

(Translated from the French Version)

(national insignia)

KINGDOM OF CAMBODIA

Nation Religion King

Royal Government
of Cambodia
No.: 98

SUBDECREE RESPECTING IMPLEMENTATION OF CULTURAL HERITAGE PROTECTION

The Royal Government,

Considering:

- The Constitution of the Kingdom of Cambodia,
- Royal Decree (Preah Reach Kret) No. 1198/72 of November 30, 1998 respecting the Appointment of the Royal Government of Cambodia,
- Royal Decree (Preah Reach Kram) No. 02/NS/94 of July 20, 1994 promulgating the Law on the Organization and Operation of the Council of Ministers,
- Royal Decree (Preah Reach Kram) No. NS/0196/02 of January 24, 1996 on the Establishment of the Ministry of Culture and Fine Arts,
- Royal Decree (Preah Reach Kram) No. 0196/26 of January 25, 1996 promulgating the Law on the Protection of Cultural Heritage,
- Royal Decree No. NS/RKT/0295/11 of February 19, 1995 on the Establishment of the Supreme Council of National Culture,
- Royal Decree No. NS/RKT/0295/12 of February 19, 1995 on the Establishment of a National Public Institution for the Protection of the Site and Management of the Angkor Region, named ASPARA,
- Royal Decree No. NS/RKT/0199/18 of January 22, 1999 on the Harmonization of the Provisions of Royal Decree No. NS/RKT/0295/12 of February 19, 1995 on the Establishment of APSARA,
- Royal Decree No. RS/RKT/1297/91 of December 31, 1997 respecting the Legal Status of Public Administrative Institutions,
- Royal Decree No. 001 NS, of May 28, 1994, on Zoning and Management of the Siem Reap-Angkor Region,
- Subdecree (Anukret) No. 62 of October 14, 1997 respecting the Organization and Operation of the Ministry of Culture and Fine Arts,
- Approval by the Council of Ministers in plenary session of August 9, 2002,

Decrees
Chapter I
General provisions

Article 1

The purport of this subdecree is implementation of cultural heritage protection through definition of cultural property and archaeological excavations.

It is to regulate the trade in cultural property and control the exporting and importing of cultural property.

Chapter II
Cultural property

Article 2

Cultural heritage means the body of tangible cultural property with the exclusion of intangible cultural property.

Article 3

Included in cultural heritage is:

- a. Cultural property born of the individual or collective ingenuity of Cambodian nationals.
- b. Cultural property of a definite cultural, artistic or historical significance, created on national soil by foreign nationals or stateless persons residing on national soil.
- c. Cultural property found on national soil.
- d. Cultural property acquired by Cambodian cultural institutions, with the consent of the competent authorities of the country of origin of such property.
- e. Cultural property dealt in under freely agreed exchanges.
- f. Cultural property received free of charge or in return for payment, legally acquired with the agreement of the competent authorities of the country of origin of such property.

Article 4

Cultural property refers to any artifact, moveable or immoveable, belonging to the following categories:

- a. Archaeological material resulting from ground or underwater excavations, legal or illegal, and archaeological discoveries.
- b. Prehistoric and historic property such as monuments, components from the dismantling of a monument, sites, graves, remains of ancient villages, grottos and ancient pagodas.
- c. Properties of antiquity such as tools, pottery items, inscriptions, coins, seals, jewels, weapons and funerary remains.

- d. Sacred cultural property or having certain community significance, belonging to and used by a native or tribal community, for the traditional or ritual use of such community.
- e. Anthropologic and ethnological material.
- f. Property of artistic interest such as:
 - 1. Paintings and drawings, executed entirely by hand on any medium and in any material, with the exclusion of industrial drawings and hand-decorated manufactured items.
 - 2. Original rubbings, posters and photographs as a means of original creation.
 - 3. Original artistic assemblages and montages, in any material.
 - 4. Objects of applied art, in materials such as glass, ceramics, metal or wood.
- g. Manuscripts and incunables, books documents and publications of special interest, notably for science, history, art and literature.
- h. Property of numismatic interest (medallions and coins) or philatelic interest.
- i. Archival documents, including recordings of material, maps and other cartographic material, photographs, motion-picture films, sound recordings and machine-readable documents (diskettes, CDs, etc.).
- j. Furnishings, tapestry, carpets, ancient silk cloth, traditional costumes and musical instruments.
- k. Zoological, botanical and geological specimens.

Chapter III Trade in Cultural Property

Section 1 Procedure for granting of approval

Article 5

Trade in cultural property means any professional activity of selling or trading cultural property as a main or accessory occupation, on a habitual basis.

Cultural property merchant means any private person or legal entity that carries out the activity referred to in the preceding paragraph regardless of whether such person or entity has a selling establishment or carries out this activity at a domicile, residence or on the public domain.

The following are considered to be merchants: persons who set up in a public place or a place open to the public an event for the sale or exchange of cultural property (fairs, antique shows, bazaars, flea markets or exchanges).

Article 6

Any private person or legal entity who intends to carry out a cultural properties trading activity shall submit an application for approval with the Supreme

Council of National Culture, of which the Ministry of Culture and Fine Arts is the executive agency.

Article 7

The application for approval, with a statement of rationale, shall be accompanied by a copy of the license from the register of commerce and any other supporting document.

The form that is used for submission of the application shall be established by order of the Ministry of Culture and Fine Arts.

Article 8

The approval shall be for the person applying only and cannot be transferred to third parties.

It is issued for a one-year period and may be renewed.

Merchants who carry out their activity in compliance with the code of ethics of the profession and who have not come under an administrative or penal sanction for an infraction of the regulations on cultural heritage protection for at least 5 years may have their approval renewed automatically from one year to the next.

However, the administrative procedures must be fulfilled in harmony with the recommendations of the Ministry of Culture and Fine Arts.

Article 9

The merchant in cultural property shall only be authorized to commence his professional occupation after receiving notification of the approval.

Section 2

Obligations of merchant and register of cultural property

Article 10

In addition to the obligations provided for under Article 33 of the Law on the Protection of Cultural Heritage, all merchants must also comply with the following obligations:

- a. Keep a daily register of items acquired, exchanged or held for sale or exchange. In the event the merchant has more than one selling establishment, a register is required for each establishment.
- b. Refrain from acquiring for sale or exchange cultural property of which the origin is dubious or of which the owner cannot be identified with certainty.
- c. Refrain from acquiring free of charge or in return for payment cultural property from a minor or from an incompetent person without the consent of his parents or legal representative.

- d. Inform the acquirer of the status of such item, in the event of sale or exchange of a catalogued item, put up for classification or classified, and provide the control authority with the identity and domicile of the acquirer, as well as the date on which ownership was transferred.
- e. Guarantee the specification that he has put forward regarding the nature, composition, origin and age of the item sold or exchanged by providing the acquirer with appropriate certification if so requested.
- f. Declare to the Ministries of Culture and Fine Arts, Commerce and Economy and Finance any change in the location of the selling establishment.

When the professional activity is carried out by a legal entity, the above-mentioned obligations shall be incumbent upon the executive officers of the legal entity.

Article 11

The register of cultural items shall contain the following information:

- a. A full description of each item, specifying its main conspicuous features as well as names, signatures, letters, digits, emblems and signs of any nature that appear on it and that facilitate its identification.
- b. The full name, position and domicile of the seller or depositor in the event of an exchange or a consignment for sale or return, as well as the nature, number and issue date of the identification document shown by the private person that performed the sale, exchange or deposit, along with indication of the issuing authority.
- c. A serial number to be affixed to each item of cultural property.
- d. The purchase price or estimated price, in case of exchange, consignment for sale or return or free acquisition.
- e. Where applicable, inscription in the inventory or classification.

Article 12

The register shall be serial marked and initialed by a duly empowered officer of the Ministry of Culture and Fine Arts. It may be computerized provided that it is available in a continuous listing (permanent sheets), previously serial numbered and initialed by the said officer.

Article 13

The information appearing in the register shall be written in indelible ink, with no blanks, erasures or abbreviations.

Article 14

The register shall be kept by the merchant for at least 5 years from the time of closing down.

Article 15

A sample register of cultural items purchased, exchanged or held on consignment for exchange or sale is provided in Annex 1 of this subdecree.

Article 16

Auditing of the registers shall be cared for by the Ministry of Culture and Fine Arts.

Chapter IV Archaeological Excavations

Section 1 General provisions for excavations

Article 17

Archaeological excavations means all research work carried out for the purpose of discovering artifacts of an archaeological nature or studying archaeological material or sites, regardless of whether such research includes digging into the soil or exploring systematically the surface of the soil, or whether it is performed on the bed or in the subsoil of inland or territorial waters.

Support posts and shielding needed for the safety of material and persons or for the temporary protection of remains discovered by chance and pending intervention by the departments in charge of cultural heritage protection are not considered excavations in the meaning of the preceding paragraph.

Article 18

The Royal Government of Cambodia is empowered to grant to national and international institutions a permit to carry out excavations of a methodological and stratigraphic nature anywhere in the Kingdom of Cambodia.

Article 19

Excavation permits shall be granted by:

- a. The Ministry of Culture and Fine Arts on behalf of the Supreme Council of National Culture anywhere on national soil, with the exclusion of the Siem Reap-Angkor region.
- b. The Authority for the Protection of the Site and Management of the Angkor Region (Autorité pour la protection du site et de l'aménagement de la région d'Angkor - A.P.S.A.R.A.) for the region of Siem Reap-Angkor.

Article 20

The excavation permit is non-transferable. It cannot be transferred to any other national or international scientific organization.

Article 21

When an application for an excavation permit for a private piece of land is under review, the competent authority shall be apprised thereof and inform the owner.

Article 22

Religious sites where worship is practiced regularly such as pagodas, stupas, rural Neak Ta mounds or Bodhi trees (*ficus religiosa*) to plumb with its outermost branches are excluded from the scope of this chapter.

Test pits may be put in with the agreement of the religious authorities in a pagoda compound, outside of the sacred sanctuary or when evidence and topographical observations or concordant traditions show that there is the superposition of a modern pagoda on top of an ancient building.

Public or private cemeteries, with the exception of individual graves, are also excluded from the scope of this chapter. In this case, the institution holding the excavation permit (hereinafter referred to as the institution) may come to a mutual agreement with the families or, failing that, with the local authorities, of the procedures governing the excavations and any compensation.

Section 2 **Terms and conditions**

Article 23

Any excavation permit application must be accompanied, as the case may be, with some or all of the following documents:

- a. The scientific program including a report on the advisability of the operation and the anticipated results.
- b. The detailed excavation project, outlining and giving the rationale for the contemplated research methods.
- c. The budget, showing the overall amount of the operation, sources of funding and relevant guarantees.
- d. The technical description showing the staff involved, material resources to be implemented, what is to become of them at the conclusion of the undertaking, length of the work site.
- e. Measures to ensure safety of the property and persons involved, along with a certificate of third-party liability insurance.
- f. The endorsement of a recognized national or international scientific institution.
- g. A map showing the extent of the area covered by the excavation license with boundaries, cadastral references of the land plots and the names of the owners and occupants.
- h. A layout map showing the area in which test pits and stratigraphic sections may be put in.
- i. A plan showing the work site layout, areas for classification and storage of excavated spoil.

Article 24

The institution may, upon submission of the excavation permit, have issued to it any excerpt of cadastral registration records, landholding maps and certificates of registration from the land register office records for locations where excavations are contemplated.

Article 25

A copy of the excavation permit shall be forwarded for information by the competent authority to the national, provincial and local authorities concerned. The owners, public or private, of the land, shall also be notified by the provincial authority. It shall be published in poster form on the site involved.

The institution shall provide the provincial and local authorities with the regulations governing the work site covered in the excavation permit.

Article 26

Once notification of the permit has been given, private persons or legal entities other than those shown on the permit are prohibited from undertaking any work of any nature whatsoever on the land lots covered in the area shown thereon.

Article 27

The institution is under obligation to fence off the land lots involved in the operations and to have an inventory of fixture made out in the presence of a representative from the provincial land register office.

Article 28

The institution shall be allowed, with the agreement with the competent department of the Ministry of Agriculture, Forestry and Fisheries, to work in the determined area to remove brush, cut down trees and open up forest paths and roadways.

Article 29

The institution is under obligation to complete the excavation campaign and refurbish the land lots within the given time frame.

Article 30

In the event excavations result in the discovery of major remains, these shall be left as they are after the study. One-off consolidation operations shall be taken by the institution prior to review of the protection measures to be taken under the Law on the Protection of Cultural Heritage. The local and provincial authorities along with the owners, public or private, assume responsibility for the conservation of the said remains until the contemplated protection measures have been taken.

Article 31

Any chance discovery of a recent grave must be reported to the local authority where the discovery was made, who shall delegate as soon as possible a police officer to make a report, look for any families concerned and certify the reburial of the remains in a proper grave.

Section 3 Obligations

Article 32

Prior to undertaking excavation operations, the institution shall inquire of the local authorities and take into consideration the traditions and customs relating to certain locations and respect the habits and customs of the Kingdom of Cambodia, more especially those having to do with religion.

The institution is responsible for damage caused to persons and property during the duration of the permit.

The foreign institution shall associate with its work one or more Cambodian scientific institutions. It is under obligation, in the framework of the excavation operations, to train Cambodian technicians and scientists. It is allowed, in agreement with the competent authority, to ask for assistance from other foreign scientific institutions or scientific, administrative or technical staff including assistants, scholarship holders and foreign students.

Article 33

The excavations director shall take responsibility for performance of the excavations according to good practices and see to the decorum of the staff under his authority. He shall exercise unique, direct authority over all of his subordinates and shall be allowed to delegate his jurisdiction of authority only to a member of the institution's scientific staff.

The excavations director shall inform the competent authority of the discovery of any prehistoric or historical monument, site or location requiring protective measures as provided for in the Law on the Protection of Cultural Heritage, irrespective of it involving underground, underwater or surface explorations.

Article 34

The national, provincial and local authorities are under obligation to provide aid and assistance to the institution should it call upon the administrative and police authorities for help.

The competent authority shall check the smooth sequencing of the excavation operations. It shall assign one of its representatives to the institution for this purpose. The said representative is empowered to attend all excavation or registration operations and control them within the limits of his duties. He shall

not have any jurisdiction in the area of instruction with regard to the members and agents of the institution.

Section 4 Scientific ownership and financial provisions

Article 35

The institution shall retain the scientific ownership of its discoveries provided that the scientific findings of the excavations are published within five years from completion of the operations.

The right to iconographic reproduction or dissemination in scientific literature is free after publication of the scientific findings of the excavations.

Article 36

Beyond the five-year deadline provided for under Article 35 of this subdecree, the competent authority shall be allowed to give permission for dissemination for commercial purposes upon payment of a contribution commensurate with the output.

In the event of filming an audiovisual work, the competent authority shall determine a lump-sum contribution based on the shooting time and length of the work.

The amount of such contributions shall be determined by joint order of the Ministry of Culture and Fine Arts and the Ministry of Economy and Finance.

Article 37

The funding of all excavation operations including test pits, explorations, digs, transportation, wages of workers, supervisory or guard staff, local staff training, shall be borne by the institution.

Section 5 Registration and devolution of excavated materials

Article 38

The institution shall keep an up-to-date excavation log that shall include an official inventory of individual artifacts or clusters of artifacts found while excavating. This obligation does not include, in particular, slag, mineral or ligneous specimens, soil samples, insignificant ceramic or glass debris, nor human or animal bones, shells and any indication or evidence of ancient habitat which come under the purview of laboratory process, inasmuch as the excavation does not purport to study such items.

Article 39

In case artifacts are found that have definite significance from a historical, artistic, cultural, scientific, archaeological or pecuniary point of view, the holder shall make a report to be joined to the excavation log.

No assignment may be given to such artifacts prior to their being studied scientifically.

Article 40

When archaeological rescue excavations are funded in whole or in part by the contract owner, the competent authority may offer financial compensation to the latter. The amount of the financial compensation is reached by mutual agreement or upon the advice of an expert.

Article 41

The competent authority shall be allowed to assign to the institution the product of scheduled archaeological excavations for which duplicates or significant numbers exist in public collections.

The institution shall notify the competent authority of the permanent assignment of items for which ownership has been transferred to it. It shall only be allowed to transfer such items, in return for payment or free of charge, to a public collection.

Article 42

Regardless of the place where artifacts owned by the Kingdom of Cambodia are deposited, the institution shall be able to continue to study and analyze them provided that such activity does not cause any damage to them.

The institution shall retain the right to make moldings and photographs for scientific purposes. To this end, the competent authority shall provide it with registration references in the form of inventory numbers.

Chapter V

Exporting and Importing Cultural Property

Section 1

Exporting procedures

Article 43

Cultural property for which exporting is prohibited without a special export license as provided for in Article 51 of the Law on the Protection of Cultural Heritage are those which, as of the date of the license application, enter into one of the categories of cultural property listed under Article 4 of this subdecree.

Article 44

The special license for the temporary or permanent export of cultural property shall be issued by the Ministry of Culture and Fine Arts on behalf of the Supreme Council of National Culture.

Article 45

Any application for a cultural property export license must be submitted to the Ministry of Culture and Fine Arts by the owner of the item or his authorized agent.

The application shall be made in the form prescribed in Annex II. It shall be accompanied by the following documents and information:

- a. A description of the cultural item, in sufficient detail to enable accurate identification.
- b. A photograph of the cultural item or a photocopy if it is a document.
- c. The receipt issued by customs when the cultural item in question has been imported legally to Cambodia.
- d. The market value of the cultural property in Cambodia and abroad in the event of permanent export.
- e. The selling price of the cultural item, if it has already been sold and destined for permanent export.
- f. The purpose of the export.
- g. The destination of the cultural item.
- h. The planned date of export.
- i. The approximate date of return of the cultural item to Cambodia in the event of temporary export.

Article 46

When the applicant does not provide all information and the required supporting documents, the Ministry of Culture and Fine Arts shall request submission of the missing items, by return registered letter, prior to expiration of the three-month timeframe given under Article 52 of the Law on the Protection of Cultural Heritage. This timeframe is suspended.

The applicant shall have two months from receipt of the letter from the Ministry to submit the requested information and documents. An applicant failing to submit these items within this deadline is deemed to have forfeited his application.

Article 47

The timeframe specified under Article 52 of the Law on the Protection of Cultural Heritage is also suspended, notably in the following cases:

- a. When, in implementation of Article 49 of this subdecree, the Ministry of Culture and Fine Arts requires that the item be brought in for examination; in this case, the suspension shall run from the date of receipt by the applicant of the Ministry's registered letter requesting that the item be brought in.

- b. When the authenticity of the item is legally challenged; in this case, the suspension shall run up to the time when the applicant has forwarded to the Ministry the decision closing the procedure.
- c. When the Ministry requests proof of the legality of importing the item; in this case, the suspension shall run from the date of receipt by the applicant of the Ministry's registered letter asking for substantiation until the time as such substantiation is supplied.

Article 48

Should the item be of special significance, notably from the historical, artistic or archaeological viewpoint, the Ministry of Culture and Fine Arts shall be allowed to invite a group of ad hoc experts made up of five persons at the most to appraise the impact that export of the said item would have on national cultural heritage. This group of experts shall express its opinion on the cultural value of the item in the light of the evaluation criteria listed under Article 54 of the Law on the Protection of Cultural Heritage. It shall submit a report to the Ministry and make recommendations.

Article 49

Should the application procedure so require, the Ministry of Culture and Fine Arts shall ask for the item to be brought in to a place that it shall designate.

Article 50

The export license shall be issued to the applicant after remittance of the amount of tax provided for under Article 53 of the Law on the Protection of Cultural Heritage, acknowledged by receipt, or shall be forwarded to him by double registered letter.

The granting of a temporary export license for an exhibition, restoration or other scientific purposes shall not be subject to payment of a tax to the Royal Government.

Article 51

Should the Ministry of Culture and Fine Arts refuse to issue the license, it shall notify the owner of the item of such decision, even if the application was filed by an authorized agent, by double registered letter. If the Ministry does not have the name and address of the owner, it shall request this information from the authorized agent by double registered letter. The timeframe given under Article 52 of the Law on the Protection of Cultural Heritage shall be suspended starting from the date of receipt by the authorized agent of the Ministry's letter until the time such information is submitted.

Article 52

In the event there is a risk of fraudulent export of an item of cultural property for which legal export has been refused, the Ministry of Culture and Fine Arts shall

be allowed to claim such item for deposition in a public collection, as provided for under Article 57 of the Law on the Protection of Cultural Heritage.

In such event, the Ministry must make a purchase offer to the owner of the item of cultural property.

Article 53

The purchase offer, sent by double registered letter, shall specify the estimated price of the cultural item, information relating to prices fetched, if applicable, by comparable cultural items on the national and international market or, failing that, comparative information in support of the estimate.

The owner of the cultural property shall have two months to respond. This timeframe shall start from receipt of the purchase offer. Absence of a written response from the owner within this timeframe shall be construed as a refusal of the offer.

In this case, the Ministry of Culture and Fine Arts and the owner of the item shall designate an expert to appraise the price of the item.

The expert shall ask for the item to be brought in to him.

The government shall assume the expense of the appraisal.

Section 2 Illegal exporting

Article 54

When a cultural item has been illegally exported, temporarily or permanently, the Ministry of Culture and Fine Arts shall be empowered, in cooperation with the Ministry of Foreign Affairs and International Cooperation, to undertake all diplomatic, administrative and legal procedures necessary to have the said item returned to national soil.

The Ministry shall also act on behalf of the State or owner, in any diplomatic, administrative or legal procedure provided for under a bilateral treaty or other international conventions, including the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects.

Article 55

The Ministry of Culture and Fine Arts shall inform the public of the procedures undertaken to have a cultural item returned to national soil. The public shall also be informed, where applicable, of the outcome of such procedures.

Article 56

When the return of a cultural item is ordered and an allowance is awarded to the bona fide owner, it shall be remitted by the State, without prejudice to the latter's right to receive reimbursement for expenses by any other person.

Article 57

The State shall become custodian of the returned cultural item until it is returned to its owner after ownership of the item has been ruled upon, where applicable. The latter shall be deposited with the National Museum and may be put on exhibit.

Article 58

The cultural item that has been ordered returned is turned over to its owner provided that the latter:

- a. Reimburse all expenses incurred to the State, i.e. expense of any compensation paid to the bona fide purchaser, conservatory expenses, expenses involved in implementing the decision to have the item returned and the storage expenses mentioned under Article 56 of this subdecree; and
- b. Was not himself the person committing the fraudulent export.

When the owner is a public entity, the Ministry of Culture and Fine Arts shall be allowed to demand, prior to returning the item to it, that the measures necessary for the conservation and protection of the item be taken. Failing that, after a formal request not followed by effect in two years, the Ministry shall be allowed to decide to put the item in a venue providing all of the necessary safety measures.

Article 59

Ownership of the returned item of cultural property devolves to the State when the identity of the owner of the item remains unknown after a period of five years from the date when the Ministry of Culture and Fine Arts informed the public of the decision to order the item returned, as provided for in Article 56 of this subdecree.

Section 3

Importing cultural property

Article 60

Any item of cultural property imported onto Cambodia soil shall be declared at customs, as provided for in Article 61 of the Law on the Protection of Cultural Heritage.

The cultural property shall be accompanied by an export permit, issued by the competent authority of the country of origin or by any other document certifying the legality of the export.

Cultural property imported onto Cambodian soil without a customs declaration is deemed to be illegally imported. This same applies for stolen cultural property that is smuggled onto national soil.

Article 61

Upon the specific and detailed request of the government of the home country, the Ministry of Culture and Fine Arts shall search or have a search made for any item of cultural property illegally imported onto national soil.

Article 62

When the State of origin of the illegally imported cultural property is known, the Ministry of Culture and Fine Arts shall inform it by diplomatic channels of the presence of such property on national soil.

Article 63

The customs authorities and the Ministry of Culture and Fine Arts shall take all necessary action to confiscate illegally imported cultural property.

Article 64

Confiscated cultural property shall be deposited with the National Museum which shall provide protection for it and take all necessary measures for its conservation.

Article 65

The requesting State shall send by diplomatic channels its request for the return of an illegally imported item of cultural property to the Ministry of Culture and Fine Arts, which shall take all necessary action to ensure the return of the item to its country of origin.

Such action shall be taken without prejudice to the other administrative or legal procedures of which the requesting State or owner may avail themselves of, where applicable.

Article 66

Requests for returns governed by the provisions of bilateral agreements or other international conventions, including the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects are also reserved.

Article 67

The return of the item of cultural property shall take place upon payment by the requesting State of all expenses relating thereto, including expenses entailed in confiscating the item, depositing it at the National Museum and any conservation measures taken.

Article 68

An illegally imported item of cultural property for which the return is not requested within the timeframe provided by domestic or international law devolves to the State.

Chapter VI Sanctions

Article 69

When a merchant in cultural property is in breach of one of his obligations as provided for in Article 10 of this subdecree and Article 33 of the Law on the Protection of Cultural Heritage, the Ministry of Culture and Fine Arts shall be allowed to withdraw his permit on a temporary basis or permanently in the case of a repeat offense.

Article 70

When an institution that is holder of an archaeological excavations permit is in breach of the obligations provided for under Chapter IV of this subdecree, the competent authority shall be allowed, depending on the gravity of the offense, to:

- a. Withdraw its right to scientific ownership of the excavated material.
- b. Withdraw its excavation permit.
- c. Refuse to grant it any further excavation permit for a maximum period of five years.

Chapter VII Claim procedure guarantees

Article 71

The decisions provided for under this subdecree must be issued in written form.

The reasons for such decisions must be given as well as the avenues of redress and the deadline for same.

Article 72

The persons concerned shall be served notice of all decisions made under this subdecree.

Chapter VIII Transitory provision

Article 73

Any merchant who has already been exercising his professional activity prior to the taking effect of this subdecree shall have 12 months from the date of this act coming into effect to comply with it.

Chapter IX Final provisions

Article 74

All provisions contrary to those of this subdecree are null and void.

Article 75

The Minister in charge of the Office of the Council of Ministers, the Minister of Culture and Fine Arts, the Supreme Council of National Culture, the APSARA Authority, the ministers, secretaries of State of the concerned institutions are responsible for implementing this subdecree from the date of its signature.

Made in Phnom Penh this 17th day of September 2002

The Prime Minister
Signed and sealed

HUN SEN

Copies to:

- Royal Palace
- Secretary General of the Senate
- Secretary General of the National Assembly
- Cabinet of the Prime Minister
- Ministries and Concerned Institutions
- As provided under Article 75
- Archive

ANNEX I
Anukret 98 of 17/09/2002
Article 16

SAMPLE REGISTER

SEQUENCE NUMBER	DATE OF PURCHASE or of deposit or brought in for exchange	PRECISE DESCRIPTION OF THE ITEM (nature, dimensions, style, signature and any distinctive signs)	FULL NAME or corporate title of the seller, custodian or person bringing in for exchange, position or occupation, home or headquarters	NATURE AND NUMBER of the identification paper presented. Indication of issuing authority and date of issue	PURCHASE PRICE or market value	WHERE APPLICABLE, decision for inscription in the inventory, proposal or decision for classification

ANNEX II
Anukret 98 of 17/09/2002
Article 45

Kingdom of Cambodia
Ministry of Culture and
Fine Arts

**APPLICATION FOR A CULTURAL PROPERTY
EXPORT LICENSE**

		Reference No.
		Date:
Applicant:	Full name: Address: Tel.: Email:	
Owner (if different from applicant)	Full name: Address: Tel.: Email:	

Information concerning the item of cultural property				
Detailed description of item	1) Quantity	2) Description	3) Photograph(s) or photocopy(ies)	4) Market value or selling price
1)	2)		3)	4)
If more space is needed, attach one or more sheets				

Information for export		
TEMPORARY EXPORT		
Purpose of export:		
<input type="checkbox"/> Exhibition	<input type="checkbox"/> Restoration	<input type="checkbox"/> Conservation
<input type="checkbox"/> Authentication	<input type="checkbox"/> Legal proceeding	<input type="checkbox"/> Other scientific purposes
Destination(s) of the item:		
Date of export:		
Approximate date of return of item to Cambodia:		

PERMANENT EXPORT		
Purpose of export:		
Destination of item:		
Date of export:		