



# FAQ – Frequently asked questions regarding the application of the CPTA

## A. General information: import, export and transit of cultural property

The Federal Act on the International Transfer of Cultural Property (CPTA, SR 444.1) and its associated implementing Ordinance (CPTO, SR 444.11) entered into force on 1 June 2005. They implement the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (UNESCO Convention of 1970, SR 0.444.1) and the UNESCO Convention on the Protection of the Underwater Cultural Heritage (UNESCO Convention of 2001, SR 0.444.2) in Swiss federal law.

The CPTA regulates the import of cultural property into Switzerland, its transit and export as well as its repatriation from Switzerland. With this Act, the Swiss Confederation aims to make a contribution to the maintenance of the cultural heritage of mankind and prevent theft, looting, and illicit import and export of cultural property (Art. 1 CPTA).

**Cultural property must be specifically declared as such at Swiss customs when imported, exported or in transit (Art. 4a CPTA). The deposit of cultural property at a customs storage facility (duty-free warehouses or open customs warehouses OCW) is also deemed an import within the meaning of the CPTA (Art. 19 para. 3 CPTA) is announced with the declaration for storage.** Furthermore, the warehouse keeper is required to take inventory of all cultural properties stored in the warehouse (Art. 56 and 66 Customs Act, CustA, SR 631.0; Art. 182 ff. Customs Ordinance, CustO, SR 631.01; Art. 47 and 48 CustA-FOCBS).

Whoever imports, transits or exports cultural property within the meaning of Art. 2 para. 1 CPTA must declare it at Swiss customs and provide the following information (Art. 4a CPTA and Art. 25 CPTO):

- the **type of object**;
- as detailed a description as possible on the **place of manufacture**, or if the result of archaeological or palaeontological excavations, the **place where the cultural property was found**;
- whether the object was exported from a contracting state (UNESCO Convention of 1970) whose laws require a **permit** for an export. If so, the export permit, must be presented to the Swiss customs authority.

In **customs assessment procedures**, the “**principle of self-declaration**” applies, according to which the person subject to the declaration obligation bears responsibility for the lawful and accurate declaration of the movement of goods across borders (Art. 18, 21, 25 and 26 CustA). That means the person subject to the declaration obligation **must review each object individually** under his or her own legal responsibility **to determine whether it is cultural property**.

Swiss customs control the import, the transit and export of cultural property at the Swiss border. Customs clearance (applicable forms, tariff number, etc.) is carried out in accordance with the provisions of federal customs legislation (Art. 19 CPTA and Art. 23 CPTO).



**Missing or wrong declaration of cultural property at customs as well as an illicit import, transit or export of cultural property is punishable by law (Art. 24 CPTA).**

## B. FAQ – Frequently asked questions

### 1. What is the definition of “cultural property”?

All rights and obligations stemming from the Federal Act on the International Transfer of Cultural Property are based on the definition of cultural property given in Art. 2, para. 1 CPTA:

*“Cultural property means property that is important on religious or secular grounds to archaeology, pre-history, history, literature, art or science and which belongs to one of the categories specified in Article 1 of the 1970 UNESCO Convention or Article 1 paragraph 1 letter a of the 2001 UNESCO Convention.”*

The following checklist helps to determine whether an object is deemed cultural property. The checklist should be completed according to the principle of self-declaration. Questions I and II must be answered.

**If at least one of the sections under Question I and under Question II are answered “yes”, the object is cultural property.**

I. Does the object belong to one of the categories listed in the 1970 UNESCO Convention (art. 1) or the 2001 UNESCO Convention (art. 1 para. 1 let. a)?	Yes	No
• rare collections and specimens of fauna, flora, minerals and anatomy as well as objects of palaeontological interest	<input type="checkbox"/>	<input type="checkbox"/>
• property relating to history, including the history of science and technology, military and society history, to the life of national leaders, thinkers, scientists and artists and to events of national importance	<input type="checkbox"/>	<input type="checkbox"/>
• products of archaeological excavations (including regular and clandestine) or of archaeological discoveries	<input type="checkbox"/>	<input type="checkbox"/>
• elements of artistic or historical monuments or archaeological sites which have been dismembered	<input type="checkbox"/>	<input type="checkbox"/>
• antiquities more than one hundred years old, such as inscriptions, coins and engraved seals	<input type="checkbox"/>	<input type="checkbox"/>
• objects of ethnological interest	<input type="checkbox"/>	<input type="checkbox"/>
• property of artistic interest such as: pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand); original works of statuary art and sculpture in any material; original engravings, prints and lithographs; originals of artistic assemblages and montages in any material	<input type="checkbox"/>	<input type="checkbox"/>
• rare manuscripts, incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections	<input type="checkbox"/>	<input type="checkbox"/>
• postage, revenue and similar stamps, singly or in collections	<input type="checkbox"/>	<input type="checkbox"/>
• archives, including sound, photographic and cinematographic archives	<input type="checkbox"/>	<input type="checkbox"/>
• articles of furniture more than one hundred years old and old musical instruments	<input type="checkbox"/>	<input type="checkbox"/>
• traces of human existence of a cultural, historical or archaeological nature which have been partially or totally under water, periodically or continuously, for at least 100 years (e.g. artefacts, human remains)	<input type="checkbox"/>	<input type="checkbox"/>

Not  
cultural  
property

II. Is the object significant for one of the areas listed in Art. 2 para. 1 CPTA?	Yes	No
• archaeology	<input type="checkbox"/>	<input type="checkbox"/>
• pre-history	<input type="checkbox"/>	<input type="checkbox"/>
• history	<input type="checkbox"/>	<input type="checkbox"/>
• literature	<input type="checkbox"/>	<input type="checkbox"/>
• art	<input type="checkbox"/>	<input type="checkbox"/>
• science	<input type="checkbox"/>	<input type="checkbox"/>

Cultural  
property

Not  
cultural  
property

## 2. When is an object “significant” within the meaning of Art. 2 para. 1 CPTA?

Whether property is significant under Art. 2 para. 1 CPTA cannot be determined in a general sense but is rather determined on a case-by-case basis.

An object is furthermore deemed significant if:

- it is exhibited or worthy of exhibiting in a museum;
- its loss would represent a loss to the cultural heritage;
- it is of public interest;
- it is relatively rare;
- it is mentioned in specialised literature.

In general, archaeological objects are considered as significant. According to the Federal Council dispatch regarding the implementation of the CPTA it was also determined that **archaeological objects are generally regarded as significant**. Especially, as architectural objects are often subject to looting and illicit import and export (FF 2002 505, p. 542).



**Archaeological cultural property must therefore be declared as such at the Swiss border.** Since entry into force of the CPTA on 1 June 2005, this practice has been confirmed by numerous judicial decisions.






## 3. Are there examples of objects that have been deemed cultural property?

Yes, the following link provides examples of cultural property:

<https://www.bak.admin.ch/bak/en/home/cultural-heritage/transfer-of-cultural-property/what-is-considered-cultural-property-under-the-federal-act-on-th.html>

The following chart shows a selection of objects which have been treated as cultural property by judicial decisions; these objects were confiscated and returned to the country of origin.

Image of object	Description	Origin	Restitution
	Terracotta sculpture depicting a pregnant female canid ( <i>Colima Pottery Dog Form Vessel</i> ) Pre-Columbian 300 B.C. - 600 A.D. Dimensions: 27.5 x 14 x 17 cm	Mexico	23.11.2022
	Terracotta incense burner, probably representing a seated deity ( <i>Easter Nahua Pottery Deity Effigy Censer (Xantil)</i> ) Pre-Columbian 1300 - 1500 A.D. Dimensions: 16 x 9.7 x 27.5 cm	Mexico	23.11.2022

	<p>Byzantine solidus, 7th century CE and sesterce of Diva Faustina, 2nd century CE</p>	<p>Serbia</p>	<p>23.04.2017</p>
	<p>Jug, balsa-wood vessel, bowl with base and fragment of a female torso of terracotta, 6th century BCE, Magna Grecia</p>	<p>Italy</p>	<p>11.07.2016</p>
	<p>Head of a king, Ancient Egypt, New Kingdom, 18th–19th Dynasty Dimensions: 23 X 23 X 31 cm Chalk sculpture</p>	<p>Egypt</p>	<p>01.06.2015</p>
	<p>Two Mesopotamian cuneiform tablets, 3rd to 1st century BCE Dimensions: 4.5 X 4.5 cm and 3.2 X 3.2 cm</p>	<p>Iraq</p>	<p>23.11.2015</p>
	<p>Terracotta statue from the Han Dynasty, around 200 BCE Dimensions: H 47 cm</p>	<p>China</p>	<p>11.12.2014</p>

#### **4. Does the FOC provide an expert opinion on whether an object is cultural property and must be declared?**

The Specialised Body for the International Transfer of Cultural Property provides information on issues of the transfer of cultural property to interested parties (Art. 18 CPTA). It can provide general information on the provisions of the Cultural Property Transfer Act; it does not, however, offer advice on declaring individual objects. In customs assessment procedures, the “principle of self-declaration” applies, according to which the person subject to the declaration obligation bears responsibility for the lawful and accurate declaration of the movement of goods across borders (Art. 25 ff. CustA).

#### **5. Does the FOC provide an expert opinion on the financial value of cultural property?**

To determine the financial value of cultural property, a private expert must be consulted. The Specialised Body for the International Transfer of Cultural Property provides no expert opinions.

#### **6. What is the definition of the terms: origin, provenance, dispatching country, export country etc.?**

The meaning of these terms depends on the context in which they are used. An absolute definition for the expressions is therefore not always possible. The following chart, however, offers a frame of reference for using the terms (list not conclusive).

<b>Context</b>	<b>Usage</b>
CPTO	According to CPTO, origin or provenance of cultural property is, in principle, the place an object was manufactured or found.
Customs offices	In customs declaration, a difference is made between the terms “origin” and “dispatching country”. Origin refers to the country where an object was entirely obtained or manufactured or where its last significant processing took place. Dispatching country refers to the country from which an object was sent to the Swiss customs territory (art. 10 “Verordnung über die Statistik des Aussenhandels”, SR 632.14)
Museums	Within the context of museums, “origin” refers to the provenance, which also describes the ownership of an object (cf. ICOM Code of Ethics for Museums): <a href="https://icom.museum/wp-content/uploads/2018/07/ICOM-code-En-web.pdf">https://icom.museum/wp-content/uploads/2018/07/ICOM-code-En-web.pdf</a> )

Note: The definition of a term may also differ according to the language used. For instance, the German term “Provenienz” and the French term “provenance” may be translated or described differently.

## 7.1 What “statistical key” should be used when registering cultural property at customs for import?

911	If an object is exported <b>from a signatory state</b> of the UNESCO Convention of 1970 (see link below*) <b>and this country requires an export permit.</b>
912	If an object is exported <b>from a signatory state</b> of the UNESCO Convention of 1970 (see link below*) <b>and this country does not require an export permit.</b>
913	If an object is exported from a state that is not a signatory of the UNESCO Convention of 1970.

\*The current list of states having ratified the UNESCO 1970 convention can be found via this link:

[www.unesco.org/eri/la/convention.asp?order=alpha&language=F&KO=13039%20](http://www.unesco.org/eri/la/convention.asp?order=alpha&language=F&KO=13039%20)

[www.admin.ch/opc/de/classified-compilation/20012311/index.html](http://www.admin.ch/opc/de/classified-compilation/20012311/index.html)

## 7.2. What “statistical key” should be used when registering cultural property at customs for export?

911	entered in the <b>Federal Registry</b> or in <b>Cantonal Registries</b> and <b>requiring authorisation</b>
912	If the object is listed in the <b>annexes of a bilateral agreement.</b>
913	Other (cultural property not requiring authorisation)

The Federal Registry can be viewed here:

<https://www.bak.admin.ch/bak/en/home/cultural-heritage/transfer-of-cultural-property/federal-registry.html>

The current existing cantonal registries can be viewed here:

<https://www.bak.admin.ch/bak/en/home/cultural-heritage/transfer-of-cultural-property/federal-registry.html>

The current list of all bilateral partners as well as the annexes to the bilateral agreements can be viewed here: <https://www.bak.admin.ch/bak/en/home/cultural-heritage/transfer-of-cultural-property/bilateral-agreements.html>

## 8. Can the FOC provide information about an object that has been provisionally seized at customs, in adherence with CPTA?

The FOC is not competent to provide any information regarding such cases. The customs authorities are authorised to provisionally seize suspect cultural property during import, transit and export (art. 19 CPTA and art. 104 CustA). In such cases, the competent customs office informs the person subject to the declaration obligation that the shipment in question is suspect cultural property (possible breach of the CPTA), and that inquiries within the authorities will be made. Further information cannot be provided until these inquiries have been completed – not even about the duration of the seizure.



## 9. When importing an object into Switzerland, is there a requirement to present the export permit issued by the foreign country?

The requirement to **present an export permit** applies for all dispatching countries that have concluded a **bilateral agreement** with Switzerland and that provide for such an export permit in their national legislation (Art. 7 CPTA, Art. 24, para. 3 CPTO). The person subject to the declaration obligation must determine with the responsible authorities of the dispatching country under the principle of self-declaration whether an export permit is required. If no export permit can be presented, the planned import is illegal (Art. 24 para. 1, letter c CPTA).

Bilateral agreements concluded by Switzerland*		
Country	Date of signing	Entry into force
Türkiye	15 Nov 2022	04 May 2023
Mexico	24 Aug 2017	25 Jul 2018
Peru	12 Jul 2016	19 Oct 2016
China	16 Aug 2013	8 Jan 2014
Cyprus	11 Jan 2013	15 Feb 2014
Egypt	14 Oct 2010	20 Feb 2011
Colombia	1 Feb 2010	4 Aug 2011
Greece	15 May 2007	13 Apr 2011
Italy	20 Oct 2006	27 Apr 2008

\*Further information on bilateral agreements is available at the website of the Federal Office of Culture: [www.bak.admin.ch/kgf](http://www.bak.admin.ch/kgf) > Bilateral agreements

## 10. When exporting an object, is there a requirement to present an export permit authorised by the Swiss Confederation?

Only those objects listed in the Federal Registry for Cultural Property require a permit for a temporary export out of Switzerland. The Specialised Body for the International Transfer of Cultural Property issues this permit (Art. 5 CPTA). This applies exclusively to cultural property owned by the Swiss Confederation. You can access the Federal Registry at the following link:

<https://www.bak.admin.ch/bak/en/home/cultural-heritage/transfer-of-cultural-property/federal-registry.html>

## 11. When exporting an object, is there a requirement to present an export permit issued by a Swiss cantonal authority?

In some cases, cantonal law limiting the export of cultural property may apply; as a rule, however, such law is not applicable regarding foreign cultural property. The **cantonal authority in question** is responsible for answering this question (e.g. if the object is listed in the canton's registry of cultural property).

Further information on the current existing cantonal registers is also provided on the FOC page: <https://www.bak.admin.ch/bak/en/home/cultural-heritage/transfer-of-cultural-property/federal-registry.html>

## **12. Are there special rules regarding cultural property from Iraq or Syria?**

Yes, based on Art. 2 of the Federal Act of 22 March 2002 on the Implementation of International Sanctions (Embargo Act, SR 946.231), the Swiss Federal Council issued two ordinances specifying measures vis-à-vis these two countries:

### **Iraq**

Article 1a of the Ordinance on Economic Measures against the Republic of Iraq dated 7 August 1990 (SR 946.206) states that:

- The following acts are prohibited: the import, export and transit as well as the sale, distribution, marketing, purchase and other form of transfer of Iraqi cultural property that was stolen, otherwise unaccounted for (without permission of the owner) or illicitly exported out of the Republic of Iraq after 2 August 1990.
- The illicit export of cultural property is presumed if there is documentation verifying that the property was located in the Republic of Iraq after 2 August 1990.

### **Syria**

Article 9a of the Ordinance on Measures against Syria dated 08 June 2012 (SR 946.231.172.7) states that:

- The following acts are prohibited: the import, export and transit as well as the sale, distribution, marketing and purchase of Syrian cultural property as well as objects of archaeological, historical, cultural, religious or scholarly significance, in particular objects defined in Appendix 9, if just cause exists to assume that the objects:
  - were stolen or reported missing by the lawful owner;
  - illicitly exported from Syria, in particular, if the objects are listed in the inventories of public Syrian collections, Syrian museums, archives, libraries or religious institutions.
- This ban does not apply if the following can be proven:
  - the cultural property was exported from Syria before 15 March 2011;
  - the safe return of the cultural property to the legal owner in Syria can be guaranteed.

## **13. Where can I find additional information about the customs requirements (forms etc.)?**

Federal Office for Customs and Border Security (FOCBS)

Customs Information Office

Contact form: <https://www.kontakt-formular.bazg.admin.ch/home>

Phone: +41 58 467 15 15

[www.bazg.admin.ch](http://www.bazg.admin.ch) > Information for private individuals> Bans, restrictions and authorisations> Transfer of cultural property



#### 14. Where can I learn more about CPTA?

Federal Office of Culture (FOC)

Museums and collections

**Specialised Body for the International Transfer of Cultural Property**

Email: [kgt@bak.admin.ch](mailto:kgt@bak.admin.ch)

Phone: +41 58 462 03 25

[www.bak.admin.ch/kgt](http://www.bak.admin.ch/kgt)