

LAW OF GEORGIA

ON THE EXPORT AND IMPORT OF CULTURAL VALUABLES FROM AND TO GEORGIA

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Preamble

The purpose of this Law is to protect the cultural heritage of Georgia and the cultural valuables existing in the territory of Georgia from their illegal export and from conducting unauthorised archaeological excavations.

The Law shall promote the consolidation of cultural relations between the Georgian people and people of other countries and their familiarisation with cultural valuables, shall ensure the protection and return of cultural valuables that have been temporarily imported to and exported from Georgia by natural and legal persons from Georgia and foreign countries.

Chapter I – General Provisions

Article 1 – Legislation of Georgia in the field of export and import of cultural valuables from and to Georgia

1. The legislation of Georgia in the field of export and import of cultural valuables from and to Georgia comprises the Constitution of Georgia, the international treaties and agreements of Georgia, this Law, and other normative acts of Georgia.
2. This Law shall establish a uniform procedure for the export and import of cultural valuables of Georgia from and to Georgia.

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Article 2 – Scope of the Law

The procedures for the export and temporary export, import and temporary import of cultural valuables of Georgia from and to Georgia defined by this Law shall apply to any cultural valuables.

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Article 3 – Definition of terms

1. The export of cultural valuables from Georgia – the displacement of cultural valuables existing in the territory of Georgia by a person across the state border of Georgia without the obligation of their reverse import.
2. The temporary export of cultural valuables from Georgia – the displacement of cultural valuables existing in the territory of Georgia by a person across the state border of Georgia with the obligation of their reverse import within the prescribed time limits.
3. The import of cultural valuables from abroad – the import of cultural valuables by a person crossing the state border of Georgia



without the obligation of their reverse export.

4. The temporary import of cultural valuables from abroad – the import of cultural valuables by a person crossing the state border of Georgia with the obligation of their reverse export within prescribed time limits.

5. Cultural valuables – valuables of archaeology, prehistoric periods, history, literature, art, science, and of other clerical or secular importance, which:

a) have been created in the territory of Georgia by the Georgians or by other nations who have lived or live in the territory of Georgia;

b) have been created in the territory of Georgia by persons without a citizenship of Georgia and by foreign citizens who have lived or live in the territory of Georgia;

c) have been discovered in the territory of Georgia;

d) represent a gift or have been acquired with the consent of the authorities of a foreign state where these cultural valuables have been created;

e) have been acquired by archaeological, ethnological and natural history expeditions with the consent of authorities of a foreign state where these cultural valuables have been created.

6. A collection of cultural valuables – a unity of homogeneous or heterogeneous cultural valuables which have been collected on the basis of a certain trait and which have historical, artistic, scientific or other cultural value.

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Article 4 – Objects acknowledged as cultural valuables to which this Law shall apply

1. This Law shall apply to:

a) rare collections and specimens of flora and fauna, and of the objects of interest of mineralogy and palaeontology;

b) valuables associated with history, including the history of science and technology, the history of wars and society, and with the life of national figures, thinkers, scientists, artists, sportsmen, and significant national facts;

c) archaeological discoveries;

d) fragments of artistic, historical and archaeological properties;

e) writings, coins and seals of more than 100 years old;

f) ethnographic materials;

g) handmade canvases, pictures, paintings made of any material (except for drawings and hand decorated industrial products) and samples of applied art;

h) original works of sculpture made of any material;

i) original engravings, prints and lithographs;

j) original collection of art and assembly made of any material;

k) rare manuscripts and incunabula, old books, letters and publications that attract special interest (historical, artistic, scientific, literary and other) both separately and collectively;

l) postage stamps, tax stamps and analogous marks withdrawn from the circulation both separately and collectively;

m) archives, including sound, photographic and cinematographic archives;



n) furniture produced 100 and more years ago and antique musical instruments.

2. This Law shall not apply to modern crafts of souvenir character, as well as to things of cultural design of serial and mass production.

Article 5 – (Deleted)

Law of Georgia No 3167 of 25 May 2006 – LHGI, No 19, 1.6.2006, Art. 156

Law of Georgia No 4717 of 8 May 2007 – LHG I, No 18, 22.5.2007, Article 147

Article 6 – Cultural valuables whose import to Georgia is prohibited

It shall be prohibited to import cultural valuables to Georgia which are declared as wanted on the basis of notification from relevant authorities of a foreign state.

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Chapter II – Illegal Export and Import of Cultural Valuables from and to Georgia and a Legal Regime of their Ownership Rights

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Article 7 – The illegal export and import of cultural valuables from and to Georgia and the illegal transfer of their ownership rights

1. The export and import of cultural valuables from and to Georgia and the transfer of their ownership rights shall be deemed illegal if the requirements under this Law and the legislation of Georgia are not met.

2. The export and import of cultural valuables from and to Georgia and the transfer of their ownership rights shall be also deemed illegal if it is a direct or indirect consequence of partial or total occupation of the country by a foreign state or of the loss of the state jurisdiction on a particular territory of the country for any other reason.

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Article 8 – The return of cultural valuables to Georgia that have been illegally exported from Georgia

1. In accordance with the international commitments undertaken by Georgia and the legislation of Georgia, the owner of cultural valuables shall be entitled to request support from relevant authorities of Georgia for the return of cultural valuables to Georgia that have been illegally exported from Georgia or are in unlawful possession in the territory of a foreign country.

2. The State shall be a guarantor of the restoration of rights of legal owners to cultural valuables of such category.

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Article 9 – The return of cultural valuables illegally imported into Georgia from abroad

1. On the basis of the international commitments undertaken by Georgia and the legislation of Georgia, cultural valuables that have been illegally imported into Georgia from abroad shall be returned to the owner.



2. The return shall be carried out on the basis of an application and relevant documentation submitted by the requesting party.
3. In the case of the confiscation and return of cultural valuables to the legal owner, the costs of their displacement to the territory of Georgia shall be borne by the requesting party.
4. The State shall be a guarantor for the return to the legal owners of cultural valuables that have been illegally imported from abroad.

Article 10 – The rights of a good faith purchaser of cultural valuables

In the case of the confiscation and return to the legal owner of cultural valuables illegally imported to the territory of Georgia, the requesting party shall pay a good faith purchaser the compensation for such cultural valuables, if such party is a participant state of the international agreement of Georgia, a citizen or a legal person of such state. and if such agreement provides for the payment of such compensation. In other cases the payment shall be carried out voluntarily or in accordance with the legislation of Georgia.

Chapter III – Participation of State Bodies, Public Organisations and Citizens in the Field of Export and Temporary Export and Import and Temporary Import of Cultural Valuables to and from Georgia

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Article 11 – State bodies regulating the export and temporary export and the import and temporary import of cultural valuables from and to Georgia and their authority

1. In accordance with the international commitments undertaken by Georgia the export and temporary export and the import and temporary import of cultural valuables from and to Georgia shall be regulated and controlled by the Ministry of Education, Science, Culture and Sport of Georgia.
2. The Ministry of Justice of Georgia and the Ministry of Finance of Georgia shall carry out their functions with regard to such matters in the cases provided for by the legislation of Georgia in collaboration with an authorised body within the system of the Ministry of Internal Affairs of Georgia.
3. The Ministry of Education, Science, Culture and Sport of Georgia shall carry out an overall coordination of activities of the Ministry of Justice of Georgia and the Ministry of Finance of Georgia in accordance with this Law.

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Law of Georgia No 3167 of 25 May 2006 – LHGI, No 19, 1.6.2006, Art. 156

Law of Georgia No 625 of 5 December 2008 – LHGI, No 35, 5.12.2008, Art. 231

Law of Georgia No 4553 of 25 November 2015 – website 8.12.2015

Law of Georgia No 1635 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3044 of 5 July 2018 – website, 11.7.2018

Article 12 – Authority of the Ministry of Culture and Monument Protection of Georgia in the field of export and temporary export and import and temporary import of cultural valuables from and to Georgia

The Ministry of Education, Science, Culture and Sport of Georgia shall:

- a) promote the establishment of a legislative database regulating the export and import of cultural valuables from and to Georgia; the creation and development of relevant scientific and technical institutions;



- b) compile the state list and registry of cultural valuables of Georgia which shall be protected and to which this Law applies;
- c) implement the certification of cultural valuables;
- d) make decisions with regard to the export and temporary export of cultural valuables from Georgia;
- e) ensure the implementation of mandatory state expert appraisal of cultural valuables that have been applied for the export from Georgia, as well as the implementation of mandatory state expert appraisal of cultural valuables having been returned to Georgia after their temporary export;
- f) issue permits for the export or temporary export of cultural valuables from Georgia;
- g) carry out the state registration of cultural valuables temporarily imported to Georgia;
- h) provide information to the public about the facts of the loss of or encroachment on cultural valuables both in Georgia and abroad by means of publication, mass media and by other means permitted by law;
- i) in accordance with the international commitments undertaken by Georgia, take measures to protect the rights and legitimate interests of owners of cultural valuables.

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Law of Georgia No 3167 of 25 May 2006 – LHGI, No 19, 1.6.2006, Art. 156

Law of Georgia No 4717 of 8 May 2007 – LHG I, No 18, 22.5.2007, Article 147

Law of Georgia No 4553 of 25 November 2015 – website 8.12.2015

Law of Georgia No 1635 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3044 of 5 July 2018 – website, 11.7.2018

Article 13 – The state regulation of the export and import of cultural property from and to Georgia that are preserved in museums and reserves of Georgia

The state regulation of the export and import of cultural property from and to Georgia that are preserved in museums and reserves of Georgia shall be carried out by the Ministry of Education, Science, Culture and Sport of Georgia on the basis of an opinion of the Cultural Heritage Protection Council referred to in Article 5(4) of the Law of Georgia on Cultural Heritage.

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Law of Georgia No 3167 of 25 May 2006 – LHGI, No 19, 1.6.2006, Art. 156

Law of Georgia No 4717 of 8 May 2007 – LHG I, No 18, 22.5.2007, Article 147

Law of Georgia No 4553 of 25 November 2015 – website 8.12.2015

Law of Georgia No 1635 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3044 of 5 July 2018 – website, 11.7.2018

Article 14 – Participation of public organisations and citizens in the regulation of the protection of cultural valuables, their export and temporary export and the import and temporary import from and to Georgia

Social organisations and citizens of Georgia shall be entitled to obtain full and complete information, without any limitation, with regard to the protection, export and temporary export and import and temporary import of cultural valuables of Georgia from and



to Georgia unless such cultural valuables represent a secret related to the state interests or to legally protected interests of physical and legal persons exporting such cultural valuables.

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Chapter IV – The State Regulation of the Export and Temporary Export and Import and Temporary Import of Cultural Valuables from and to Georgia

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Article 15 – The state expert appraisal of cultural valuables

1. The regulations on the procedures for the expert appraisal of cultural valuables shall be approved by the Ministry of Education, Science, Culture and Sport of Georgia.

2. If cultural valuables that have been applied for export from Georgia turn out to have the features of cultural property as a result of the study (examination), and if a status of cultural property has not been granted thereto, the Ministry of Education, Science, Culture and Sport of Georgia shall, no later than 15 days, take a decision with regard to the extension of the term of the review of the application for export. If the Ministry fails to grant the status of cultural property to cultural valuables within three months after receiving the application, it shall issue a permit provided for by Article 28 of this Law.

3. If the applicant for the export or temporary export of cultural valuables from Georgia does not agree with the results of the expert appraisal, the disputed matters shall be reviewed by a court.

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Law of Georgia No 3167 of 25 May 2006 – LHGI, No 19, 1.6.2006, Art. 156

Law of Georgia No 4717 of 8 May 2007 – LHG I, No 18, 22.5.2007, Article 147

Law of Georgia No 4553 of 25 November 2015 – website 8.12.2015

Law of Georgia No 1635 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3044 of 5 July 2018 – website, 11.7.2018

Article 16 – The procedures for performing the expert appraisal of cultural valuables

1. (deleted).

2. The state expert appraisal of cultural valuables that have been applied for the export or temporary export from Georgia, and of cultural valuables that have been returned to Georgia after their temporary export, shall be ensured by the Ministry of Education, Science, Culture and Sport of Georgia.

3. Movable objects of cultural property or objects with the features of cultural property that have been applied for temporary export from Georgia, and of those that have been returned to Georgia after their temporary export, shall be subject to the mandatory state expert appraisal.

4. For the purposes of conducting the state expert appraisal, the Ministry of Education, Science, Culture and Sport of Georgia shall cooperate with museums, archives and libraries under the Ministry of Education, Science, Culture and Sport of Georgia, the Georgian National Academy of Sciences, the Ministry of Justice of Georgia and the Georgian Patriarchate, and with the invited independent specialists with authority (licence) to perform such expert appraisal on the basis of a contract.

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70



Law of Georgia No 4553 of 25 November 2015 – website 8.12.2015

Law of Georgia No 1635 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3044 of 5 July 2018 – website, 11.7.2018

Article 17 – The procedures for the reimbursement of the cost of expert appraisal

The cost of expert appraisal to be conducted in relation to the export of cultural valuables from Georgia, the transfer of their ownership rights, as well as with analogous works, shall be reimbursed by the owner of cultural valuables on the basis of a contract signed with the Ministry of Education, Science, Culture and Sport of Georgia, unless otherwise provided for by this Law.

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Law of Georgia No 3167 of 25 May 2006 – LHGI, No 19, 1.6.2006, Art. 156

Law of Georgia No 4553 of 25 November 2015 – website 8.12.2015

Law of Georgia No 1635 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3044 of 5 July 2018 – website, 11.7.2018

Article 18 – The procedures for the export and temporary export and import and temporary import of cultural valuables from and to Georgia for persons enjoying diplomatic privileges and immunities

1. The Procedures for the export and temporary export and import and temporary import from and to Georgia of cultural valuables defined by this Law shall also apply to persons enjoying diplomatic privileges and immunities.
2. Personal baggage of the persons referred to in paragraph 1 of this Article shall be examined in accordance with the customs legislation of Georgia.

Law of Georgia No 3602 of 17 September 2010 – LGH I, No 54, 12.10.2010, Art. 354

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Law of Georgia No 3602 of 17 September 2010 – LGH I, No 54, 12.10.2010, Art. 354

Law of Georgia No 4913 of 28 June 2019 – website, 4.7.2019

Article 19 – The procedures for the import of cultural valuables to Georgia from abroad

Cultural valuables imported to Georgia from abroad in the manner prescribed by the Customs Code of Georgia shall undergo a mandatory customs control and special registration process, which shall be reported to the Ministry of Education, Science, Culture and Sport of Georgia within one week.

Law of Georgia No 3167 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 156

Law of Georgia No 3602 of 17 September 2010 – LGH I, No 54 12.10.2010, Art. 354

Law of Georgia No 5956 of 27 March 2012 – website, 12.4.2012

Law of Georgia No 4553 of 25 November 2015 – website 8.12.2015

Law of Georgia No 1635 of 7 December 2017 – website, 14.12.2017



Law of Georgia No 3044 of 5 July 2018 – website, 11.7.2018

Law of Georgia No 4913 of 28 June 2019 – website, 4.7.2019

Article 20 – Transit of cultural valuables

During the transit of cultural valuables through the customs territory of Georgia, the documents specified by the customs legislation of Georgia and the international commitments undertaken by Georgia shall be submitted to the LEPL called the Revenue Service under the Ministry of Finance of Georgia, on the basis of which the import of cultural valuables for the purposes of their transit in the territory of Georgia shall be determined.

Law of Georgia No 4279 of 29 December 2006 – LHG I, No 51, 31.12.2006, Art. 438

Law of Georgia No 3602 of 17 September 2010 – LGH I, No 54, 12.10.2010, Art. 354

Law of Georgia No 5956 of 27 March 2012 – website, 12.4.2012

Law of Georgia No 4913 of 28 June 2019 – website, 4.7.2019

Article 21 – The export of cultural valuables from Georgia by post and in the form of parcels

The export of cultural valuables from Georgia by post and in the form of parcels shall be carried out on the basis of the terms and conditions determined by the legislation of Georgia governing this field and by this Law.

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Chapter V – Regulation of the Temporary Export and Import of Cultural Valuables from and to Georgia

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Article 22 – The temporary export of cultural valuables from Georgia

1. Museums, archive and library institutions, and physical and legal persons shall carry out the temporary export of cultural valuables from Georgia for the purposes of:

- a) the organisation of exhibitions;
- b) the implementation of restoration and scientific and research works;
- c) the activities related to concerts, theatres or to other type of actor's activity;
- d) other cases unless they contravene this Law and the legislation of Georgia.

2. (Deleted).

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Law of Georgia No 4717 of 8 May 2007 – LHG I, No 18, 22.5.2007, Article 147



Article 23 – Application for a permit for the temporary export of cultural valuables from Georgia belonging to movable cultural property or to objects with the features of cultural property

The State Museum Reserve of Georgia, archives, libraries and other state institutions preserving cultural valuables, as well as public authorities, municipality bodies and other persons shall apply to the Ministry of Education, Science, Culture and Sport of Georgia for obtaining a permit for the temporary export of cultural valuables from Georgia belonging to movable cultural property or to objects with the features of cultural property. The following shall be attached to the application:

- a) an agreement signed with the host country with regard to the purpose and conditions for the temporary export of cultural valuables from Georgia;
- b) the documentation certifying the guarantee of all insurance risk cases by the host country, commercial insurance or documents certifying the financial support of all other risks by the host country on the basis of the state guarantee;
- c) documented and certified guarantees of the host country and the State for the protection and return of cultural valuables to Georgia that have been temporarily exported from Georgia;
- d) a certificate on the presence of cultural valuables that are to be temporarily exported from Georgia on the state list and registry of Georgia for the protection of cultural valuables.

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Law of Georgia No 3167 of 25 May 2006 – LHGI, No 19, 1.6.2006, Art. 156

Law of Georgia No 3645 of 10 November 2006 – LHG I, No 44, 27.11.2006, Art. 293

Law of Georgia No 4553 of 25 November 2015 – website 8.12.2015

Law of Georgia No 1635 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3044 of 5 July 2018 – website, 11.7.2018

Law of Georgia No 6973 of 15 July 2020 – website, 28.7.2020

Article 24 – Declining an application for obtaining a permit for the temporary export of cultural valuables from Georgia belonging to movable cultural property or objects with the features of cultural property

An application for obtaining a permit for the temporary export of cultural valuables from Georgia belonging to movable cultural property or objects with the features of cultural property may be declined, if:

- a) the applicant fails to provide guarantees for importing (returning) cultural valuables to Georgia in the manner provided for by this Law;
- b) the state of cultural valuables that have been applied for the export makes it impossible to change the preservation conditions, or such change entails the deterioration of their quality state in any form;
- c) the owner of cultural valuables which have been applied for export has not been identified, or it has not been determined whether such cultural valuables represent the subject of a dispute with regard to obtaining their ownership rights;
- d) natural disaster or armed conflict has recently taken place, or currently takes place or will take place in the country to which cultural valuables are to be exported, or there are other circumstances that cast doubt on the terms of preservation of cultural valuables to be temporarily exported;
- e) Georgia has no diplomatic relations with the country to which cultural valuables are intended for export.

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Article 25 – The expert appraisal to be conducted on temporarily exported cultural valuables after their return to Georgia

Cultural valuables that have been temporarily exported from Georgia shall be subject to the mandatory state expert appraisal after their return, which shall be carried out in compliance with the requirements of Articles 15-17 of this Law.

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Article 26 – Securing cultural valuables to be temporarily exported from Georgia via diplomatic channels

Cultural valuables that have been temporarily exported from Georgia shall be secured by the diplomatic representative of Georgia abroad through a diplomatic channel within the country where such cultural valuables are placed.

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Article 27 – The procedures for the temporary import of cultural valuables to Georgia from abroad

1. Cultural valuables that have been temporarily imported to Georgia from abroad shall be subject to mandatory registration as provided for by the legislation of Georgia in accordance with the procedures established by the Ministry of Education, Science, Culture and Sport of Georgia.

2. The state guarantee for the protection of the said valuables shall be carried out on a case-by-case basis in accordance with the international commitments undertaken by Georgia.

3. In all cases of risks with regard to cultural valuables that have been temporarily imported to Georgia from abroad the general procedures for ensuring the state guarantee of the financial security shall be established by the Government of Georgia.

Law of Georgia No 3167 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 156

Law of Georgia No 3602 of 17 September 2010 – LGH I, No 54 12.10.2010, Art. 354

Law of Georgia №1332 of 25 September 2013 – website 8.10.2013

Law of Georgia No 4553 of 25 November 2015 – website 8.12.2015

Law of Georgia No 1635 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3044 of 5 July 2018 – website, 11.7.2018

Chapter VI – Issuance of Permits for the Export and Temporary Export of Cultural Valuables from Georgia

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Article 28 – Issuance of a permit for the export and temporary export of cultural valuables from Georgia

1. A permit for the export or temporary export of cultural valuables from Georgia shall be issued by the Ministry of Education, Science, Culture and Sport of Georgia.

2. A permit for the export and temporary export of cultural valuables from Georgia shall be the basis for the displacement of such valuables through the customs and across the state border of Georgia.



3. A unified form of a permit for the export or temporary export of cultural valuables from Georgia has been established in Georgia, which shall be approved by the Ministry of Education, Science, Culture and Sport of Georgia.

4. The procedures for the issuance, suspension, renewal, and revocation, for the refusal and for making amendments to a permit for the export and temporary export of cultural valuables from Georgia shall be determined in accordance with the Law of Georgia on The Grounds for Issuing Licences and Permits for Entrepreneurial Activities.

5. A permit shall be a single time document and its validity shall be three months.

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Law of Georgia No 3167 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 156

Law of Georgia No 3602 of 17 September 2010 – LGH I, No 54, 12.10.2010, Art. 354

Law of Georgia No 5956 of 27 March 2012 – website, 12.4.2012

Law of Georgia No 4553 of 25 November 2015 – website 8.12.2015

Law of Georgia No 1635 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3044 of 5 July 2018 – website, 11.7.2018

Article 29 – The issuance of a permit for the temporary export of cultural valuables from Georgia that are included in the state list and registry for the protection of cultural valuables

1. The Ministry of Education, Science, Culture and Sport of Georgia shall issue a permit for the temporary export of cultural valuables from Georgia which are permanently preserved at state museums, municipal museums, archives, libraries or other public institutions that preserve cultural valuables.

2. An application for a permit to temporarily export cultural valuables from Georgia shall be submitted by the owner of such valuables or by his/her authorised representative.

3. The applicant shall be informed of the decision on granting or refusing to issue a permit no later than one month after the date of the receipt of such application.

4. The decision may be appealed in a court.

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Law of Georgia No 3167 of 25 May 2006 – LHGI, No 19, 1.6.2006, Art. 156

Law of Georgia No 4553 of 25 November 2015 – website 8.12.2015

Law of Georgia No 1635 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3044 of 5 July 2018 – website, 11.7.2018

Article 30 – Indissolubility of a contract on the temporary export of cultural valuables from Georgia

A contract with regard to the terms and objectives of the temporary export of valuables from Georgia signed with a host country shall not be subject to alteration after the issuance of a permit for the temporary export.

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Article 31 – Cultural valuables containing precious metals and precious stones

A permit for the export of cultural valuables containing precious metals and precious stones shall be issued on the basis of this Law and other legislative acts of Georgia.

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Article 32 – Types of weapons that represent cultural valuables

A permit for the export of any category of weapons that has historical, scientific, artistic, or other cultural value shall be issued on the basis of this Law and other legislative acts.

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Chapter VII – Prevention of Illegal Transfer of Ownership Right with Regard to Cultural Valuables

Article 33 – The ownership rights of physical and legal persons with regard to cultural valuables that have been applied for the export

1. Cultural valuables may be exported from Georgia by a legal owner or his/her authorised representative in accordance with the procedures established by this Law.
2. When exporting cultural valuables a legal person shall documentarily confirm the ownership right to the item to be exported.
3. A physical person intending to depart abroad for permanent residence is obliged to provide documents confirming his/her right of ownership to cultural valuables, if it has been applied that such cultural valuables are preserved in his/her family as an heirloom and memorial valuables and not at state museums, archive or other public institutions that preserve cultural valuables.
4. The requirement of this article shall not apply to cultural valuables to be temporarily exported from Georgia.

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Article 34 – Preferential rights of the State to purchase cultural property that has been applied for the export from Georgia

1. If cultural valuables which have been granted a status of cultural property (including in compliance with Article 15(2) of this Law), are exported from Georgia for sales purpose, the owner of cultural valuables shall immediately inform the Ministry thereon.
2. Based on historical, artistic and/or cultural value of cultural property that has been applied for export, the Ministry shall have a preferential right to purchase it in order to retain it in Georgia and/or to sell it in Georgia through auction.
3. The Ministry shall take a decision with regard to exercising the right defined in paragraph one of this article no later than the period necessary for the issuance of a permit for the export, and shall immediately notify the applicant thereon.
4. If a decision on the purchase and/or sale of cultural property through auction is made, it shall be enforced within three months after the decision has been made.
5. The main precondition for the sale of cultural property through auction shall be the obligation of not to export cultural property from Georgia for a definite or an indefinite period.
6. Paragraphs 1, 2, 3, 4 and 5 of this article shall not apply to:

- a) cultural valuables defined by Article 8(1) of the Constitutional Agreement between the State of Georgia and the Autocephalous



Orthodox Church of Georgia and cultural valuables in the ownership of other religious organisations that have religious and clerical value;

b) valuables, exhibits, collections and cultural property preserved in state museum reserves, archives, libraries and other similar institutions for preserving cultural valuables; their export for sale purpose shall be only permitted in coordination with the Ministry and upon condition that income from sale will only be used for the purchase of valuables of equivalent historical, artistic and/or cultural value;

c) in the cases where the owner of cultural property is the author of property (or its heir within 70 years after the death of the author), a citizen of Georgia or a stateless person, and if he/she intends to travel abroad for permanent residence, or where the property has been inherited by a citizen of a foreign country, the State may purchase and/or sell the property through auction held in Georgia only with the consent of the owner.

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Law of Georgia No 3167 of 25 May 2006 – LHGI, No 19, 1.6.2006, Art. 156

Law of Georgia No 4717 of 8 May 2007 – LHG I, No 18, 22.5.2007, Article 147

Article 34¹ – The procedures for determining the purchase price and/or the starting price of cultural property for an auction announced by the State

1. If a person intending to export cultural property has an official offer from a potential purchaser at the moment of export, the price determined in the offer shall be construed as the purchase price and the starting price of cultural property for an auction announced by the Ministry.

2. If cultural property that has been applied for export is intended for sale through an auction organised outside the territory of Georgia, or if a person intending to export cultural property does not have an official offer at the moment of export, the purchase price and the starting price of cultural property for the announced auction, as construed by the Ministry, based on the value of cultural property to be displayed for sale through auction or through other auctions of the world, shall be :

a) where the creator of the property is known, the last selling price of cultural valuables of similar genre and theme created by the same creator;

b) where the creator of the item is unknown, the last selling price of cultural valuables of similar genre and theme belonging to the historical era when the item was created.

3. If it is impossible to define the price of cultural property that has been applied for export in accordance with paragraphs 1 and 2 of this article, the Ministry shall define the purchase price and/or starting price of cultural property for the auction announced by it through negotiations; the right to negotiate shall not be limited for the cases provided for by paragraphs 1 and 2 of this article.

Law of Georgia No 4717 of 8 May 2007 – LHG I, No 18, 22.5.2007, Article 147

Article 35 – The arrest of cultural valuables by customs and/or law enforcement bodies

1. Cultural valuables whose owner has not been identified and which have been temporarily arrested by customs bodies, bodies of internal affairs or other state bodies of Georgia, shall be transferred for preservation to the Ministry of Education, Science, Culture and Sport of Georgia until identification of its owner.

2. The Ministry of Education, Science, Culture and Sport of Georgia shall protect cultural valuables referred to in paragraph 1 of this article, ensure its state expert appraisal and shall disseminate official information in order to verify the rights of ownership thereto.

3. When the owner of the cultural valuables provided for by paragraph 1 is identified by a court, it shall be transferred to its owner or a legal representative if it is proved that cultural valuables have become, beyond their intentions, the subject of violation of the procedures for the displacement of goods across the customs border of Georgia in accordance with the customs legislation of Georgia.



4. The owner shall be responsible for all expenses related to the protection and preservation of the above cultural valuables, as well as expenses related to its expert appraisal, unless otherwise decided by a court.

5. The Ministry of Education, Science, Culture and Sport of Georgia shall transfer cultural valuables whose owner has not been identified to the state museum, library or archive reserve with the ownership rights thereto.

6. Cultural valuables that have not been transferred with the ownership rights thereto to the state or municipal museum, library or other institution preserving such cultural valuables for the purposes of their permanent preservation and protection, shall be subject to sale in accordance with the legislation of Georgia and the amount received from such sale shall be paid to the State Budget of Georgia.

Law of Georgia No 3167 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 156

Law of Georgia No 3602 of 17 September 2010 – LGH I, No 29, 12.10.2010, Art. 354

Law of Georgia No 5956 of 27 March 2012 – website, 12.4.2012

Law of Georgia No 4553 of 25 November 2015 – website 8.12.2015

Law of Georgia No 1635 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3044 of 5 July 2018 – website, 11.7.2018

Law of Georgia No 4913 of 28 June 2019 – website, 4.7.2019

Article 36 – (Deleted)

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Law of Georgia No 4717 of 8 May 2007 – LHG I, No 18, 22.5.2007, Article 147

Article 37 – Prevention by institutions for preserving cultural valuables of the purchase of cultural valuables that have been plundered from a foreign state or purchased illegally

In order to prevent the purchase of cultural valuables that have been stolen from a foreign state or purchased illegally, state museums or museums that are otherwise held in the ownership, libraries, archives or other state institutions preserving cultural valuables are obliged to determine legal owners or proprietors of such cultural valuables.

Chapter VIII – Taxes and Fees

Article 38 – Tax provisions for the displacement of cultural valuables across the customs border of Georgia

When displacing cultural valuables across the customs border of Georgia that have been registered in accordance with the requirements of this Law, the import fees shall be paid in accordance with the customs procedures applied to the cultural valuables.

Law of Georgia No 3602 of 17 September 2010 – LGH I, No 54, 12.10.2010, Art. 354

Law of Georgia No 5956 of 27 March 2012 – website, 12.4.2012

Law of Georgia No 4913 of 28 June 2019 – website, 4.7.2019



Chapter IX – Liability for Violation of this Law

Article 39 – Liability for violation of this Law

The illegal displacement of cultural valuables abroad and the failure to return temporarily exported cultural valuables within the time frame defined in the agreement, which is deemed an illegal export of cultural valuables from Georgia, shall entail liability provided for by the legislation of Georgia.

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Chapter X – International Cooperation and International Agreements

Article 40 – International cooperation in order to prevent the illegal export and import of cultural valuables from and to Georgia and the illegal transfer of their ownership rights

In order to prevent the illegal export and import of cultural valuables from and to Georgia and the illegal transfer of their ownership rights the Ministry of Education, Science, Culture and Sport of Georgia shall cooperate with analogous services, and with governmental and non-governmental organisations of other states.

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Law of Georgia No 3167 of 25 May 2006 – LHG I, No 19, 1.6.2006, Art. 156

Law of Georgia No 4553 of 25 November 2015 – website 8.12.2015

Law of Georgia No 1635 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3044 of 5 July 2018 – website, 11.7.2018

Article 41 – International agreements with regard to the return of cultural valuables that have been illegally exported and imported from and to Georgia

1. Georgia shall participate in international agreements with regard to the return of cultural valuables that have been illegally exported from Georgia.

2. In each individual case, where possible, Georgia is obliged to offer to foreign states the return of cultural valuables that have been illegally imported to its territory.

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Article 42 – The displacement of cultural valuables and the international regulation of the matters with regard to the transfer of their ownership rights

For purposes of the displacement of cultural valuables and the international regulation of the transfer of their ownership rights, the State shall:

a) prevent the purchase by museums, archives, libraries and other similar institutions existing on its territory, of cultural valuables created in a foreign state that have been imported or purchased illegally ;



b) upon the request of a foreign state, take necessary measures to find and return such cultural valuables that have been imported to the territory of Georgia, provided that the foreign state is a guarantor of a full compensation to a good faith purchaser, if the payment of such compensation does not contravene the international commitments or the legislation of Georgia.

Chapter XI – Transitional Provisions

Article 43 – Normative acts to be adopted in relation to this Law

1. The Government of Georgia shall ensure the adoption of a decree on the Protection of Cultural Valuables that have been Temporarily Imported to Georgia and the State Guarantees for the Financial Support of Risks Related thereto.

2. The Ministry of Education, Science, Culture of Georgia shall issue:

a) a regulation on the Procedure for Conducting the State Expert Appraisal of Cultural Valuables and on the Compensation for the Services provided thereto;

b) a regulation on the Form of a Permit on the Export or Temporary Export of Cultural Valuables from Georgia, and on the Procedures for the Issuance of such Permit and the Compensation for the Services provided thereto ;

3. An instruction for the procedures of the displacement of cultural valuables across the customs border of Georgia shall be approved by a joint order of the Minister of Education, Science, Culture and Sport of Georgia and the Minister of Finance of Georgia.

Law of Georgia No 2137 of 7 May 2003 – LHG I, No 13, 2.6.2003, Art. 70

Law of Georgia No 4279 of 29 December 2006 – LHG I, No 51, 31.12.2006, Art. 438

Law of Georgia No 3602 of 17 September 2010 – LGH I, No 54, 12.10.2010, Art. 354

Law of Georgia No 5956 of 27 March 2012 – website, 12.4.2012

Law of Georgia №1332 of 25 September 2013 – website 8.10.2013

Law of Georgia No 1635 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3044 of 5 July 2018 – website, 11.7.2018

Article 43¹ – Measures to be taken with regard to carrying out works for cleaning damaged books stored in state libraries, museums, archives or other similar institutions or in those belonging to a Legal Entity under Public Law

For the purposes of exporting cultural valuables from Georgia and/or their transfer to a foreign state on the basis of the international agreement of Georgia in order to carry out works for cleaning damaged books stored in state libraries, museums, archives or other similar institutions or in those belonging to a Legal Entity under Public Law, the Government of Georgia may, upon recommendation of the Ministry of Education, Science, Culture and Sport of Georgia, grant its consent with regard to the issuance of a permit for the export or temporary export of cultural valuables from Georgia without complying with the procedures provided for by this Law.

Law of Georgia No 2476 of 29 May 2014 – website, 4.6.2014

Law of Georgia No 1635 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 3044 of 5 July 2018 – website, 11.7.2018



Chapter XII – Final Provision

Article 44 – Entry into force of this Law

This Law shall enter into force upon its promulgation.

President of Georgia

Eduard Shevardnadze

Tbilisi

22 June 2001

No 985-II

