



ΕΠΙΣΗΜΗ ΕΦΗΜΕΡΙΔΑ ΤΗΣ ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ

ΝΟΜΟΘΕΣΙΑ - ΜΕΡΟΣ ΙΙΙ

Αριθμός 4239	Παρασκευή, 24 Νοεμβρίου 2017	519
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Ο περί της Σύμβασης του Συμβουλίου της Ευρώπης για Αδικήματα που Σχετίζονται με την Πολιτιστική Κληρονομιά (Κυρωτικός) Νόμος του 2017 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 16(III) του 2017

ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΣΥΜΒΑΣΗ ΤΟΥ ΣΥΜΒΟΥΛΙΟΥ ΤΗΣ ΕΥΡΩΠΗΣ ΓΙΑ ΑΔΙΚΗΜΑΤΑ ΠΟΥ ΣΧΕΤΙΖΟΝΤΑΙ ΜΕ ΤΗΝ ΠΟΛΙΤΙΣΤΙΚΗ ΚΛΗΡΟΝΟΜΙΑ

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

- Συνοπτικός τίτλος.** 1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Σύμβασης του Συμβουλίου της Ευρώπης για Αδικήματα που Σχετίζονται με την Πολιτιστική Κληρονομιά (Κυρωτικός) Νόμος του 2017.
- Ερμηνεία.** 2. Στον παρόντα Νόμο, εκτός αν από το κείμενο προκύπτει διαφορετική έννοια-
«Σύμβαση» σημαίνει τη Σύμβαση του Συμβουλίου της Ευρώπης για Αδικήματα που αφορούν Πολιτιστικά Αγαθά, η οποία υπογράφηκε από την Κυπριακή Δημοκρατία στις 19 Μαΐου 2017, δυνάμει της Απόφασης του Υπουργικού Συμβουλίου με αρ. 82.569 και ημερομηνία 18 Μαΐου 2017.
- Κύρωση της Σύμβασης. Πίνακας. Μέρος Ι, Μέρος ΙΙ, Μέρος ΙΙΙ.** 3. Με τον παρόντα Νόμο κυρώνεται η Σύμβαση, της οποίας το αυθεντικό κείμενο στην αγγλική γλώσσα εκτίθεται στο Μέρος Ι του Πίνακα, το αυθεντικό κείμενο στη γαλλική γλώσσα εκτίθεται στο Μέρος ΙΙ του Πίνακα και το μεταφρασμένο κείμενο στην ελληνική γλώσσα εκτίθεται στο Μέρος ΙΙΙ του Πίνακα:
Νοείται ότι, σε περίπτωση διαφοράς μεταξύ των κειμένων που εκτίθενται στον Πίνακα, υπερισχύει το κείμενο που εκτίθεται στο Μέρος Ι αυτού.
- Έκδοση Κανονισμών.** 4. Το Υπουργικό Συμβούλιο δύναται να εκδίδει Κανονισμούς για την καλύτερη εφαρμογή των διατάξεων της Σύμβασης.

ΠΙΝΑΚΑΣ
(Άρθρο 3)
ΜΕΡΟΣ Ι
(Αγγλική γλώσσα)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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Council of Europe Convention on Offences relating to Cultural Property

Nicosia

19.V.2017



Preamble

The member States of the Council of Europe and the other signatories to this Convention,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Being convinced that the diverse cultural property belonging to peoples constitutes a unique and important testimony of the culture and identity of such peoples, and forms their cultural heritage;

Concerned that offences related to cultural property are growing and that such offences, to an increasing extent, are leading to the destruction of the world's cultural heritage;

Considering that unlawfully excavated and illicitly exported or imported cultural property is increasingly being sold in many different ways, including through antique shops and auction houses, and over the internet;

Considering that organised crime is involved in the trafficking of cultural property;

Concerned that terrorist groups are involved in the deliberate destruction of cultural heritage and use the illicit trade of cultural property as a source of financing;

Convinced of the need for a new Council of Europe Convention on Offences relating to Cultural Property which sets out criminal sanctions in this regard and which will replace the European Convention on Offences relating to Cultural Property (ETS No. 119), opened for signature in Delphi on 23 June 1985;

Having regard to the European Cultural Convention (ETS No. 18, 1954), the European Convention on the Protection of the Archaeological Heritage (ETS No. 66, 1969; ETS No. 143, revised in 1992), the Convention for the Protection of the Architectural Heritage of Europe (ETS No. 121, 1985) and the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (CETS No. 199, 2005);

Having regard to the European Convention on Mutual Assistance in Criminal Matters (ETS No. 30, 1959) and the European Convention on Extradition (ETS No. 24, 1957);



Bearing in mind Resolution 2199 (2015) adopted by the Security Council of the United Nations at its 7379th meeting, on 12 February 2015, and in particular paragraphs 15, 16 and 17; Resolution 2253 (2015) adopted by the Security Council of the United Nations at its 7587th meeting, on 17 December 2015, and in particular paragraphs 14 and 15; Resolution 2322 (2016) adopted by the Security Council of the United Nations at its 7831st meeting, on 12 December 2016, and in particular paragraph 12; Resolution 2347 (2017) adopted by the Security Council of the United Nations at its 7907th meeting, on 24 March 2017;

Bearing in mind also the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, its First Protocol of 1954 and Second Protocol of 1999; the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and its Operational Guidelines adopted in 2015 by the third Meeting of States Parties; the 1972 UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage; the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects; the 2000 United Nations Convention against Transnational Organized Crime and the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage;

Also bearing in mind Resolution 2057 (2015) on cultural heritage in crisis and post-crisis situations, adopted by the Standing Committee of the Parliamentary Assembly of the Council of Europe on 22 May 2015;

Taking into consideration the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, adopted by the General Assembly of the United Nations with its Resolution 69/196 of 18 December 2014;

Considering that the purpose of this Convention is to protect cultural property through the prevention of and the fight against criminal offences relating to cultural property;

Recognising that, to efficiently combat cultural property crimes, close international co-operation between Council of Europe member States and non-member States alike should be encouraged,

Have agreed as follows:



Chapter I – Purpose, scope, use of terms

Article 1 – Purpose of the Convention

- 1 The purpose of this Convention is to:
 - a prevent and combat the destruction of, damage to, and trafficking of cultural property by providing for the criminalisation of certain acts;
 - b strengthen crime prevention and the criminal justice response to all criminal offences relating to cultural property;
 - c promote national and international co-operation in combating criminal offences relating to cultural property;

and thereby protect cultural property.
- 2 In order to ensure effective implementation of its provisions by the Parties, this Convention sets up a follow-up mechanism.

Article 2 – Scope and use of terms

- 1 This Convention applies to the prevention, investigation, and prosecution of the criminal offences referred to in this Convention relating to movable and immovable cultural property.
- 2 For the purposes of this Convention the term “cultural property” shall mean:
 - a in respect of movable property, any object, situated on land or underwater or removed therefrom, which is, on religious or secular grounds, classified, defined or specifically designated by any Party to this Convention or to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, as being of importance for archaeology, prehistory, ethnology, history, literature, art or science, and which belongs to the following categories:
 - (a) rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;
 - (b) property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance;
 - (c) products of archaeological excavations (including regular and clandestine) or of archaeological discoveries;