

AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF TURKEY AND THE GOVERNMENT OF THE REPUBLIC OF BULGARIA ON THE PROHIBITION AND PREVENTION OF THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

The government of the Republic of Turkey and the Government of the Republic of Bulgaria (hereinafter referred to as the 'Parties') both believe that furthering bilateral cooperation in the field of the protection of cultural property will serve as an important means to forge closer bilateral relations and as an effective approach to fulfil the mission of protecting cultural heritage of humankind;

Whereas the theft, clandestine **archaeological** excavation, and illicit import, export, transfer of ownership of cultural property pose serious treats on cultural heritage of humankind and are accepted as illegal by both Parties;

With the aim of supporting the prohibition and prevention of illicit import and export and transfer of ownership of cultural property that have been illegally removed from their territory, and for the purposes of returning and transferring them to their country of origin;

The Parties have reached the following Agreement:

Article 1

For the purposes of this Agreement:

- a) **Movable Cultural Property** means movable cultural property and fragments of immovable cultural property, which falls within the categories that are referred to in Article 1 of 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit, Import, Export and Transfer of Ownership of Cultural Property, and described under the related legislation of the State Parties.
- b) **Return** means the actual return of cultural property by one Party to the other Party after their origin has been established as belonging to the other Party, where they have been subject of illicit export, import or transfer of ownership, as well as cultural property which have illegally or disguisedly have been found in clandestine archaeological excavation and illegally removed from their Country of Origin.

Article 2

- 1- The Parties agree to collaborate in adopting preventive, mandatory, and remedial measures to combat unlawful and criminal practices concerning the illicit import and export, and transfer of ownership of the movable cultural property in accordance with responsibilities and obligations prescribed in laws of the two countries and in the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property.
- 2- When differences arise between provisions of the laws of the two countries concerning the illicit import, export and the transfer of ownership of cultural property and such conflicts are involved with the implementation of this Agreement, relevant departments of the Parties shall solve them through consultation.

Article 3

- 1- With the aim of preventing the illicit import and export of movable cultural property of which their origin are not clear within its territories and transfer to other States, the parties shall activate the existing measures at the customs gates.
- 2- In case of determination of illicit import and export of cultural property, the Parties shall inform via related customs authorities or other competent authorities, mentioned in this Agreement, of the Party to which cultural property might belong.

Article 4

- 1- In case of determination of cultural property, subject to illicit import, export and transfer of ownership, the Parties shall seize them and forward information to the Other Party at the soonest possible time regarding
 - (a) Detailed description of cultural property
 - (b) Identification and features of the people involved in the illicit import, export and transfer of ownership
 - (c) Specification of all kinds of vehicles used for this purpose and fullest possible information and documents regarding the completion of the inquiry in the State concerned,

In addition to this information, the Parties shall forward each other the photographs of the seized cultural property and documentation related to the specific cases.

- 2- The cultural property subject to illicit import, export and transfer of ownership will be returned to the Party to which it belongs upon completion of the required legal procedure.

Article 5

The Parties shall take under surveillance entry to and exit from their country of the people who are seriously suspected of and evident in the process of illicit import, export and transfer of ownership of cultural property.

Article 6

- 1- For the purposes of this Agreement, the parties shall exchange information in time. The information shall include the following aspects:
 - (a) Legislation on the protection of cultural property, especially on preventing the theft or circulation of clandestinely excavated archaeological cultural property, and illicit import and export, transfer of ownership of cultural property, and its return and transfer to its country of origin as well as relevant policies and measures followed and carried out by administrative authorities;
 - (b) Information on export and import prohibition and export certificate or on other export documents;
 - (c) Information on organizations of cultural heritage protection and preservation as well as their functions;
 - (d) Information on the seizure of cultural property in the area of concern of the other Party;
 - (e) Other information considered necessary for the purposes of this Agreement.
- 2- All above-mentioned information shall be updated in time.
- 3- The information obtained in accordance with this Agreement will be confidential and will only be used by the Parties for the purposes of the implementation of this Agreement, subject to the provisions of its national law concerning the protection of classified information.

Article 7

The Parties will collaborate in the fields of preventing the theft, illicit import and export, and transfer of ownership of cultural property, in particular on the issues of safety administration of cultural property, import and export administration of cultural property, adaptation of internal legislation, information collecting, and international matters, and will prepare personnel exchange and education oriented programmes in these fields.

Article 8

For the purposes of this Agreement, the Parties shall enhance coordination and further improve each other's administration of cultural objects that can be exported and imported, cultural property registration system, information release system on stolen cultural property in relation to the national legislations and the international acts in this field.

Article 9

The Parties shall inform collectors and antique dealers that the sale and acquisition of cultural property stolen or illicitly exported after clandestine archaeological excavations and without permission issued by its Country of origin are illegal.

Article 10

Authorized institutions designated by the Parties in charge of implementing this Agreement:

REPUBLIC OF TURKEY

- Ministry of Culture and Tourism
General Directorate of Cultural Heritage and Museums

REPUBLIC OF BULGARIA

- Ministry of Culture

Article 11

The Parties shall establish a consultation mechanism which will work on a regular basis in order to resolve any differences arising from either the implementation of this Agreement or the application of the internal legislation of the parties.

Article 12

The Parties agree to the following provisions concerning the entry into force of this Agreement:

1. This Agreement shall enter into force on the date of the receipt of the second diplomatic note by which the Parties shall notify each other that all requirements of their national legislation have been complied with.
2. This Agreement may only be amended with the mutual consent of the Parties. Such amendments shall enter into force in accordance with Paragraph 1 of this Article.
3. This Agreement shall be executed for a term of one years. Its validity shall be automatically extended for each subsequent 1 (one) -year period on condition that none of the Parties denounces it by written notice not later than 6 (six) months prior to the expiry of the term of its validity.
4. No provisions of this Agreement shall affect rights and obligations of the Parties under other international agreements to which they are Parties.

Signed in in İstanbul on 28 August 2012 in two original copies, each of them in Turkish, Bulgarian and English languages, all of the texts being equally authentic. In the event of differences in interpretation, the English text shall prevail.

**FOR THE GOVERNMENT OF
THE REPUBLIC OF TURKEY:**

**FOR THE GOVERNMENT OF
THE REPUBLIC OF BULGARIA:**

**MINISTER OF CULTURE
AND TOURISM**

Ertuğrul GÜNAY

MINISTER OF CULTURE

Vezhdi RASHIDOV