

CULTURAL PROPERTY

**Memorandum of Understanding
Between the
UNITED STATES OF AMERICA
and ITALY**

Signed at Washington January 19, 2001

and

Agreement Extending and Amending the
Memorandum of Understanding

Effected by Exchange of Notes at
Washington January 13, 2006



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

ITALY

Cultural Property

*Memorandum of understanding signed at
Washington January 19, 2001;
Entered into force January 19, 2001.
And agreement extending and amending the
Memorandum of understanding.
Effectuated by exchange of notes at
Washington January 13, 2006;
Entered into force January 19, 2006.*

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF ITALY
CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS
ON CATEGORIES OF ARCHAEOLOGICAL MATERIAL
REPRESENTING
THE PRE-CLASSICAL, CLASSICAL AND IMPERIAL ROMAN
PERIODS OF ITALY**

The Government of the United States of America and the Government of the Republic of Italy;

Acting pursuant to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, to which both countries are States Party; and

Desiring to reduce the incentive for pillage of irreplaceable archaeological material representing the Pre-Classical, Classical and Imperial Roman periods of Italy's rich cultural heritage;

Have agreed as follows:

ARTICLE I

A. The Government of the United States of America, in accordance with its legislation entitled the Convention on Cultural Property Implementation Act, shall restrict the importation into the United States of the archaeological material ranging in date from approximately the 9th century B.C. to approximately the 4th century A.D., including categories of stone, metal, ceramic and glass artifacts, and wall paintings identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the Republic of Italy issues a license or other documentation which certifies that such exportation was not in violation of its laws.

B. The Government of the United States of America shall offer for return to the Government of the Republic of Italy any material on the Designated List forfeited to the Government of the United States of America.

C. Such import restrictions shall become effective on the date the Designated List is published by the U.S. Customs Service in the U.S. Federal Register, the official United States Government publication providing fair public notice.

ARTICLE II

A. Representatives of the Government of the United States of America and representatives of the Government of the Republic of Italy shall take appropriate steps to publicize this Memorandum of Understanding.

B. Both Governments agree that in order for United States import restrictions to be fully successful in deterring pillage, the Government of the Republic of Italy shall use its best efforts to increase scientific research and protection of archaeological patrimony and protective measures for archaeological excavations at known sites, particularly in areas at greatest risk from looters. The Government of the United

States of America acknowledges the efforts of the Government of the Republic of Italy in recent years to devote more public funds to guard archaeological sites and museums and to develop Italian tax incentives for private support of legitimate excavation. The Government of the Republic of Italy agrees to continue to pursue these efforts.

C. The Government of the Republic of Italy shall reinforce, with respect to the 1970 UNESCO Convention, the protection of its cultural patrimony. In particular, the Government of the Republic of Italy shall provide for:

1. instituting more severe penalties and prompt prosecution of looters,
2. regulating the use of metal detectors,
3. providing additional training for the Carabinieri Special Unit for the Protection of Artistic Patrimony, and
4. intensifying the investigations by the Carabinieri Special Unit for the Protection of Artistic Patrimony on the looting of archaeological sites and on the routes of the smugglers of these artifacts.

D. Both Governments agree that, in order for United States import restrictions to be most successful in thwarting pillage, the Government of the Republic of Italy shall endeavor to strengthen cooperation among nations within the Mediterranean Region for the protection of the cultural patrimony of the region, recognizing that political boundaries and cultural boundaries do not coincide; and will seek increased cooperation from other art-importing nations to restrict illicit imports, in the effort to deter further pillage.

E. The Government of the United States of America recognizes that the Government of the Republic of Italy permits the interchange of archaeological materials for cultural, exhibition, educational and scientific purposes to enable widespread public appreciation of and legal access to Italy's rich cultural heritage. The Government of the Republic of Italy agrees to use its best efforts to encourage further interchange through:

1. promoting agreements for long-term loans of objects of archaeological or artistic interest, for as long as necessary, for research and education, agreed upon, on a case by case basis, by American and Italian museums or similar institutions, to include: scientific and technological analysis of materials and their conservation; comparison for study purposes in the field of art history and other humanistic and academic disciplines with material already held in American museums or institutions; or educational presentations of special themes between various museums or academic institutions;
2. encouraging American museums and universities jointly to propose and participate in excavation projects authorized by the Ministry of Culture, with the understanding that certain of the scientifically excavated objects from such projects could be given as a loan to the American participants through specific agreements with the Ministry of Culture; and
3. promoting agreements for academic exchanges and specific study programs agreed upon by Italian and American institutions.

F. The Government of the United States of America acknowledges the efforts by the Government of the Republic of Italy in recent years to review the laws concerning the export of archaeological artifacts and to improve the efficiency of the system to release certificates of exportation. The Government of the Republic of Italy will continue to examine new ways to facilitate the export of archaeological items legitimately sold within Italy.

G. The Government of the United States of America and the Government of the Republic of Italy shall use their best efforts to facilitate appropriate contacts between U.S. and Italian museums and institutions for the development of increased and extended loans of Italy's archaeological cultural patrimony to U.S. museums.

ARTICLE III

The obligations of both Governments and the activities carried out under this Memorandum of Understanding shall be subject to the laws and regulations of each Government, as applicable, including the availability of funds.

ARTICLE IV

- A. This Memorandum of Understanding shall enter into force upon signature. It shall remain in force for a period of five years, unless extended.
- B. This Memorandum of Understanding may be amended through an exchange of diplomatic notes.
- C. The effectiveness of this Memorandum of Understanding shall be subject to review in order to determine, before the expiration of the five year period of this Memorandum of Understanding, whether it should be extended.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Memorandum of Understanding.

DONE at Washington, this 19th day of January, 2001, in the English and Italian languages, both texts being equally authentic.

FOR THE GOVERNMENT

OF THE UNITED STATES OF AMERICA:

Helene Kone Fiani

FOR THE GOVERNMENT OF

THE REPUBLIC OF ITALY:

Ferdinando Adornato

The Department of State refers the Embassy of the Republic of Italy to the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy done at Washington January 19, 2001 (hereinafter referred to as "the MOU").

The Department of State proposes that, pursuant to Article IV. A of the MOU, the MOU be extended for an additional five-year period.

The Department of State further proposes that, pursuant to Article IV. B of the MOU, the MOU be amended by replacing Article II with the enclosed revised Article II.

If the foregoing proposals are acceptable to the Embassy of the Republic of Italy, the Department of State proposes that this note, including the enclosed revised Article II, and the Government of the Republic of Italy's note in reply, shall constitute an agreement to extend and amend the MOU which shall enter into force on January 19, 2006.

Enclosure: As stated.

Department of State,

Washington, January 13, 2006.

DIPLOMATIC NOTE



Article II

A. Representatives of the Government of the United States of America and representatives of the Government of the Republic of Italy shall take appropriate steps to publicize this Memorandum of Understanding.

B. Both Governments agree that in order for United States import restrictions to be fully successful in deterring pillage, the Government of the Republic of Italy shall use its best efforts to increase scientific research and protection of archaeological patrimony and protective measures for archaeological excavations at known sites, particularly in areas at greatest risk from looters. The Government of the United States of America acknowledges the efforts of the Government of the Republic of Italy in recent years to devote more public funds to guard archaeological sites and museums and to develop Italian tax incentives for private support of legitimate excavation. The Government of the Republic of Italy agrees to continue to pursue these efforts.

C. The Government of the Republic of Italy shall reinforce, with respect to the 1970 UNESCO Convention, the protection of its cultural patrimony. In particular, the Government of the Republic of Italy shall continue its efforts to:

1. ensure the prompt prosecution of looters,
2. stop the illicit use of metal detectors in archaeological areas
3. enhance training for the Carabinieri Special Unit for the Protection of Artistic Patrimony, and
4. create and pursue innovative and effective ways to detect and stop the looting of archaeological sites.

D. Both Governments agree that, in order for United States import restrictions to be most successful in thwarting pillage, the Government of the Republic of Italy shall endeavor to strengthen cooperation among nations within the Mediterranean Region for the protection of the cultural patrimony of the region, recognizing that political boundaries and cultural boundaries do not coincide; and shall seek increased cooperation from other art-importing nations to restrict illicit imports, in the effort to deter further pillage.

E. The Government of the United States of America recognizes that the Government of the Republic of Italy permits the interchange of archaeological materials for cultural, exhibition, educational and scientific purposes to enable widespread public appreciation of and legal access to Italy's rich cultural heritage. The Government of the Republic of Italy agrees to use its best efforts to encourage further interchange through:

1. promoting agreements for long-term loans of objects of archaeological or artistic interest, for as long as necessary, for research and education, agreed upon, on a case by case basis, by American and Italian museums or similar institutions, to include: scientific and technological analysis of materials and their conservation; comparison

for study purposes in the field of art history and other humanistic and academic disciplines with material already held in American museums or institutions; or educational presentations of special themes between various museums or academic institutions;

2. encouraging American museums and universities jointly to propose and participate in excavation projects authorized by the Ministry of Culture, with the understanding that certain of the scientifically excavated objects from such projects could be given as a loan to the American participants through specific agreements with the Ministry of Culture; and

3. promoting agreements for academic exchanges and specific study programs agreed upon by Italian and American institutions.

F. The Government of the United States of America acknowledges the efforts by the Government of the Republic of Italy in recent years to revise and strengthen the laws concerning the export of archaeological artifacts, and to improve the efficiency of the system to release certificates of exportation. The Government of the Republic of Italy shall continue to examine new ways to facilitate the export of archaeological items legitimately sold within Italy.

G. The Government of the United States of America and the Government of the Republic of Italy shall use their best efforts to facilitate appropriate contacts among U.S. and Italian museums and institutions for the development of increased and extended loans of Italy's archaeological cultural patrimony to U.S. museums.

**MEMORANDUM D'INTESA
TRA IL GOVERNO DEGLI STATI UNITI D'AMERICA
E
IL GOVERNO DELLA REPUBBLICA ITALIANA
CIRCA L'IMPOSIZIONE DI LIMITAZIONI ALL'IMPORTAZIONE
DI CATEGORIE DI MATERIALE ARCHEOLOGICO DATABILE AI
PERIODI
ITALIANI PRE-CLASSICO, CLASSICO E DELLA ROMA IMPERIALE**

Il Governo degli Stati Uniti d'America e il Governo della Repubblica italiana,

agendo ai sensi della Convenzione UNESCO 1970 concernente le misure da adottare per interdire ed impedire la illecita importazione, esportazione e trasferimento di proprietà dei beni culturali, di cui entrambi i paesi sono Stati contraenti, e

desiderando ridurre gli incentivi al saccheggio di materiale archeologico insostituibile, databile ai periodi pre-classico, classico e della Roma imperiale del ricco patrimonio culturale italiano;

hanno concordato quanto segue:

Articolo I

A. Il Governo degli Stati Uniti d'America, ai sensi della propria legge avente come titolo Atto di esecuzione della Convenzione sulla proprietà culturale, limiterà l'importazione negli Stati Uniti del materiale archeologico compreso, come date, tra approssimativamente il IX° secolo a.C. e approssimativamente il IV° secolo d.C., includendo categorie di manufatti in pietra, metallo, ceramica e vetro e pitture murali, identificati nella lista da promulgarsi dal Governo degli Stati Uniti (di seguito indicata come "Lista designata"), salvo che il Governo della Repubblica italiana emetta una licenza o altra documentazione che certifichi che tale esportazione non è in violazione delle proprie leggi.

B. Il Governo degli Stati Uniti d'America presenterà per la restituzione al Governo della Repubblica italiana tutto il materiale incluso nella Lista Designata, entrato nella disponibilità del Governo degli Stati Uniti d'America.

C. Tali limitazioni all'importazione entreranno in vigore dalla data di pubblicazione della Lista Designata da parte del Servizio Dogane degli Stati Uniti sul Registro Federale degli Stati Uniti, la pubblicazione ufficiale del Governo degli Stati Uniti, che assicura idonea pubblicità.

Articolo II

A. Rappresentanti del Governo degli Stati Uniti d'America e rappresentanti del Governo della Repubblica italiana prenderanno le misure opportune per pubblicizzare questo Memorandum d'Intesa.

B. Entrambi i Governi concordano che, affinché le limitazioni alle importazioni negli Stati Uniti d'America possano avere pienamente successo nel contrastare gli scavi abusivi, il Governo della Repubblica italiana farà quanto in suo

potere per incrementare la ricerca scientifica e la protezione del patrimonio archeologico e le misure di protezione degli scavi archeologici nei siti conosciuti, particolarmente in aree a maggior rischio di scavi abusivi.

Il Governo degli Stati Uniti d'America prende atto dell'impegno profuso negli ultimi anni da parte del Governo della Repubblica italiana per destinare maggiori fondi pubblici per la custodia dei siti archeologici e dei musei e per la adozione di incentivi fiscali italiani per il sostegno privato di scavi autorizzati. Il Governo della Repubblica italiana proseguirà il suo impegno in questi settori.

C. Il Governo della Repubblica italiana rafforzerà, nel rispetto della Convenzione UNESCO 1970, la protezione del proprio patrimonio culturale, in particolare provvedendo a:

1. istituire pene più severe e perseguire prontamente chi effettua scavi abusivi;
2. regolare l'uso dei rilevatori di metalli;
3. fornire addestramento addizionale al Comando Carabinieri Tutela Patrimonio Artistico; e
4. intensificare le indagini del Comando Carabinieri Tutela Patrimonio Artistico sul saccheggio dei siti archeologici e sulle relative rotte del contrabbando di tali reperti.

D. Entrambi i Governi concordano che, affinché le limitazioni alle importazioni americane possano avere pieno successo nel contrastare gli scavi abusivi, il Governo della Repubblica italiana si adopererà per rafforzare la cooperazione tra le nazioni dell'Area Mediterranea per la protezione del patrimonio culturale dell'Area, riconoscendo che le frontiere politiche e le frontiere culturali non coincidono, e cercherà inoltre di incrementare la cooperazione di altri paesi importatori di beni artistici per limitare le importazioni illecite, nello sforzo di impedire ulteriori saccheggi.

E. Il Governo degli Stati Uniti d'America prende atto che il Governo della Repubblica italiana permette l'interscambio di materiali archeologici a fini culturali, espositivi, educativi e scientifici per consentire un'ampia fruizione pubblica e un approccio legittimo al ricco patrimonio culturale italiano. Il Governo della Repubblica italiana accetta di fare quanto in suo potere per incoraggiare ulteriormente l'interscambio:

1. promuovendo accordi per prestiti a lungo termine di reperti archeologici o di beni di interesse artistico per il periodo necessario a scopi di ricerca e di educazione pubblica, concordati, caso per caso, da musei o Istituzioni similari italiane e statunitensi, che potranno includere: analisi scientifiche e tecnologiche sui materiali e la loro conservazione; confronti a fini di studio, nel campo della storia dell'arte e di altre discipline umanistiche e accademiche, con materiali già conservati in musei o Istituzioni americani; oppure presentazioni a fini educativi di speciali tematiche fra più Istituzioni museali o universitarie;
2. incoraggiando i musei e le Università americane a proporre congiuntamente e a partecipare a progetti di scavo autorizzati dal Ministero per i Beni e le Attività Culturali, nell'intesa che una parte dei manufatti scavati scientificamente in tali progetti potrebbe essere concessa in prestito alla controparte americana a seguito di accordi specifici con il Ministero per i Beni e le Attività Culturali; e
3. promuovendo accordi per scambi accademici e specifici programmi di studio concordati tra istituzioni italiane ed americane.

F. Il Governo degli Stati Uniti prende atto dell'impegno profuso negli ultimi anni da parte del Governo italiano per rivedere la normativa in materia di esportazione di reperti archeologici e per aumentare l'efficienza del sistema per il rilascio dei certificati di esportazione. Il Governo della Repubblica italiana continuerà ad esaminare ulteriori modalità che facilitino l'esportazione di oggetti archeologici venduti legittimamente in Italia.

G. Il Governo degli Stati Uniti d'America e il Governo della Repubblica italiana faranno quanto in loro potere per facilitare idonei contatti tra i musei e le Istituzioni americane e italiane per l'incremento di prestiti a lungo termine del patrimonio culturale archeologico italiano a musei americani.

Articolo III

Gli obblighi di entrambi i Governi e le attività espletate ai sensi di questo Memorandum d'Intesa saranno soggetti alle leggi e regolamenti di ciascun Governo, in quanto applicabili, inclusa la disponibilità di finanziamenti.

Articolo IV

A. Questo Memorandum d'Intesa entrerà in vigore alla firma. Esso rimarrà in vigore per un periodo di cinque anni, salvo proroghe.

B. Questo Memorandum d'Intesa può essere modificato tramite lo scambio di Note Diplomatiche.

C. L'efficacia di questo Memorandum d'Intesa saranno soggetti a valutazione al fine di determinare, prima dello scadere del periodo di cinque anni di questo Memorandum d'Intesa, l'opportunità di prorogarlo.

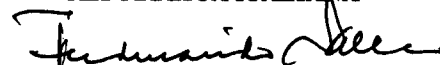
In fede di ciò i sottoscritti, debitamente autorizzati dai rispettivi Governi,
hanno firmato il presente Memorandum d'Intesa.

Fatto a Washington, il 19 giorno del mese di gennaio 2001, in lingua
inglese ed italiana, entrambi i testi essendo ugualmente autentici.

**PER IL GOVERNO
DEGLI STATI UNITI D'AMERICA**



**PER IL GOVERNO DELLA
REPUBBLICA ITALIANA**





Embassy of Italy
3000 Whitehaven St., NW
Washington, D.C. 20008-3612

Prot. 183

NOTE VERBALE

The Embassy of Italy presents its compliments to the U.S. Department of State and wishes to refer to the Department of State's note dated January 13, 2006, regarding the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy, done at Washington January 19, 2001 (hereinafter referred to as "the MOU").

On behalf of the Government of the Republic of Italy, the Embassy of Italy hereby states its acceptance of the extension of the MOU for an additional five-year period, as well as the replacement of Article II of the MOU with a new Article II as attached hereto.

Therefore, this Note and the Department of State's note of January 13, 2006, extend and amend the MOU, which shall enter into force on January 19, 2006.

On behalf of the Government of the Republic of Italy, the Embassy of Italy avails itself of this opportunity to renew to the US Department of State, the assurances of its highest consideration

Embassy of Italy,
Washington, January 13, 2006





Attachment to Embassy of Italy Diplomatic Note/Note Verbale 183

ITALIAN TEXT

Articolo II

A. Rappresentanti del Governo della Repubblica italiana e rappresentanti del Governo degli Stati Uniti d'America prenderanno le misure opportune per pubblicizzare questo Memorandum d'Intesa.

B. Entrambi i Governi concordano che, affinché le limitazioni alle importazioni negli Stati Uniti d'America possano avere pienamente successo nel contrastare gli scavi abusivi, il Governo della Repubblica italiana farà quanto in suo potere per incrementare la ricerca scientifica e la protezione del patrimonio archeologico e le misure di protezione degli scavi archeologici nei siti conosciuti, particolarmente in aree a maggior rischio di scavi abusivi. Il Governo degli Stati Uniti d'America prende atto dell'impegno profuso negli ultimi anni da parte del Governo della Repubblica italiana per destinare maggiori fondi pubblici per la custodia dei siti archeologici e dei musei e per la adozione di incentivi fiscali italiani per il sostegno privato di scavi autorizzati. Il Governo della Repubblica italiana proseguirà il suo impegno in questi settori.

C. Il Governo della Repubblica italiana rafforzerà, nel rispetto della Convenzione UNESCO 1970, la protezione del proprio patrimonio culturale, in particolare continuando nel suo impegno di:

1. assicurare il tempestivo perseguimento di chi effettua scavi abusivi;
2. bloccare l'uso illecito dei rilevatori di metallo nei siti archeologici;
3. potenziare l'addestramento del Comando Carabinieri Tutela Patrimonio Culturale; e
4. sviluppare ed attuare dei metodi nuovi ed efficaci per scoprire eventuali ulteriori saccheggi dei siti archeologici e porvi fine.

D. Entrambi i Governi concordano che, affinché le limitazioni alle importazioni americane possano avere pieno successo nel contrastare gli scavi abusivi, il Governo della Repubblica italiana si adopererà per rafforzare la cooperazione tra le nazioni dell'Area Mediterranea per la protezione del patrimonio culturale dell'Area, riconoscendo che le frontiere politiche e le frontiere culturali non coincidono, e cercherà inoltre di incrementare la cooperazione di altri paesi importatori di beni artistici per limitare le importazioni illecite, nello sforzo di impedire ulteriori saccheggi.



E. Il Governo degli Stati Uniti d'America prende atto che il Governo della Repubblica italiana permette lo scambio di materiali archeologici a fini culturali, espositivi, educativi e scientifici per consentire un'ampia fruizione pubblica e un approccio legittimo al ricco patrimonio culturale italiano. Il Governo della Repubblica italiana accetta di fare quanto in suo potere per incoraggiare ulteriormente tali scambi:

1. promuovendo accordi per prestiti a lungo termine di reperti archeologici o di beni di interesse artistico per il periodo necessario a scopi di ricerca e di educazione pubblica, concordati, caso per caso, da musei o Istituzioni similari italiane e statunitensi, che potranno includere: analisi scientifiche e tecnologiche sui materiali e la loro conservazione; confronti a fini di studio, nel campo della storia dell'arte e di altre discipline umanistiche e accademiche, con materiali già conservati in musei o Istituzioni americane; oppure presentazioni a fini educativi di speciali tematiche fra più Istituzioni museali o universitarie;
2. incoraggiando i musei e le Università americane a proporre congiuntamente e a partecipare a progetti di scavo autorizzati dal Ministero per i Beni e le Attività Culturali, nell'intesa che una parte dei manufatti scavati scientificamente in tali progetti potrebbe essere concessa in prestito alla controparte americana a seguito di accordi specifici con il Ministero per i Beni e le Attività Culturali; e
3. promuovendo accordi per scambi accademici e specifici programmi di studio concordati tra istituzioni italiane ed americane.

F. Il Governo degli Stati Uniti prende atto dell'impegno profuso negli ultimi anni da parte del Governo della Repubblica italiana per rivedere e rafforzare la normativa in materia di esportazione di reperti archeologici e per aumentare l'efficienza del sistema per il rilascio dei certificati di esportazione. Il Governo della Repubblica italiana continuerà ad esaminare ulteriori modalità che facilitino l'esportazione di oggetti archeologici venduti legittimamente in Italia.

G. Il Governo della Repubblica italiana e il Governo degli Stati Uniti d'America faranno quanto in loro potere per facilitare idonei contatti tra i musei e le Istituzioni americane e italiane per l'incremento di prestiti a lungo termine del patrimonio culturale archeologico italiano a musei americani.

ENGLISH TEXT

Article II

- A. Representatives of the Government of the United States of America and representatives of the Government of the Republic of Italy shall take appropriate steps to publicize this Memorandum of Understanding.



B. Both Governments agree that in order for United States import restrictions to be fully successful in deterring pillage, the Government of the Republic of Italy shall use its best efforts to increase scientific research and protection of archaeological patrimony and protective measures for archaeological excavations at known sites, particularly in areas at greatest risk from looters. The Government of the United States of America acknowledges the efforts of the Government of the Republic of Italy in recent years to devote more public funds to guard archaeological sites and museums and to develop Italian tax incentives for private support of legitimate excavation. The Government of the Republic of Italy agrees to continue to pursue these efforts.

C. The Government of the Republic of Italy shall reinforce, with respect to the 1970 UNESCO Convention, the protection of its cultural patrimony. In particular, the Government of the Republic of Italy shall continue its efforts to:

1. ensure the prompt prosecution of looters,
2. stop the illicit use of metal detectors in archaeological areas
3. enhance training for the Carabinieri Special Unit for the Protection of Cultural Patrimony, and
4. create and pursue innovative and effective ways to detect and stop the looting of archaeological sites.

D. Both Governments agree that, in order for United States import restrictions to be most successful in thwarting pillage, the Government of the Republic of Italy shall endeavor to strengthen cooperation among nations within the Mediterranean Region for the protection of the cultural patrimony of the region, recognizing that political boundaries and cultural boundaries do not coincide; and will seek increased cooperation from other art-importing nations to restrict illicit imports, in the effort to deter further pillage.

E. The Government of the United States of America recognizes that the Government of the Republic of Italy permits the interchange of archaeological materials for cultural, exhibition, educational and scientific purposes to enable widespread public appreciation of and legal access to Italy's rich cultural heritage. The Government of the Republic of Italy agrees to use its best efforts to encourage further interchange through:

1. promoting agreements for long-term loans of objects of archaeological or artistic interest, for as long as necessary, for research and education, agreed upon, on a case by case basis, by American and Italian museums or similar institutions, to include:



scientific and technological analysis of materials and their conservation; comparison for study purposes in the field of art history and other humanistic and academic disciplines with material already held in American museums or institutions; or educational presentations of special themes between various museums or academic institutions;

2. encouraging American museums and universities jointly to propose and participate in excavation projects authorized by the Ministry of Culture, with the understanding that certain of the scientifically excavated objects from such projects could be given as a loan to the American participants through specific agreements with the Ministry of Culture; and

3. promoting agreements for academic exchanges and specific study programs agreed upon by Italian and American institutions.

F. The Government of the United States of America acknowledges the efforts by the Government of the Republic of Italy in recent years to revise and strengthen the laws concerning the export of archaeological artifacts, and to improve the efficiency of the system to release certificates of exportation. The Government of the Republic of Italy will continue to examine new ways to facilitate the export of archaeological items legitimately sold within Italy.

G. The Government of the United States of America and the Government of the Republic of Italy shall use their best efforts to facilitate appropriate contacts among U.S. and Italian museums and institutions for the development of increased and extended loans of Italy's archaeological cultural patrimony to U.S. museums.

CULTURAL PROPERTY

Agreement Between the
UNITED STATES OF AMERICA
and ITALY

Amending and Extending
the Memorandum of Understanding of
January 19, 2001,
As Amended and Extended

Effected by Exchange of Notes at
Washington January 11, 2011

with

Attachment



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

ITALY

Cultural Property

*Agreement amending and extending the
memorandum of understanding of
January 19, 2001,
as amended and extended.*

*Effected by exchange of notes at Washington
January 11, 2011;*

Entered into force January 19, 2011.

With attachment.

The Department of State refers the Embassy of the Republic of Italy to the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy done at Washington January 19, 2001, and amended and extended January 13, 2006 (hereinafter referred to as “the MOU”).

The Department, on behalf of the Government of the United States of America, proposes that, pursuant to Article IV. A of the MOU, the MOU be extended for an additional five-year period.

The Department further proposes that, pursuant to Article IV. B of the MOU, the MOU be amended by replacing Article II with the attached amended Article II.

If the foregoing proposals are acceptable to the Embassy of the Republic of Italy, the Department proposes that this note, including the attached amended Article II, and the Embassy of the Republic of Italy’s note in reply, shall constitute an agreement to extend and amend the MOU, which shall enter into force on the date of your note in reply and shall be effective on January 19, 2011.

Attachment: As stated.

A handwritten signature in dark ink, appearing to be a stylized 'M' or similar monogram.

Department of State,

Washington, January 11, 2011.

DIPLOMATIC NOTE

ARTICLE II

A. Representatives of the Government of the United States of America and representatives of the Government of the Republic of Italy shall take appropriate steps to publicize this Memorandum of Understanding.

B. Despite the budgetary constraints faced by all governments, the Government of the Republic of Italy agrees to continue to significantly support scientific archaeological research, protection of archaeological patrimony, and protective measures for archaeological excavations at known sites, particularly in areas at greatest risk from looters.

C. The Government of the United States recognizes the outstanding work of the Government of the Republic of Italy to protect its cultural patrimony with respect to the 1970 UNESCO Convention. The Government of the Republic of Italy shall continue its efforts to:

1. ensure the prompt prosecution of looters,
2. strengthen, in whatever ways necessary, the Carabinieri Special Unit for the Protection of Artistic Patrimony, and
3. create and pursue innovative and effective ways to detect and stop the looting of archaeological sites.

D. The Government of the Republic of Italy shall use its best efforts to stop the illicit use of metal detectors in archaeological areas.

E. The Government of the United States of America recognizes that the Government of the Republic of Italy permits the interchange of archaeological materials for cultural, exhibition, educational and scientific purposes to enable widespread public appreciation of and legal access to Italy's rich cultural heritage. The Government of the Republic of Italy and the Government of the United States of America agree to *encourage further interchange* through:

1. entering into discussions about how to increase the number and overall length of long-term loans of objects of archaeological or artistic interest for research and educational purposes, agreed upon, on a case by case basis, by American and Italian museums or similar institutions, recognizing the spirit of goodwill that exists between cultural institutions in both countries;
2. encouraging American museums and universities to propose and participate in joint excavation projects authorized by the Ministry of Cultural Heritage and Activities, with the understanding that certain of the scientifically excavated objects from such projects could be given as a loan to the American participants through specific agreements with the Ministry of Cultural Heritage and Activities; and
3. promoting agreements for academic exchanges and specific study programs agreed upon by Italian and American museums and universities.

F. The Government of the United States of America and the Government of the Republic of Italy shall use their best efforts to facilitate appropriate contacts among U.S.

and Italian museums and institutions for the development of increased and extended loans of Italy's archaeological cultural patrimony to U.S. museums.

G. Noting that the law of Italy, as it currently stands, allows the purchase of archaeological objects of verified legal provenance, the Government of the Republic of Italy and the Government of the United States will discuss and explore ways to facilitate the legal export of such objects.

H. The discussions mentioned above in paragraphs E. and G. will take place during the first half of the year 2011.



Embassy of Italy
3000 Whitehaven Street, N.W.
Washington, D. C. 20008

The Embassy of the Republic of Italy presents its compliments to the U.S. Department of State and wishes to refer to the Department of State's note dated January 11, 2011, regarding the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy done at Washington January 19, 2001, and amended and extended January 13, 2006 (hereinafter referred to as "the MOU").

On behalf of the Government of the Republic of Italy, the Embassy of the Republic of Italy hereby states its acceptance of the proposal to extend the MOU for an additional five-year period, as well as to replace Article II of the MOU with the amended Article II attached to the above-mentioned note (also attached hereto).

Therefore, this Note and the Department of State's note of January 11, 2011, constitute an agreement to extend and amend the MOU, which shall enter into force on January 19, 2011.

On behalf of the Government of the Republic of Italy, the Embassy of the Republic of Italy avails itself of this opportunity to renew to the U.S. Department of State, the assurances of its highest consideration. S.

Attachment: As stated.

Embassy of the Republic of Italy,

Washington, January 11, 2011.

ARTICOLO II

A. Rappresentanti del Governo degli Stati Uniti d'America e Rappresentanti del Governo della Repubblica Italiana prenderanno le misure opportune per pubblicizzare questo Memorandum d'Intesa.

B. Nonostante i vincoli di bilancio ai quali tutti i governi devono far fronte, il Governo della Repubblica Italiana concorda a proseguire in modo significativo il sostegno alla ricerca archeologica scientifica, alla tutela del patrimonio archeologico e alle misure di protezione degli scavi archeologici nei siti conosciuti, in particolare nelle aree a maggior rischio di scavi abusivi.

C. Il Governo degli Stati Uniti prende atto del notevole impegno del Governo della Repubblica Italiana nel proteggere il proprio patrimonio culturale, nel rispetto della Convenzione dell'UNESCO del 1970. Il Governo della Repubblica Italiana proseguirà i suoi sforzi per:

1. assicurare il tempestivo perseguimento di chi effettua scavi abusivi.
2. rafforzare, nei modi più opportuni, l'Unità Speciale dei Carabinieri per la Protezione del Patrimonio Artistico, e
3. sviluppare ed attuare dei metodi nuovi ed efficaci per scoprire eventuali ulteriori asportazioni abusive da siti archeologici e porvi fine.

D. Il Governo della Repubblica Italiana farà quanto in suo potere per bloccare l'uso illecito dei rilevatori di metalli nelle aree archeologiche.

E. Il Governo degli Stati Uniti d'America prende atto che il Governo della Repubblica Italiana permette l'interscambio di materiali archeologici con finalità culturali, espositive, educative e scientifiche per consentire un'ampia fruizione pubblica e un approccio legittimo al ricco patrimonio culturale italiano. Il Governo della Repubblica Italiana e il Governo degli Stati Uniti d'America concordano nell'incoraggiare ulteriori scambi:

1. Avviando discussioni su come accrescere il numero e la durata complessiva di prestiti a lungo termine di oggetti d'interesse archeologico o artistico per finalità di ricerca e di studio, concordati, caso per caso, da musei americani e italiani o da istituzioni simili, nel riconoscimento dello spirito di buona volontà esistente tra le istituzioni culturali di entrambi i paesi;
2. incoraggiando le università e i musei americani a proporre e a partecipare a progetti di scavo congiunti autorizzati dal Ministero per i Beni e le Attività Culturali, nell'intesa che una parte dei manufatti scavati scientificamente in tali progetti potrebbe essere concessa in prestito alla controparte americana a seguito di accordi specifici con il Ministero per i Beni e le Attività Culturali;
3. promuovendo accordi per scambi accademici e per specifici programmi di studio concordati tra università e musei italiani e americani.

F. Il Governo degli Stati Uniti d'America e il Governo della Repubblica Italiana faranno quanto in loro potere per facilitare idonei contatti tra i musei e le Istituzioni americane ed italiane per l'aumento dei prestiti, e per l'incremento della durata dei prestiti a lungo termine, del patrimonio archeologico e culturale italiano a musei americani.

G. Prendendo atto che la vigente legislazione italiana consente l'acquisto di oggetti archeologici di accertata provenienza lecita, il Governo della Repubblica Italiana e il Governo degli Stati Uniti d'America discuteranno ed esploreranno metodi per facilitare l'esportazione legale di tali oggetti.

H. Le discussioni di cui sopra, ai paragrafi E. e G., avranno luogo durante la prima metà del 2011.

ARTICLE II

A. Representatives of the Government of the United States of America and representatives of the Government of the Republic of Italy shall take appropriate steps to publicize this Memorandum of Understanding.

B. Despite the budgetary constraints faced by all governments, the Government of the Republic of Italy agrees to continue to significantly support scientific archaeological research, protection of archaeological patrimony, and protective measures for archaeological excavations at known sites, particularly in areas at greatest risk from looters.

C. The Government of the United States recognizes the outstanding work of the Government of the Republic of Italy to protect its cultural patrimony with respect to the 1970 UNESCO Convention. The Government of the Republic of Italy shall continue its efforts to:

1. ensure the prompt prosecution of looters,
2. strengthen, in whatever ways necessary, the Carabinieri Special Unit for the Protection of Artistic Patrimony, and
3. create and pursue innovative and effective ways to detect and stop the looting of archaeological sites.

D. The Government of the Republic of Italy shall use its best efforts to stop the illicit use of metal detectors in archaeological areas.

E. The Government of the United States of America recognizes that the Government of the Republic of Italy permits the interchange of archaeological materials for cultural, exhibition, educational and scientific purposes to enable widespread public appreciation of and legal access to Italy's rich cultural heritage. The Government of the Republic of Italy and the Government of the United States of America agree to *encourage further interchange* through:

1. entering into discussions about how to increase the number and overall length of long-term loans of objects of archaeological or artistic interest for research and educational purposes, agreed upon, on a case by case basis, by American and Italian museums or similar institutions, recognizing the spirit of goodwill that exists between cultural institutions in both countries;
2. encouraging American museums and universities to propose and to participate in joint excavation projects authorized by the Ministry of Cultural Heritage and Activities, with the understanding that certain of the scientifically excavated objects from such projects could be given as a loan to the American participants through specific agreements with the Ministry of Cultural Heritage and Activities; and
3. promoting agreements for academic exchanges and specific study programs agreed upon by Italian and American museums and universities.

F. The Government of the United States of America and the Government of the Republic of Italy shall use their best efforts to facilitate appropriate contacts among U.S.

and Italian museums and institutions for the development of increased and extended loans of Italy's archaeological cultural patrimony to U.S. museums.

G. Noting that the law of Italy, as it currently stands, allows the purchase of archaeological objects of verified legal provenance, the Government of the Republic of Italy and the Government of the United States will discuss and explore ways to facilitate the legal export of such objects.

H. The discussions mentioned above in paragraphs E. and G. will take place during the first half of the year 2011.