

§ 12.104c

19 CFR Ch. I (4-1-24 Edition)

State party	Date of deposit	Date of entry into force
Russian Federation	Apr. 28, 1988 (R)	See Note 3.
Saudi Arabia	Sept. 8, 1976 (Ac)	Dec. 8, 1976.
Senegal	Dec. 9, 1984 (R)	Mar. 9, 1985.
Slovak Republic	Mar. 31, 1993 (S)	See Note 4.
Slovenia, Republic of	Oct. 10, 1992 (S)	See Note 2.
Spain	Jan. 10, 1986 (R)	Apr. 10, 1986.
Sri Lanka	Apr. 7, 1981 (Ac)	July 7, 1981.
Syria	Feb. 21, 1975 (Ac)	May 21, 1975.
Tadjikistan, Republic of	Aug. 11, 1992 (S)	See Note 1.
Tanzania	Aug. 2, 1977 (R)	Nov. 2, 1977.
Tunisia	Mar. 10, 1975 (R)	June 10, 1975.
Turkey	Apr. 21, 1981 (R)	July 21, 1981.
Ukraine	Apr. 28, 1988 (R)	July 28, 1988.
United States of America	Sept. 2, 1983 (Ac)	Dec. 2, 1983.
Uruguay	Aug. 9, 1977 (R)	Nov. 9, 1977.
Yugoslavia	Oct. 3, 1972 (R)	Jan. 3, 1973.
Zaire	Sept. 23, 1974 (R)	Dec. 23, 1974.
Zambia	June 21, 1985 (R)	Sept. 21, 1985.

Code for reading second column: Ratification (R); Acceptance (Ac); Accession (A); Succession (S).

NOTES:

1. The Republic of Armenia, the Republic of Georgia, and the Republic of Tadjikistan each deposited a notification of succession in which each declared itself bound by the Convention as ratified by the USSR on April 28, 1988 and which entered into force on July 28, 1988.

2. Bosnia-Herzegovina, Croatia and the Republic of Slovenia each deposited notification of succession in which each declared itself bound by the Convention as ratified by Yugoslavia on Oct. 3, 1972 and entered into force on January 3, 1973.

3. The Government of the Russian Federation informed the Director General of UNESCO that the Russian Federation continues without interruption the participation of the USSR in all UNESCO Conventions. The instrument of ratification was deposited by the former USSR on April 28, 1988, and entered into force on July 28, 1988.

4. The Czech Republic and the Slovak Republic each deposited a notification of succession in which each declared itself bound by the Convention as accepted by Czechoslovakia on Feb. 14, 1977 and which entered into force on May 14, 1977.

(b) Additions to and deletions from the list of State Parties will be accomplished by FEDERAL REGISTER notice, from time to time, as the necessity arises.

[T.D. 86-52, 51 FR 6907, Feb. 27, 1986, as amended by T.D. 88-59, 53 FR 38287, Sept. 30, 1988; T.D. 90-13, 55 FR 4996, Feb. 13, 1990; T.D. 95-71, 60 FR 47467, Sept. 13, 1995 ; CBP Dec. 08-25, 73 FR 40725, July 16, 2008]

§ 12.104c Importations permitted.

Designated archaeological or ethnological material for which entry is sought into the U.S., will be permitted entry if at the time of making entry:

(a) A certificate, its electronic equivalent, or other documentation, issued by the Government of the country of origin of such material in a form acceptable to the Secretary is filed with the port director, such form being, but not limited to, an affidavit, license, or permit, or their electronic equivalents, from an appropriate, authorized State Party official under seal, certifying that such exportation was not in violation of the laws of that country, or

(b) Satisfactory evidence is presented to the port director that such designated material was exported from the State Party not less than 10 years before the date of such entry and that

neither the person for whose account the material is imported (or any related person) contracted for or acquired an interest, directly or indirectly, in such material more than 1 year before that date of entry, or

(c) Satisfactory evidence is presented to the port director that such designated material was exported from the State Party on or before the date on which such material was designated under 19 U.S.C. 2604.

(d) The term “satisfactory evidence” means—

(1) For purposes of paragraph (b) of this section—

(i) One or more declarations under oath, or their electronic equivalents, by the importer, or the person for whose account the material is imported, stating that, to the best of his knowledge—

(A) The material was exported from the State Party not less than 10 years before the date of entry into the U.S., and

(B) Neither such importer or person (or any related person) contracted for or acquired an interest, directly or indirectly, in such material more than 1 year before the date of entry of the material; and

(ii) A statement, or its electronic equivalent, provided by the consignor, or person who sold the material to the importer, which states the date, or, if not known, his belief, that the material was exported from the State Party not less than 10 years before the date of entry into the U.S. and the reasons on which the statement is based; and

(2) For purposes of paragraph (c) of this section—

(i) One or more declarations under oath, or their electronic equivalents, by the importer or the person for whose account the material is to be imported, stating that, to the best of his knowledge, the material was exported from the State Party on or before the date such material was designated under 19 U.S.C. 2604, and

(ii) A statement, or its electronic equivalent, by the consignor or person who sold the material to the importer which states the date, or if not known, his belief, that the material was exported from the State Party on or before the date such material was designated under 19 U.S.C. 2604, and the reasons on which the statement is based.

(e) *Related persons.* For purposes of paragraphs (b) and (d) of this section, a person shall be treated as a related person to an importer, or to a person for whose account material is imported, if such person—

(1) Is a member of the same family as the importer or person of account, including, but not limited to, membership as a brother or sister (whether by whole or half blood), spouse, ancestor, or lineal descendant;

(2) Is a partner or associate with the importer or person of account in any partnership, association, or other venture; or

(3) Is a corporation or other legal entity in which the importer or person of account directly or indirectly owns, controls, or holds power to vote 20 percent or more of the outstanding voting stock or shares in the entity.

[T.D. 86-52, 51 FR 6907, Feb. 27, 1986, as amended by CBP Dec. 15-14, 80 FR 61285, Oct. 13, 2015]

§ 12.104d Detention of articles; time in which to comply.

In the event an importer cannot produce the certificate, documentation, or evidence, or the electronic equivalent, required in §12.104c at the time of making entry, the port director shall take the designated archaeological or ethnological material into Customs custody and send it to a bonded warehouse or public store to be held at the risk and expense of the consignee until the certificate, documentation, or evidence, or the electronic equivalent, is presented to such officer. The certificate, documentation, or evidence, or the electronic equivalent, must be presented within 90 days after the date on which the material is taken into Customs custody, or such longer period as may be allowed by the port director for good cause shown.

[T.D. 86-52, 51 FR 6907, Feb. 27, 1986, as amended by CBP Dec. 15-14, 80 FR 61285, Oct. 13, 2015]

§ 12.104e Seizure and forfeiture.

(a) Whenever any designated archaeological or ethnological material is imported into the U.S. in violation of 19 U.S.C. 2606, and the importer states in writing that he will not attempt to secure the certificate, documentation, or evidence, or the electronic equivalent, required by §12.104c, or such certificate, documentation, or evidence, or the electronic equivalent, is not presented to the port director before the expiration of the time provided in §12.104d, the material shall be seized and summarily forfeited to the U.S. in accordance with part 162 of this chapter.

(1) Any designated archaeological or ethnological material which is forfeited to the U.S. shall, in accordance with the provisions of Title III of Pub. L. 97-446, 19 U.S.C. 2609(b):

(i) First be offered for return to the State Party;

(ii) If not returned to the State Party be returned to a claimant with respect to whom the designated material was forfeited if that claimant establishes—

(A) Valid title to the material;

(B) That the claimant is a bona fide purchaser for value of the material; or

(iii) If not returned to the State Party under paragraph (a)(1)(i) of this