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**LAW OF THE REPUBLIC OF ARMENIA
“ON EXPORT AND IMPORT OF CULTURAL PROPERTY”**

LAW

OF THE REPUBLIC OF ARMENIA

Adopted on 6 December 2004

“ON EXPORT AND IMPORT OF CULTURAL PROPERTY”

CHAPTER 1

GENERAL PROVISIONS

Article 1. The field of regulation of the Law on Export and Import of Cultural Property

This Law shall regulate the relations arising in the course of export and import of cultural property, including prevention of illegal export and import of cultural

property and the protection of the ownership of the mentioned property, the issues of preservation of the cultural property of the Republic of Armenia, international cultural cooperation, cultural communication of the people of the Republic of Armenia and that of other states, as well as shall define the rights and responsibilities of natural and legal persons in that field, including the competences of state authorities.

Article 2. Legislation of the Republic of Armenia on export and import of cultural property

The legislation on export and import of cultural property shall be regulated by the Constitution of the Republic of Armenia, this Law, international agreements of the Republic of Armenia, other laws and legal acts.

Where international agreements of the Republic of Armenia prescribe rules other than those provided for by this Law, the rules of the international agreements shall prevail.

Article 3. Main terms used in this Law

The following main terms shall be used in this Law:

cultural heritage — cultural property considered to be the product of human activities and objects of cultural importance;

cultural property — objects and compositions considered to be products of human activities which, irrespective of the time of their creation, have a great archaeological, ethnographic, historical, religious, artistic and scientific importance;

cultural artefacts — objects considered to be products of human activities, including objects of serial or mass production, as well as compositions which, irrespective of the time of their creation, do not have a cultural importance;

objects of serial production — products produced systematically or in batches;

objects of mass production — products produced in an industrial manner;

expert examination of cultural property — culturological and artological study conducted as prescribed by legislation based on which an expert opinion is issued as to whether or not an object is considered to be a cultural property

certificate of the right of export or temporary export of a cultural property (permitting document) — a document issued by a state authorised body certifying the right of export or temporary export of a cultural property;

collection of cultural properties — a group of homogeneous objects or heterogeneous objects selected according to a specific feature which, irrespective of the cultural value of each object in it, has an important archaeological, ethnographic, historical, religious, artistic and scientific importance as a whole;

preservation list of cultural properties — a register of cultural properties registered at public storage facilities as well as of those not being state owned and preserved by the state in private storage facilities.

This property may be registered in the preservation list of cultural properties only upon the wish of the owner.

List of cultural properties of particular significance to the cultural heritage of the Republic of Armenia — property of exceptional importance to the cultural heritage.

(Article 3 amended by HO-201-N of 17 November 2017)

Article 4. Types of cultural properties

This Law shall apply to the following types of cultural properties:

- (1) historical objects, including those of memorable events relating to the life of the nation, the development of the society and the state, the history of science and engineering, as well as those relating to the life and activities of outstanding people (statesmen, political, public, cultural figures, national heroes); family relics;

- (2) relics discovered as a result of archaeological studies and excavations, as well as objects of historical-archaeological interest discovered during earthworks, construction, soil amelioration and other works;
- (3) artistic property, including:
 - (a) totally or partially hand-made images and pictures made by any means and of any materials;
 - (b) sculptures made of any material;
 - (c) artistic designs and combined structures (erections) made of any material;
 - (d) artistically designed objects of worship, including icons;
 - (e) carvings, reprints of engravings, lithographic prints and other imprints of them;
 - (f) works of applied art, including artistic objects made of glass, clay, wood, iron, bone, fabric and other materials;
 - (g) works of traditional national crafts;
- (4) fragments and pieces of historical and artistic, as well as literary monuments;
- (5) fragments and pieces of monuments of literary (handwritten and printed), historical or cultic interest;
- (6) antique books either separate or in collection; documents;
- (7) rare manuscripts and documentary monuments; archives, including sound, video, photo and film archives;
- (8) musical instruments;
- (9) postal stamps either separate or in collection; other stamp materials;
- (10) antique objects — tools, ceramic items, inscriptions, coins, orders, medals, seals, weapons as well as other objects envisaged for a collection;

- (11) botanical, zoological and geological collections and specimen; objects of mineralogical, anatomical and archaeological interest;
- (12) furniture, Gobelin tapestries, rugs, carpets, national costumes;
- (13) ethnographic, anthropological materials and unpublished collections of folkloric materials; antique prints;
- (14) fragments and pieces of monuments of architectural and monumental art;
- (15) other objects, including copies of other historical, artistic, scientific or cultural value which are under state protection as historical and cultural monuments.

Article 5. Prohibition and restriction of export of cultural property

1. Export from the territory of the Republic of Armenia of cultural property of particular significance to the cultural heritage shall be prohibited, irrespective of the time of its creation or ownership.
2. The cultural property which is registered or is subject to be registered in the preservation list of cultural property shall be subject to export only where the Republic of Armenia does not enjoy — within a one-month period — the preferential right to acquire them.
3. Export of cultural property permanently preserved at public storage facilities of the Republic of Armenia — museums, archives, libraries — shall be prohibited, except for the cases of temporary export.

Article 6. Return of illegally exported or imported cultural property

Cultural property illegally exported from or imported into the territory of the Republic of Armenia shall be subject to return as prescribed by the legislation of the Republic of Armenia.

CHAPTER 2

PUBLIC ADMINISTRATION OF EXPORT AND IMPORT OF CULTURAL PROPERTY

Article 7. The competencies of the Government of the Republic of Armenia in the field of export and import of cultural property

1. The Government of the Republic of Armenia shall:
 - (1) define the list of cultural property of particular significance to the cultural heritage of the Republic of Armenia the export and temporary export of which from the territory of the Republic of Armenia is prohibited;
 - (2) establish the procedure and criteria for registering the non-state owned cultural property in the preservation list of cultural property of particular significance on a voluntary basis;
 - (3) approve the list of the authors passed away in the last 50 years whose works may be exported from the territory of the Republic of Armenia only on the basis of the certificate on the right of export or temporary export of cultural property (permitting document);
 - (4) approve the procedure and criteria for conducting an artological and culturological expert examination provided for by this Law;
 - (5) approve the form and procedure of issuing the certificate on the right of export or temporary export of a cultural property;
 - (6) establish the procedure for disposing the confiscated cultural property;
 - (6.1) approve the procedure and criteria for accreditation of the specialists conducting expert examination of cultural property provided for by this Law;

- (7) exercise other powers provided for by law.

(Article 7 supplemented by HO-97-N of 24 May 2005, HO-229-N of 08 December 2010, amended by HO-201-N of 17 November 2017)

Article 8. The state body authorised by the Government to regulate the export and import of cultural property

1. The state authorised body shall:
 - (1) develop drafts of legal acts ensuring the preservation of cultural heritage as well as preventing illegal export and import of cultural property;
 - (2) take measures to identify national cultural property located in the territory of other states and draw up a register for recording that property;
 - (3) adopt a decision on the export or temporary export of cultural property;
 - (4) issue a certificate of the right of export or temporary export of a cultural property;
 - (4¹) draw up a list of the authors passed away in the last 50 years whose works may be exported from the Republic of Armenia only on the basis of the certificate of the right of export or temporary export of a cultural property;
 - (4²) draw up a list of cultural property of particular significance to the cultural heritage of the Republic of Armenia the export and temporary export of which from the territory of the Republic of Armenia is prohibited;
 - (4³) draw up a preservation list of non-state owned cultural property;
 - (5) approve the list of the cultural property subject to restriction for transfer across the customs territory of the Republic of Armenia, including documents of national archival funds, original copies of archival documents;

- (5.1) certify the authenticity of cultural property and cultural artefacts subject to export without restrictions declared for export or temporary export on the reverse side of their photos upon the wish of the applicant;
- (6) circulate information in the Republic of Armenia and outside its borders on the evidence of disappearance, loss or stealing of cultural property;
- (7) take measures — as prescribed by the law of the Republic of Armenia and international agreements of the Republic of Armenia — to restore the rights of the owners of cultural property in the events of illegal export or import of a cultural property and the transfer of right of ownership in that property;
- (8) contribute to the formation and development of scientific and technical establishments (museums, libraries, archives, laboratories, studios) for the benefit of the preservation and publicization of cultural property;
- (9) adopt decisions on permanent hand-over of confiscated cultural property to public museums, libraries or archives as prescribed by the legislation of the Republic of Armenia,
- (10) submit a proposal on the exercise of the right of purchase by the state of cultural property owned by legal and natural persons;
- (11) record temporarily exported state-owned cultural property, as well as cultural property registered or subject to be registered in the preservation list of cultural property, and take measures for returning the property not returned within the established time period;
- (12) keep the statistics of exported, temporarily exported and imported cultural property;
- (13) state the authenticity of temporarily exported cultural property or those returned from temporary export;

- (14) establish the procedure for identification of the cultural property returned from temporary export;
 - (15) exercise other powers provided for by the legislation.
2. Other state bodies shall exercise the control over import and export of cultural property within the scope of competencies reserved to them by laws of the Republic of Armenia and in the manner and cases prescribed by Law.

(Article 8 supplemented by HO-97-N of 24 May 2005, amended, edited and supplemented by HO-201-N of 17 November 2017)

CHAPTER 3

THE PROCEDURE FOR EXPORT AND IMPORT OF CULTURAL PROPERTY

Article 9. Export of cultural property and cultural artefacts in a simplified procedure

1. The cultural property and cultural artefacts subject to export without restrictions shall be exported in a simplified procedure without a certificate of the right of export (permitting document) or without a photo certified with the seal of the authorised state body, except for the cases provided for in part 1 of Article 5 of this Law and the works of the authors having passed away and who are included in the list approved by the Government of the Republic of Armenia.
2. The provisions of part 1 of this Article shall not apply to undated and unsigned works of fine and decorative-applied arts, as well as to undated cultural artefacts.

(Article 9 edited by HO-201-N of 17 November 2017)

Article 10. Expert examination of cultural property

1. The exported or temporarily exported cultural property shall be subject to mandatory expert examination, except for the cases provided for in point 1 of part 1 of Article 9 of this Law.
2. The expert examination shall be conducted by specialists accredited by the authorised state bodies.

The process of accreditation of specialists conducting expert examination of cultural property shall be carried out in accordance with the procedure prescribed by the Government of the Republic of Armenia.

3. The results of the expert examination may be appealed against through judicial procedure.

(Article 10 edited by HO-229-N of 8 December 2010)

Article 11. The decisions of the authorised state body on export of the non-state owned cultural property and the procedure for export

1. The authorised state body shall, based on the expert opinion and in accordance with this Law, adopt one of the below-mentioned decisions on the objects submitted for export:
 - (1) the object is classified as cultural property provided for in part 1 of Article 5 of this Law and shall not be subject to export;
 - (2) the object is registered or is subject to registration in the list of preservation of the cultural property and is subject to export, except for the cases provided for in part 2 of Article 5 of this Law;
 - (3) the object is considered as a cultural property which can be exported based on the certificate of the right of export (permitting document);

- (4) the object is considered as a cultural property which can be exported without a certificate of the right of export (permitting document);
 - (5) the item is not considered as a cultural property which can be exported.
2. In the cases provided for in point 2 of part 1 of this Article, the cultural property registered or subject to registration in the preservation list of cultural property shall be subject to export where the Republic of Armenia does not enjoy — within one month following the submission of the application by the owner — the preferential right to acquire the cultural property.
 3. In the cases provided for in points 4 and 5 of part 1 of this Article, the authorised state body shall certify the authenticity of the relevant cultural property or the cultural artefact by a seal on the reverse side of the photo.

(paragraph repealed by HO-201-N of 17 November 2017)

No state duty or other fee shall be charged for certification of the photo.

4. The certificate of the right of export (temporary export) of the cultural property (permitting document) shall be issued within two days following the submission of the application, except for the cases provided for in part 6 of this Article,
5. In the cases provided for by this Law, the authorised state body shall certify the photo of the cultural property or the cultural artefact with a seal within one day except for the cases provided for in part 6 of this Article.
6. Where a cultural property in search is submitted for export, the authorised state body shall be obliged to inform the law enforcement bodies thereon.

(Article 11 amended by HO-201-N of 17 November 2017)

Article 12. Temporary export of non-state owned cultural property

1. The application for the export of the non-state owned cultural property registered or subject to registration in the preservation list of cultural property

shall be submitted to the authorised state body by the owner of the given cultural property or the person authorised thereby.

The expert opinion on the cultural property shall be attached to the application.

2. The temporary export of the cultural property referred to in part 1 of this Article based on the certificate of the right of export (permitting document) shall be permitted for the maximum period of time provided for by the Customs Code of the Republic of Armenia for the temporary export of the cultural property.

The failure to return the cultural property within the established time period shall be considered as illegal export of the cultural property.

3. The temporary export of other non-state owned cultural property subject to export shall be carried out as prescribed by customs legislation.

(Article 12 amended by HO-201-N of 17 November 2017)

Article 13. Temporary export of state-owned cultural property

1. Temporary export of cultural property by public museums, archives, libraries or other public storage facilities shall be carried out with the purpose of organising exhibitions, performing restoration works and scientific researches, theatrical, concert and other artistic activities.
2. The decision on temporary export of cultural property permanently preserved in public museums, archives, libraries, other state storage facilities shall be adopted by the authorised state body under the subordination of which the organisation submitting an application is.
3. The following documents shall be attached to the application:
 - (1) copy of the contract concluded with the receiving party on the objectives and terms of temporary export of the cultural property;

- (2) documents confirming the insurance of temporarily exported cultural property, which shall cover all the cases of risk or the document on state guarantee providing the financial coverage of all the risks submitted by the country receiving the cultural property;
 - (3) guarantees provided by the receiving organisation or the authorised body of the receiving state, approved by a document on preservation and return of the temporarily exported cultural property;
 - (4) data on the cultural property in the registration book of the public storage facility and the record on the possibility to transport;
 - (5) copy of the decision of the authorised state body provided for by part 2 of this Article.
4. The temporarily exported cultural property may not be used as a means to repay the debt or collateral. Besides, no transactions on the sale of the temporarily exported cultural property may be made.
 5. The certificate of the right of temporary export of the state-owned cultural property (permitting document) shall be issued within two days following the submission of the application.

(Article 13 amended by HO-201-N of 17 November 2017)

Article 14. Rejecting the application for temporary export of the state-owned cultural property

The application for temporary export of the state-owned cultural property shall be rejected where:

- (1) part 1 of Article 5 of this Law applies to the cultural property submitted for temporary export;

- (2) based on the expert opinion the condition of the cultural property submitted for temporary export does not allow to change its preservation conditions;
- (3) the cultural value is under attachment;
- (4) the destination country of the temporary export of the cultural property is experiencing a natural disaster, armed conflicts or other situations hindering the preservation of the cultural property;
- (5) documents provided for in part 3 of Article 13 of this Law have not been submitted.

Article 15. Diplomatic protection of temporarily exported cultural property

Diplomatic services and consulates of the Republic of Armenia in foreign states shall, within the competencies prescribed thereto by the law and international agreements, ensure the diplomatic protection of cultural property temporarily exported from the Republic of Armenia.

Article 16. The procedure for import and temporary import of cultural property

1. Cultural property shall be subject to import as prescribed by the customs legislation of the Republic of Armenia.
2. The temporary import of cultural property shall be carried out as prescribed by the Government of the Republic of Armenia.
3. The customs control in the process of temporary import of cultural property shall be performed provided the photo of the cultural property concerned is available.

The requirements to the photos shall be established by the authorized state body.

4. The procedure for giving a state guarantee providing a financial coverage of all the risks to the cultural property temporarily imported to the Republic of Armenia provided for by international agreements shall be approved by the Government of the Republic of Armenia.

Article 17. State duties related to the export of cultural property

A state duty shall be charged for issuing a certificate of the right of export or temporary export of cultural property (permitting document) in the procedure and the amount prescribed by law.

(Article 17 amended by HO-201-N of 17 November 2017)

Article 18. Export and import of weapons considered as cultural property

Export and import of different weapons of historical, artistic, scientific and cultural value shall be regulated by the Law of the Republic of Armenia "On Weapon".

Article 19. Export and import of cultural property by persons enjoying diplomatic immunity

The procedure for export and export of cultural property established by this Law shall apply also to persons enjoying diplomatic immunity.

CHAPTER 4

RIGHT OF OWNERSHIP TO THE CULTURAL PROPERTY

Article 20. Acquisition by the state of cultural property submitted for export

1. The authorised state body shall — based on the expert opinion — submit a proposal to the exporter on acquisition of cultural property registered or subject to registration in preservation list.
2. The price for the cultural property subject to acquisition shall be established based on the market (reasonable) price.

Disputes on the price of the cultural property acquired by the state shall be resolved through a judicial procedure.

3. The decision on acquisition of the cultural property by the state shall be adopted by the Government of the Republic of Armenia upon recommendation of the authorised state body.
4. The authorised state body shall submit to the Government of the Republic of Armenia a proposal on transferring or depositing the acquired cultural property to the relevant public museum, archive, library fund or other public storage facility.

Article 21. Prevention by public storage facilities of the acquisition of cultural property exported illegally or stolen or received from other states in other illegal ways

With the purpose of preventing the acquisition of cultural property exported illegally or stolen or received in other illegal ways from other states, the public museums, archives, libraries, other storages of cultural property shall be obliged to take

necessary measures to obtain information on the ownership of these cultural properties.

Article 22. Reclaiming the cultural property from the unlawful possessor

1. Where the cultural property, irrespective of ownership, is taken out of the territory of the Republic of Armenia, the authorised state body shall be obliged to apply to the law-enforcement bodies in accordance with the legislation of the Republic of Armenia and international agreements of the Republic of Armenia and reclaim these cultural properties from the persons possessing them.
2. The authorised state body shall, within its competencies, support the lawful possessors when they submit a claim to the courts of foreign countries for reclamation of the cultural property from unlawful possessors in accordance with the internal legislation of those countries. In this case the returned cultural property is exempt from the mandatory fees provided for by laws of the Republic of Armenia.

Article 23. The rights of the bona fide purchaser of a cultural property

1. The cultural property illegally imported to the Republic of Armenia, as well as those stolen or lost, shall be subject to returning to its lawful owner through a judicial procedure with compensating the expenses of the bona fide purchaser where the request for the return is submitted by a state being a party to the same international agreement as the Republic of Armenia, and this international agreement provides for a compensation fee, or if this fee is provided for by reciprocity conditions.
2. According to part 1 of this Article, the returned cultural property shall be exempt from custom and other mandatory fees provided for by law. All expenses relating to the return shall be borne by the requesting party.

CHAPTER 5

FINAL PROVISIONS

Article 24. Responsibility for violating the legislation on export and import of cultural property

Those violating the requirements of the legislation on export and import of cultural property shall bear the responsibility as prescribed by law.

Article 25. Cooperation aimed at preventing illegal export and import of cultural property and illegal transfer of the right of ownership in them

With the purpose of preventing illegal export and import of cultural property and illegal transfer of the right of ownership in them, as well as returning illegally exported or imported cultural property to their owners, the authorised state bodies regulating and controlling the illegal export and import of cultural property shall co-operate with the relevant bodies, services, state and non-state organisations of other states as prescribed by international agreements of the Republic of Armenia.

Article 26. Entry into force of the law

1. This Law shall enter into force from 1 January 2005.
2. The procedure and the criteria prescribed by points 2 and 4 of part 1 of Article 7 of this Law shall be defined and approved by the Republic of Armenian by 1 March 2005.
3. Before this Law enters into force, the current rules shall apply to the temporarily exported or temporarily imported cultural property.

4. The certificates of the right of export of a cultural property issued before this Law enters into force shall maintain their validity.
5. Repeal the Law of the Republic of Armenia "On Export and Import of Cultural Property" (HO-112 of 7 August 1994).

**President
of the Republic of Armenia**

R. Kocharyan

29 December 2004

Yerevan

HO-176-N