



**SCREENING CHAPTER 01
FREE MOVEMENT OF GOODS**

AGENDA ITEM: CULTURAL GOODS

**Country Session: The Republic of TURKEY
20 - 24 February 2006**



IMPORTANCE ATTACHED

- Turkey attaches great importance to the return of cultural objects unlawfully removed from their territory.
- Turkey, as the EU, has as a fundamental aim the protection of national treasures having artistic, historic or archaeological value and the prevention of them from unlawful remove.



EU DIRECTIVES

COUNCIL DIRECTIVE 93/7/ECC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State, (OJ L 74, 27.3.1993, p. 74)

Amended by:

Directive 96/100/EC of the European Parliament and of the Council of 17 February 1997 (OJ L 60 59 1.3.1997)

Directive 2001/38/EC of the European Parliament and of the Council of 5 June 2001 (OJ L 187 43 10.7.2001)



NATIONAL LEGISLATION

▪ THE CONSTITUTION OF THE REPUBLIC OF TURKEY

stated in Article 63:

“The state shall ensure the conservation of the historical, cultural and natural assets and wealth, and shall take supportive and promotive measures towards that end”

▪ LAW NO. 2863 ON THE PROTECTION OF CULTURAL AND NATURAL HERITAGE

OG No. 18113, dated 7.7.1983

(Amended by Law No. 3386, dated: 6.16.1987)

(Amended by Law No. 5226, dated: 7.14.2004)



NATIONAL TREASURES

Law No. 2863, Article 24 stated that National Cultural Treasures shall be reserved in the museums and evaluated by the State.



PROHIBITION ON TAKING THE PROPERTIES OUT OF TURKEY

Law No 2863, Article 32 stated that movable cultural property that has to be preserved inside the country cannot be taken out of the borders.

However, taking into consideration national benefit, such property can be temporarily sent outside the country for exhibitions on condition that all security measures are taken.



PROCEDURES FOR REMOVAL AND RETURN OF CULTURAL GOODS

- The Ministry of Culture and Tourism is the main government body responsible for the regulation of procedures of temporal removal of movable cultural goods from Turkey.
- These procedures are listed in the “The Regulation on the Exporting and Importing of Movable Cultural and Natural Property to be preserved” (OG No. 18314, dated 2.16.1984)



CATEGORIES OF CULTURAL GOODS

- The definition of Cultural Property is made in the Article 3 whereas the definition of movable cultural property is in the Article 23 of Law No. 2863.
- Article 23 explains which cultural property has to be protected.
- Categories of cultural goods is required to be redefined as listed in the Annex of Directive 93/7.



EXCHANGE OF OPINION WITH THE EUROPEAN COMMISSION

- A copy of the preliminary draft text transposing Council Directive No. 93/7/EEC was sent to the European Commission for comments.
- Technical studies on preparation of draft legislation are continuing regarding the above mentioned Directive and also the Council Regulation No. 3911/92/EEC.



INTERNATIONAL AGREEMENTS TO WHICH TURKEY IS A PARTY - I

Within the scope of UNESCO:

- **Convention for the Protection of Cultural Property in the Event of Armed Conflict**, The Hague, of 1954
Date of entry into force in Turkey: 4 October 1965
- **Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property**, Paris, of 1970,
Date of entry into force in Turkey : 21 April 1981
- **Convention Concerning the Protection of the World Cultural and Natural Heritage**, Paris of 1972
Date of entry into force in Turkey : 20 April 1982



INTERNATIONAL AGREEMENTS TO WHICH TURKEY IS A PARTY – II

Within the scope of the Council of Europe:

- **European Cultural Convention**,
Paris, 19 December 1954
Date of entry into force: 6.17.1957
- **European Convention on the Protection of the Archaeological Heritage**,
Valetta, 17 January 1992
Date of entry into force: 5.30.2000
- **Convention for the protection of the Architectural Heritage of Europe**,
Granada, October 3rd, 1985
Date of entry into force: 4.20.1989
- **European Landscape Convention**, Florence, 10.20.2000
Date of entry into force: 6.17.2003



MEMBERSHIP OF INTERNATIONAL ORGANISATIONS

INTERPOL: 1.8.1930

COUNCIL OF EUROPE: active membership since 1949

UNESCO: active membership since 1981

ICOM: 12.11.1970

ICCROM: active membership since 1969

ICOMOS: 5.18.1974



THANK YOU FOR YOUR ATTENTION