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To whom it may concern

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The meaning of the right to dispose pursuant to Art. 16, para. 2, letter a, Federal Act on the Transfer of Cultural Property (Cultural Property Transfer Act, CPTA)

Esteemed ladies and gentlemen

Under Swiss legislation, art dealers and auction houses must comply with various duties of diligence for the sale of cultural property. The duties are set forth in the Swiss Cultural Property Transfer Act and apply as well to purchases abroad to the extent the cultural property will be subsequently offered for sale in Switzerland.

A requirement to obtain a so-called right to dispose is one of the duties of diligence expressly provided for under the Cultural Property Transfer Act. In the past, Swiss art dealers and auction houses have experienced some difficulties on a case-by-case basis as part of a foreign purchase, as foreign sellers were not ready to simply sign a right to dispose. These difficulties are primarily due to uncertainties relating to the significance of the right to dispose.

To avoid future difficulties, we gladly confirm that the signatory of the right to dispose solely confirms that he or she is the owner of the cultural property or is acting with the consent of the owner. If the seller is a foreign auction house, the auction house's customer (supplier) is not required to sign the right to dispose. It suffices for the foreign auction house to sign the right to dispose.

Sincerely,

Dr. Andrea F. G. Raschèr
Head of the Office for Legal and International Issues