

FOC – Transfer of cultural property

1. General

1.1 Background

Legislation on the transfer of cultural property helps to preserve humanity's cultural heritage and reduces the illegal trade in cultural property. Anyone importing, exporting or transiting cultural property must state this in the customs declaration. In certain cases, a licence must also be applied for (see section 1.4/3).

1.2 Legal basis and information

- Convention of 14 November 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property ([SR 0.444.1](#))
- Cultural Property Transfer Act ([SR 444.1](#))
- Cultural Property Transfer Ordinance ([SR 444.11](#))
- [Checklist "Cultural property"](#)
- [FAQ – Frequently asked questions regarding the application of the CPTA](#)

1.3 Reference in Tares

Tariff items that are relevant from the perspective of cultural property transfer regulation contain the note "Non-customs provision: cultural property".

1.4 Definitions

Cultural property	"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.
Contracting state	"Contracting states" means states that have ratified the 1970 UNESCO Convention (current list of contracting states).

2. Information in the customs/goods declaration

Anyone importing, transiting or exporting cultural property must provide an indication in the goods declaration regarding the regulation requirement and enter the necessary details.

Control elements	<p>For cultural property under tariff headings 9701 to 9706, the correct control element must be entered:</p> <p>Import:</p> <ul style="list-style-type: none">- Cultural property that is listed in the appendices to a bilateral agreement and is imported directly from the country concerned requires a licence → control element 911- Other cultural property → control element 912 <p>Export:</p> <ul style="list-style-type: none">- Cultural property that is included in the Federal Register or a cantonal register requires a licence → control element 911- Cultural property that is listed in the appendices to a bilateral agreement → control element 912- Other cultural property → control element 913
Identification Regulation	<p>Passar:</p> <ul style="list-style-type: none">- Regulation 1 (yes)- Regulation code 801 "FOC – Cultural property (according to control element 911)" or- Regulation code 802 "FOC – Cultural property (other than control element 911)" <p>e-dec:</p> <ul style="list-style-type: none">- NZE mandatory code "yes"- NZE type code 026 "FOC – Cultural property (according to control element 911)" or

	<ul style="list-style-type: none"> - NZE type code 028 "FOC – Cultural property (other than control element 911)"
Additional details	<ul style="list-style-type: none"> - Export licence from the contracting state (as a supporting document) - Details of the place of manufacture or discovery - Type of object - Datation¹ - Dimensions²

3. Additional information

Licence requirement

Under Article 24 of the Cultural Property Transfer Ordinance (CPTO), a licence is required in the following cases:

Import	<ul style="list-style-type: none"> • Export licence from the contracting state When importing or transiting cultural property that is listed in the appendices to a bilateral agreement³ and transported directly from the country concerned to Switzerland.
Export	<ul style="list-style-type: none"> • Export licence from the FOC When temporarily exporting cultural property that is included in the Federal Register. The permanent export of such cultural property is prohibited. • Cantonal export licence When exporting cultural property that is listed in a cantonal register.

Export ban on Swiss cultural property

The permanent export of cultural property included in the Federal Register is prohibited.

¹ "before 1500 AD", "After 1500 AD" or "Unknown"

² Length, width, height, circumference

³ <https://www.bak.admin.ch/bak/en/home/cultural-heritage/transfer-of-cultural-property/bilateral-agreements.html>