Stove tiles/Architectural elements:** Made of ceramics, stove tiles often glazed. Architectural terracotta and covering. Cup shaped stove tiles, decorated flat tiles, corner tiles, ledge tiles, cornice tile, decorated/stamped floor tiles and roof tiles. Approximate dating: 700 BC – AD 1500.

**IV. Glass and glass paste**

A. **Vessels:** Made of colored or clear glass. Bottles, cups, glasses, bowls, glass seals for bottles. Approximate dating: 50 BC – AD 1500.

B. **Jewelry/Costumes:** Made of colored or clear glass. Arm rings, pearls, beads, jewelry elements. Approximate dating: 1000 BC – AD 800.

**V. Bone**

A. **Weapons:** Made of bones and antlers. Arrowheads, harpoons, etc. Approximate dating: 3800 BC – AD 800.

B. **Vessels:** Made of bones. Parts of vessels. Approximate dating: 150 BC – AD 800.

C. **Devices/Utensils:** Made of bone, antlers and ivory. Pickers, chisels, axes, needles, awls, combs and decorated objects. Approximate dating: 10,000 BC – AD 800.

D. **Jewelry/Costumes:** Made of bone, antlers, ivory and teeth. Needles, pendants, etc. Approximate dating: 10,000 BC – AD 800.
VI. Wood
A. Weapons: Made of various types of wood. Arrowheads, bows, etc. Approximate dating: 3800 BC – AD 800.
B. Devices/Utensils: Made of various types of wood. Flint axes, adzes, spoons, knife handles, combs, wheels, small writing tablets, etc. Approximate dating: 3800 BC – AD 800.

VII. Leather/Cloth/Various organic materials
A. Weapons accessories: Made of leather. Shield coverings, etc.. Approximate dating: 50 BC – AD 800.
B. Clothing: Made of leather, cloth and plant fibers. Shoes, clothing, etc. Approximate dating: 3800 BC – AD 800.
C. Devices: Made of plant fibers and leather. Nets, quivers, etc. Approximate dating: 3800 BC – AD 800.
D. Vessels: Made of plant fibers. Various vessels, woven, sewn, etc. Approximate dating: 3800 BC – AD 800.
E. Jewelry/Costumes: Made of snail shells, lignite, etc. Arm rings, pearls, etc. Approximate dating: 2000 BC – AD 800.

VIII. Painting

IX. Amber