

AGREEMENT

of 3 November 2004

between the Minister of Finances, Minister of Culture, Chief Commander of Polish Police and Chief Commander of Polish Border Guard on the cooperation in the work against illegal exportation and importation of monuments

Aiming at the assurance of competent and effective cooperation within the range of assignments specified in the act of 24 July 1999 on the Polish Customs Service (Journal of Laws 2004, No 156, Item 1641), act of 23 July 2003 on the protection of monuments and the guardianship of monuments (Journal of Laws, No 162, Item 1568 and No 96, Item 959), act of 6 April 1990 on the Police (Journal of Laws 2002, No 7, Item 58 with subsequent changes.¹⁾ and in act of 12 October 1990 on the Polish Border Guard (Journal of Laws 2002, No 171, Item 1399 with subsequent changes.²⁾), regarding the fight against illegal exportation or importation of monuments. The Minister Finances, Minister of Culture, Chief Commander of Polish Police and Chief Commander of Polish Border Guard decide and agree on the following issues:

§ 1. The Minister of Finances, Minister of Culture, Chief Commander of Polish Police and Chief Commander of Polish Border Guard, hereinafter called the “Parties”, each of them within the range of their competences, pledge to cooperate with the purpose of obeying the legislation concerning the exportation or importation of monuments through the administration of support in the sphere of:

- 1) control procedures;
- 2) information exchange;
- 3) trainings and experience exchange.

§ 2. 1. The cooperation, mentioned in § 1, is implemented through:

- 1) Minister of Finances with the aid of:
 - a) director of the Department of Customs Service in the Ministry of Finances,
 - b) directors of Customs Offices;
- 2) Minister of Culture with the aid of:
 - a) director of the Monuments Protection Department in the Ministry of Culture and director of the Centre of Art Collection Protection with the reservation of article 2,
 - b) provincial inspectors of monuments;
- 3) Chief Commander of Polish Police with the aid:

- a) director of the Criminal Bureau of the Police Headquarters,
 - b) provincial commanders of Polish Police;
- 4) Chief Commander of Polish Border Guard with the aid of:
- a) director of Operation-Investigation Office of Polish Border Guard,
 - b) commanders of regional divisions of Polish Border Guard.

2. The exchange of information, mentioned in § 5, article , point. 1 and 3, is implemented exclusively by the director of the Centre of Art Collection Protection.

§ 3. 1. The respective regional directors of customs offices, provincial inspectors of monuments, provincial commanders of Polish Police and commanders of regional divisions of Polish Border Guard are able to negotiate particular detailed arrangements without disturbing the principles set in the present Agreement.

2. Bodies, mentioned in article 1, are able in particular to:

- 1) appoint joint working groups with the purpose of elaborating the principles of cooperation;
- 2) arrange the principles of dealing with historical properties detained by customs services and Border Guard services, including the rules of places and conditions for storing.

§ 4. Cooperation within the range of control activities includes in particular:

- 1) preventing, by the customs services and Border Guard, the exportation of historical properties without the necessary permission;
- 2) supporting in the sphere of identification of historical properties which are allegedly obtained in an illegal way.

§ 5. 1. Cooperation within the range of information exchange includes in particular:

- 1) disclosed cases of exportation or importation of historical properties without adequate permission or not bringing the properties back to Poland during the permission's period of validity;
- 2) irregularities in documents of exportation or importation of historical properties;
- 3) historical properties which were listed in the national registry of stolen or illegally exported properties;
- 4) negative occurrences taking place within the sphere specified in the Agreement.

2. In order to provide cooperation, mentioned in article 1, the Parties will elaborate and implement the system of quick and efficient information exchange.

§ 6. 1. The Parties undertake the analysis and assessment of implementation of the Agreement's enactments and agree on the lines of activities resulting from the peculiar character of threats occurring within this field.

2. The Parties designate persons responsible for the coordination and process of cooperation.

3. In case of recognizing any irregularities connected with the exportation or importation of historical properties, the Parties will take steps towards the elimination and prevention of undesirable occurrences in the future.

4. In order to extend the knowledge and improve the skills, according to appearing needs, the Parties organize joint trainings in the sphere of historical properties protection.

§ 7. Immediately after the signing of the Agreement the parties will inform the dependant or supervised units on the Agreement's content.

§ 8. The Agreement has been created in four identical copies, one for each Party.

§ 9. The Agreement of 13 August 2001 between the Chief Commander of Border Guard and the General Inspector of Monuments on the cooperation between the Border Guard and state services responsible for the protection of monuments is expired.

§ 10. The agreement shall enter into force upon the date of a signature.

1) Changes in the unified text of the act were announced in the Journal of Laws 2001, No 100, Item 1084, No 110, Item 1189, from the year 2002 No 19, Item 189, No 74, Item 676, No 81, Item 731, No 113, Item 984, No 115, Item 996, No 176, Item 1457, No 200, Item 1688, from the year 2003 No 90, Item 844, No 113, Item 1070, No 130, Item 1188, No 130, Item 1190, No 137, Item 1302, No 166, Item 1609, No 171, Item 1800, No 172, Item 1805, No 192, Item 1873, No 210, Item 2035.

2) Changes in the unified text of the act were announced in the Journal of Laws z 2003 r. No 90, Item 844, No 113, Item 1070, No 128, Item 1175, No 137, Item 1302, No 166 Item 1609, No 210, Item 2036, from the year 2004 No 29, Item 257 No 171, Item 1800, No 172, Item 1805, Journal of Laws No 210 Item 2135.