ACKNOWLEDGEMENTS

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The Committee for Cultural Policy Inc. (CCP) is a 501(c)(3) U.S. non-profit organization established to strengthen the public dialogue on arts policy and to support museum and cultural development around the world.

CCP supports public appreciation for the art of ancient and indigenous cultures. It provides resources to educational institutions, press and policy-makers. It encourages policies that preserve artifacts and archaeological sites, adequate funding for site protection, safe harbor in international museums for at-risk objects, uncensored academic research, and the development of regulatory structures that foster the lawful collection, exhibition, and global circulation of artworks.


The Committee for Cultural Policy wishes to express its heartfelt thanks to Olivia Franklin and Hazel Levent of White & Case LLP, who brought consummate organizational skills, patience, and dedication as well as legal expertise to this project. Without their generous contributions, the Global Art and Heritage Law Series could not have been completed.

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The Church of St. Constantine and Helena, 337 AD, destroyed and rebuilt several times, latest in 1832. Photo by Dennis Jarvis from Halifax, Canada, 6 May 2012, 13 June 2013, Creative Commons Attribution-Share Alike 2.0 Generic license.
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I. EXECUTIVE SUMMARY

This report sets out a brief overview of the laws that govern cultural heritage in Bulgaria, based on the areas of research and questions provided by the Committee for Cultural Policy.

As it will be further explained in Section II and Section III, nationally, the State cultural policy’s main principles are set out in the Protection and Development of Culture Act of 1999 (the “PDCA”), while the Cultural Heritage Act of 2009 (the “CHA”) governs cultural heritage in Bulgaria. On the international level, Bulgaria is also a signatory to a number of international treaties, listed below. As a Member State of the European Union (“EU”), Bulgaria is also subject to EU regulations that govern issues related to cultural property.

Following the provisions of these regulations, Section IV considers the procedures for recovering cultural property, Section V describes the regimes of cultural property’s ownership and Section VI analyses its trading policy. In any case, the ownership of cultural property entails the duty to document and register it, as explained in Section VII. Finally, Section VIII comments on the enforcement of all the above-mentioned provisions.

II. IDENTIFY NATIONAL LAWS AND INTERNATIONAL AGREEMENTS

A. National laws

‘Culture’, expressed in many shapes and forms, is a key element of the 1991 Bulgarian Constitution, which directly refers to it in several instances. For instance, Article 13 states that “[t]he practicing of any religion shall be free” and Article 54 states “[e]veryone shall have the right to avail himself of the national and universal human cultural values and to develop his own culture in accordance with his ethnic self-identification, which shall be recognised and guaranteed by the law.”

The PDCA, a legal Act enacted in 1999, defines culture as “the activity connected with creating, investigation, dissemination and protection of cultural values, as well as the results of this activity.” Amongst other things, the PDCA established the National Culture Fund, which seeks “to support the development of culture in accordance with national cultural policies outlined in the state programmes for the corresponding period and spelled out in the [Act].” Under the PDCA, institutions are classified into the following categories: (i) “state institutions of national importance” (financed wholly and with priority by the Ministry of Culture’s budget), (ii) “state institutions” (financed by the Ministry of Culture and municipalities), (iii) “departmental institutions” (financed wholly or partly by the respective department, when they are institutions of a government department), (iv) “municipal institutions” (financed by the municipal budget), and (v) “regional cultural institutions” (financed by the respective municipality on whose territory they are located, by municipal contributions and supplementary funds determined on an annual basis by the National Budget Act).

In 2009, the Bulgarian Parliament adopted the CHA, replacing the 1969 Law of Cultural Monuments and Museums. The CHA covers any heritage, “tangible and intangible, moveable and immovable, as bearers of historic memory, national identity and which have a scientific or cultural value,” and contains comprehensive provisions, which set out the main actors in the protection and development of cultural heritage, the definition and identification of cultural heritage, ownership, trade, export, and various monetary penalties.

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1 Protection and Development of Culture Act, O.J. No. 50/01.06.1999 (translation provided by the UNESCO, available at https://en.unesco.org/cultnatlaws/list.).
2 Cultural Heritage Act, O.J. No.19/13.03.2009 (translation provided by the UNESCO, available at https://en.unesco.org/cultnatlaws/list.).
3 For further detail, see Section [III.C].
5 Id. at art. 54.1.
6 Protection and Development of Culture Act, Supplementary Provisions, §1.
7 Protection and Development of Culture Act, O.J. No. 50/01.06.1999, art. 24.
9 Id. at 12.
10 Id. at 46.
11 Cultural Heritage Act, art. 2.
Other relevant legal texts include:  
- The Public Libraries Act of 2009; 
- The National Chitalishte Act of 1996; and 

### B. International agreements

Bulgaria is party to several international and regional treaties, conventions, and protocols, including:

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<td>4.</td>
<td>The 1972 World Heritage Convention concerning the Protection of the World Cultural and Natural Heritage</td>
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<td>11.</td>
<td>The 1985 European Convention on Offences Relating to Cultural Property</td>
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<td>The 1992 European Charter for Regional or Minority Languages</td>
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12 Tomova & Andreeva, supra n. 8, at 44.  
13 Public Libraries Act, O.J. No. 42/05.06.2009.  
14 National Chitalishte Act, O.J. No. 89/22.10.1996. A chitalishte is a typical Bulgarian public institution and building that fulfils several functions at once, such as a community centre, library, and a theatre.  

15. The 2001 European Convention for the Protection of the Audio-visual Heritage Signed on 8 November 2001 (not ratified)

16. The 2000 European Landscape Convention 24 November 2004


Pobiti Kamani is considered the only desert in Bulgaria and one of the few found in Europe. It has been deemed a natural landmark in Bulgaria since the 1930s. The desert consists of sand dunes and several groups of natural rock formations on a total area of 13 square kilometers.

In 2014, Bulgaria entered into a Memorandum of Understanding ("MoU") with the United States on the protection of cultural heritage. The MoU sets out import restrictions into the United States of certain categories of archaeological material from Bulgaria, including objects made of “stone, metal, ceramic, bone, ivory, other organics, wood, glass, faience, paintings and mosaics” which date from between 7500 BC to approximately 1750 AD. Imports in ecclesiastical ethnological material dating from 681 AD to approximately 1750 AD are also restricted. The objects covered by the restrictions are detailed in the Designated List, published in the Federal Register by the Department of Homeland Security and the Department of the Treasury. Objects included in the Designated List can only be imported into the United States if they are accompanied by: (i) an export permit issued in Bulgaria, or (ii) a verifiable documentation that the object left Bulgaria before 15 January 2014, which is the effective date of the import restrictions, or that it left Bulgarian more than 10 years before date of entry into the U.S. This agreement expired in January 2019, but was renewed the same month.

MoU, art.1.1.


Statue of Fortuna, Gigen (Oescus), Pleven region. mid 2nd Century, National Archaeological Museum, photo by Mogadir, 3 October 2015, Creative Commons Attribution-Share Alike 3.0 Unported license.
In addition, as Bulgaria joined the EU in 2007, the following relevant EU laws are also applicable:

- Council Regulation (EC) No. 116/2009 of 18 December 2008 on the export of cultural goods, which prohibits the export of certain cultural goods from the territory of the EU without a valid licence;\(^\text{21}\) and

### III. LAW ON PROTECTION AND DEVELOPMENT OF CULTURE

These aspects, as explained in [Section II.A], are covered by both the CHA and the PDCA.

#### A. Criminal laws and penalties

The CHA provides for penalties where a person breaches any of the obligations set out therein. For instance, the CHA provides for high fines or even jail sentences for treasure hunters and smugglers. The penalties provided for under the CHA are not exclusive, and other criminal sanctions may be applicable to the illegal export, import or destruction of objects of cultural heritage. The Prosecutor’s Office\(^\text{22}\) deals with illegal export and/or trade of objects of cultural heritage.

#### B. Customs Laws

As Bulgaria is part of EU’s Customs Union, the Union Customs Code (“UCC”) is applicable and the Bulgarian Customs Act is of a secondary nature.\(^\text{23}\)

The UCC provides for a comprehensive framework for customs rules and procedures in the EU, aiming at a “paperless and fully automated customs union.”\(^\text{24}\) It entered into force on 1 May 2016, however some transitional arrangements still apply because not all the necessary electronic systems are yet in place. In case of export “no customs duties are payable for export from the EU Member States, except for specific exceptional cases”, and in case of imports, “import customs duties are payable, in accordance with EU’s common customs tariff”,\(^\text{25}\) regulated at the online integrated customs tariff database.\(^\text{26}\)

Also, the CHA, Regulation No. 3911/1992 and Commission Regulation (EEC) No. 752/93 regulate the export and temporary export of movable cultural values.\(^\text{27}\)

#### C. Constitutions

As explained in [Section II.A], ‘culture’ is directly referred to in the following provisions of the Bulgarian Constitution:\(^\text{28}\)

- Article 3 – “Bulgarian shall be the official language of the Republic.”
- Article 13 – “(1) The practicing of any religion shall be free; (2) The religious institutions shall be separate from the state.”
- Article 18 – “(1) The state shall enjoy exclusive ownership rights over the nether of the earth; the coastal beaches; the national thoroughfares, as well as over waters, forests and parks of national importance, and the natural and archaeological reserves established by law.”

\(^\text{22}\) The Prosecutor’s Office of the Republic of Bulgaria is a legal entity financed from the state budget with a seat in Sofia (Judicial System Act, art. 114.5). The Prosecutor General shall be appointed and removed by the President of the Republic upon a proposal from the Supreme Judicial Council for a period of seven years and shall not be eligible for a second term in office (Constitution of the Republic of Bulgaria, art. 129.2).
\(^\text{27}\) Cultural Heritage Act, art. 128.1.
• Article 23 – “The state shall establish conditions conducive to the free development of science, education and the arts, and shall assist that development. It shall organise the conservation of all national monuments of history and culture.”

• Article 36 – “(1) The study and use of the Bulgarian language shall be a right and an obligation of every Bulgarian citizen; (2) Citizens whose mother tongue is not Bulgarian shall have the right to study their own language alongside the compulsory study of the Bulgarian language.”

• Article 39 – “(1) Everyone shall be entitled to express an opinion or to publicise it through words, written or oral, sound or image, or in any other way; (2) This right shall not be used to the detriment of the rights and reputation of others, or for the incitement of a forcible change of the constitutionally established order, the perpetration of a crime, or the incitement of enmity or violence against anyone.”

• Article 40 – “(1) The press and the other mass information media shall be free and not be subjected to censorship; (2) An injunction on, or a confiscation of printed matter or another information medium shall be allowed only through an act of the judicial authorities in the case of an encroachment on public decency or incitement of a forcible change of the constitutionally established order, the perpetration of a crime, or the incitement of violence against anyone. An injunction suspension shall lose force if not followed by a confiscation within 24 hours.”

• Article 54 – “(1) Everyone shall have the right to avail himself of the national and universal human cultural values and to develop his own culture in accordance with his ethnic self-identification, which shall be recognised and guaranteed by the law; (2) Artistic, scientific and technological creativity shall be recognised and guaranteed by the law; (3) The state shall protect all inventors’ rights, copyrights and related rights.”

IV. PROCEDURES FOR THE RECOVERY OF CULTURAL PROPERTY

Pursuant to Article 133 of the CHA, the Minister of Culture coordinates, organizes, and controls the recovery of unlawfully removed movable cultural values that rank as national treasure in cooperation with the central authorities in the other Member States coordinating these activities within their territory.
A. Privately owned cultural property

Legal entities and natural persons who are proprietors of stolen or illegally exported objects of cultural heritage can ask the Minister of Culture for their assistance in the recovery of the objects.

Specifically, Article 135 of the CHA provides that “[a]ll authorities and persons shall inform the Minister of Culture forthwith, where they have information on movable cultural values which rank as national treasure unlawfully removed from the territory of the Republic of Bulgaria.” The Minister of Culture shall check the authenticity of the information it possesses, open a procedure for the return of movable cultural values by sending a request to the relevant member State, and notify immediately the relevant central authority of said Member State. This article also establishes that “central and local authorities, depending on their competence, as well as persons, shall assist the Minister of Culture in the exercise of his/her powers” to this end.

B. Special recovery regime for member states

Pursuant to the EU Directive of 15 May 2014, illegally exported cultural heritage found on the territory of another Member State is subject to a special intra-EU return procedure.

Indeed, the Member State, requesting the return of a specific cultural object which has been unlawfully removed from its territory, shall file an application providing any information useful for facilitating the search, and identify the possessor and/or holder. In any case, the Member State that has failed the application may also initiate judicial proceedings before the Competent Court of the Member State where the cultural good is located against the possessor and/or the holder, in order to secure the return of a cultural object unlawfully removed from its territory.

29 Cultural Heritage Act, art 135.
30 Id.
32 Id. at art. 5.
33 Id. at art. 6.
Also, Section VII of Chapter Six of the CHA sets out a detailed recovery procedure. In summary, the appropriate authority of the Member State has to file a claim to the Minister of Culture containing a description of the illegally exported object, its value, and its current whereabouts. The Minister of Culture then initiates an internal recovery procedure against the illegal holder.

C. Exemptions for scientific and educational use

Chapter Nine of the CHA contains provisions governing copying and replicating objects of cultural heritage. In this respect, “all actions related to the making of copies, replicas or commercial items shall be performed under conditions which safeguard the physical preservation and protection of cultural values.”

While copies shall be made only for museum purposes, replicas may be created for representative and educational purposes as long as they are: (i) marked as a replica, and (ii) different in size to the original by at least one-tenth.

In addition, Article 179 of the CHA allows for the creation, dissemination and use of cultural heritage for personal needs for purposes of representation, education, and research. However, the creation, dissemination, and use of an image of a cultural value or of elements thereof in photographic, computer, video, and other images for commercial purposes shall be done subject to an ordinance issued by the Minister of Culture.

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34 Cultural Heritage Act, art. 172.2.
35 Id. art. 175.
V. OWNERSHIP OF CULTURAL PROPERTY

A. What constitutes “cultural property” subject to domestic laws?

As referenced in [Section II.A] above, while the PDCA defines culture, the CHA defines cultural heritage in the following terms:

“Article 2
(1) The cultural heritage shall include the non-tangible and tangible immovable and movable heritage as an aggregate of cultural values, which bear the historical memory and national identity, and have scientific or cultural importance.
(2) Cultural values shall be in the public domain and shall enjoy protection by central and local government authorities in the best interests of the citizens of the Republic of Bulgaria.
(3) Cultural values may be either public or private property. They may be owned by the State, municipalities, the Bulgarian Orthodox Church and the other registered religious denominations, as well as natural and legal entities.”36

Also, under Article 6 of the CHA, the following items are protected as cultural heritage:

- Surface, underground and underwater archaeological sites and objects and reserves;
- Historical sites and compounds;
- Architectural sites and compounds;
- Ethnographic sites and compounds;
- Specimens of garden art and landscape architecture;
- Natural values (specimens), including anthropological remains discovered in site surveys, zoological remains and remains of cultivated plants;
- Industrial heritage;
- Works of fine and applied arts;
- Folk crafts;
- Documentary heritage;
- Audio-visual heritage;
- Oral tradition and language;
- Scripts and literary values;
- Customs, rites, festivities, rituals, and beliefs;
- Music, songs and dances;
- Folk medicine;
- Culinary and ecological traditions; and
- Folk games and sports.37

Further, under the CHA, there are some types of cultural heritage that follow special legal regimes. For instance, under Article 54.2, movable cultural heritage is considered as national treasure if: (a) it is essential for science, culture, nature or technological progress; and (b) its destruction, damage or loss would constitute irreparable loss to society. Also, it shall meet any or all of the following criteria: (a) “to be a unique, most typical or rare specimen of human activity or creativity for the period of its origin”, (b) “to have proven authenticity and high scientific and artistic value”, and (c) “to be related to or to represent evidence of ideas, beliefs, events or outstanding personalities of decisive importance to the development of society.”38

B. Does the law recognize religious or other cultural institutional ownership of cultural property?

All forms of institutional ownership are recognized. The CHA contains express provisions regarding cultural property ownership, citing the State, municipalities and the Bulgarian Orthodox Church as potential owners.39

Specifically, the Bulgarian Orthodox Church enforces and is included in the government policy for preservation of the cultural heritage,40 must participate in the measures undertaken to protect its cultural values,41 and may propose to the Minister of Culture the registration of cultural values of significance for it.42

36 Id. art. 2.
37 Id. art. 6.
38 Id. art. 54.2.
39 Id. art. 2.
40 Cultural Heritage Act, art. 4 & 11.1.
41 Id. art. 5.1.
42 Id. art. 13.1.
Also, there is a separate registry for Church-owned cultural property. Unlike the State, the Church does not have the power to force a sale or otherwise directly acquire privately owned cultural property.

C. Does the law recognize private ownership of cultural property?

All forms of cultural property ownership are recognized, both public and private. As a general principle, all cultural heritage that is not State-owned, municipality-owned or property of the Bulgarian Orthodox Church is considered privately owned.

All historic monuments or pieces of cultural heritage located on a real estate will be granted the status of immovable cultural value. They shall be registered in the National Register of Immovable Cultural Values and their status noted in the Land Registry and Cadastre. Legal experts have noted that “[t]his results in certain obligations for the owners of such real estate e.g., to maintain the buildings according to the instructions of the competent authorities (usually the regional inspectorate on protection of cultural heritage), to obtain approval of any change of zoning of the real estate or investment designs for reconstruction of the buildings on it, or to provide public access to the property.” For instance, if the building collapses, the owner must rebuild it in its initial appearance, at his own expense, and within the period designated by the Minister of Culture.

Article 12(4).2 of the CHA provides for an option for the State to acquire pieces of immovable cultural value in the ownership of a natural person or legal entity, which is either categorized as “of world significance” or “of national significance”, or declared or registered in accordance with the CHA, in exchange for a property of equal value in private State ownership, or for building rights on a land plot in private State property.

V. TRADE OF CULTURAL PROPERTY

A. Describe prohibitions on export

In general, only the export of unlawfully owned objects is prohibited. However, pursuant to article 129 of the CHA, the export of certain kinds of cultural heritage is prohibited by default, including: (a) cultural heritage ranking as national treasure; and (b) property registered in the main stocks of national museums.

However, even when allowed, export of cultural heritage is not free. Specifically, Article 128 of the CHA provides that export outside the EU requires an export license, while export within the EU requires an export certificate. Both licences and certificates are kept in a register established by the Minister of Culture. It is worth noting that, although Bulgaria’s CHA theoretically provides for these export permits, as of the year 2011, “none [had] been actually issued except for temporary exhibitions abroad”.

B. Does the state allow domestic trade (shop or gallery or auction sales, private sales or other transfers) in the same kinds of cultural property that it restricts export in?

The legal regimes for domestic trade and export are different, especially concerning cultural heritage of national importance. As explained in Section VI.A, export of cultural heritage of national importance requires an express authorisation, whereas domestic trade of cultural heritage of national importance is merely subject to a licence.

Companies or natural persons holding a registration certificate for dealing in cultural values can engage in domestic trade, sales or auctions, provided that they keep their own register with (i) an identification certificate of the cultural

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43 Id. art. 68.1
45 Id.
46 Pursuant to Article 129.2 of the Cultural Heritage Act, those cultural values may be temporarily exported for (i) “presentation before foreign audience, if guarantees exist for their security” or (ii) for “conservation and restoration works, provided that these works cannot be performed within the territory of the country.”
48 Cultural Heritage Act, art. 128.4.
50 Cultural Heritage Act, art. 115.
Dormition of the Theotokos Cathedral, Varna, Bulgaria. Photo by Diego Delso, delso.photo, 27 May 2016, license CC-BY-SA. The temple is the largest and most famous Bulgarian Orthodox cathedral in the Bulgarian Black Sea port city of Varna, and the second largest in Bulgaria (after cathedral Alexander Nevski in Sofia). Officially opened in 1886, it’s the residence of the bishopric of Varna and Preslav and one of the symbols of Varna.
value, (ii) “the full names of the former and the new owner”, (iii) “the price and date of the sale”, and (iv) “a certificate on the pre-emptive rights pertaining to sales of cultural values which rank as national treasure.”

Also, pursuant to Article 122 of the CHA, auctioneers must notify the Minister of Culture of any auctions 45 days in advance and must provide the Minister with a catalogue of the cultural values to be auctioned. Under Article 124, the State has a preferential right to acquire, for the initial price of offering, any auctioned item that qualifies as cultural heritage of national importance.

VII. ADMINISTRATION AND REGISTRATION OF CULTURAL PROPERTY

A. Identify Administration and Enforcement Systems

As of February 202, the organisational structure was the following:

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51 Id. art. 117.1.
52 Tomova & Andreeva, supra n. 8, at 7.
The Council of Ministers sets out policies to protect cultural heritage based on proposals by the Minister of Culture, Minister of Defence, and the Minister of Interior.\textsuperscript{53}

\textbf{B. Which government agencies or cultural institutions document and track cultural property?}

The Minister of Culture is the main government agency that is responsible for, among other things, issuing permits for archaeological excavations, and exercising the right of State ownership of cultural property of national importance.\textsuperscript{54} However, since the CHA was enacted, both central and local government authorities in charge of the management and supervision of cultural heritage are included in the national system for its preservation.\textsuperscript{55} Those authorities and cultural organizations "shall carry out their activities in cooperation with the Bulgarian Academy of Sciences, schools of higher learning, creative unions, professional associations and other non-governmental organizations."\textsuperscript{56}

In respect of the registration of cultural heritage under the CHA, where a municipality, any public administration authority, the Bulgarian Orthodox Church or museum identify an object that they consider to be cultural heritage, the procedure to acquire and protect these objects involves an official identification and registration in a registry held by

\textsuperscript{53} Cultural Heritage Act, art. 5.


\textsuperscript{55} Cultural Heritage Act, art. 11.1.

\textsuperscript{56} Id. art. 11.2.
the Minister of Culture.\textsuperscript{57} The registry is not publicly accessible.

However, it has been reported that “the Bulgarian government seriously underfunds cultural institutions so that despite the best efforts of dedicated museum and institutional personnel, they are unable to modernize records or track inventory museum and institutional holdings to European standards.”\textsuperscript{58}

\textbf{C. Does the state maintain an inventory of cultural property so that it is possible to establish the date of illicit removal or of export?}

The Republic of Bulgaria maintains an Inventory of the Cultural and Natural Heritage (the “\textit{Inventory}”),\textsuperscript{59} which shall be subject to approval by (i) the Minister of Culture with regards to immovable cultural values, and (ii) the Minister of Culture and the Minister of the Environment and Water as regards mixed natural and cultural values.\textsuperscript{60} Also, “any natural person or legal entity may request the Minister of Culture to include an immovable cultural value into the Inventory”, while municipalities may submit requests only with regard to the immovable cultural heritage located within their territory.\textsuperscript{61} The CHA also requires “[t]he persons who have actual control of archaeological objects” (including coin collectors) to request their identification and registration within 12 months from its entry into force.\textsuperscript{62}

In addition, as explained in Section \textbf{VI.A}, the Minister of Culture maintains a registry of all the granted and refused

\begin{itemize}
\item \textsuperscript{57} Cultural Heritage Act, § II.
\item \textsuperscript{58} Committee for Cultural Policy and Global Heritage Alliance, Written Testimony submitted to Cultural Property Advisory Committee, Bureau of Educational and Cultural Affairs, U.S. Department of State, on the Request for Renewal of the Memorandum of Understanding Between the United States of America and Bulgaria 4 (Jul. 15, 2018).
\item \textsuperscript{59} List of values consolidated under Article 11.1 of the Convention concerning the Protection of the World Cultural and Natural Heritage.
\item \textsuperscript{60} Cultural Heritage Act, art. 67.4.
\item \textsuperscript{61} Id. 67.2.
\item \textsuperscript{62} Cultural Heritage Act, §6(1) (transitional and concluding provisions).
\end{itemize}
permits for export. The registry is not publicly accessible at the moment.

**D. Does the state make its domestic laws available domestically or internationally so that an exporter (or a subsequent owner or holder) could reasonably know whether at the time of export (or later come to know) that the object was exported in violation of the law?**

All the relevant domestic laws are easily accessible online. While there is no official English translation of the CHA nor the PDCA, there are English translations of the Bulgarian Constitution.

**VIII. ENFORCEMENT**

**A. Describe how law enforcement and prosecutorial and penal systems are involved in violations of cultural property law.**

Violations of cultural heritage laws are reported to the Ministry of Interior Affairs and the Prosecutorial Department. As explained in Section [III.A], violations of the CHA are subject to penalties ranging from 50 to 50,000 Euros, as well as any other criminal sanctions that may be applicable.

**B. Analysis of enforcement/lack of enforcement: how does the law on paper match current and past practice?**

There are no published statistics on law enforcement specific to cultural heritage. However, based on news programs and informal conversations with individuals involved in the sector, it is clear that while the law is quite comprehensive and well thought-out, bureaucracy and general nonchalance towards cultural heritage make it hard to apply. Further, as set out in Section [VIII] below, there is very limited funding. The full implementation of CHA is unlikely to be completed in the near future; for instance, as of 2011, “[o]f the some 50,000 coin collectors in [Bulgaria] (enlisted in the early 1990s at the numismatic clubs), only around 150-200 collections were de facto declared by this law. The rest simply vanished, buried in bank safes, hidden in the ground, etc. The owners just did not want to bother.”

Other sources have also reported that “[m]ost Bulgarian museums have poor recording practices of the artefacts in stock. The general lack of accountability, in particular of museum directors, further aggravates the situation. […] The majority of museums do not observe the international standard for describing art, antiques and antiquities with photographs and descriptions of each object (the so-called Object ID). In Bulgarian museums, objects are often loosely described in general terms, which makes it impossible for them to be tracked, positively identified and restored. The dire state of museum documentation dooms to failure any efforts to trace stolen coins or other items transferred abroad.”

In this regard, the Bulgarian Archaeological Association, an organization open to all those who are curious about Ancient History and Archaeology, has stated that “[i]n the last few years Bulgarian government completely lost control on spending of EU Funds and the corruption in fact has destroyed Bulgarian heritage and historical legacy.” Corruption also plays a part in falsifying registries, obtaining certificates of authenticity or illegally acquiring State-owned cultural heritage for private benefit. According to experts, there are “three major forms of corrupt relationships between police officers and antique dealers/looters: 1) policemen are bribed to cover looters and deter police investigation, 2) officers of higher rank become directly involved in illicit antiquities trading, and 3) officers that must prevent and fight cultural property violations become collectors.”

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63 However, English versions of both the CHA and the PDCA are available at the UNESCO Cultural Heritage Laws Database: List of National Cultural Heritage Laws, UNESCO, https://en.unesco.org/cultnatlaws/list.

64 Constitution of the Republic of Bulgaria, supra n. 4.


67 It has been reported that 1.2 billion Euro of EU money was available to spend in Bulgaria between 2007 and 2013. Ognyan Georgiev, What happened to EU Funds in Bulgaria?, The Black Sea, Oct. 18, 2018, available at https://theblacksea.eu/stories/what-happened-eu-funds-bulgaria/.


69 Center for the Study of Democracy, supra n.67, at. 194.
However, the legislation can work well to prevent the illegal export of cultural heritage: for example, recently, the authorities took down an exposition based on reports of illegal replicas. This case made the news and posed the question of the community’s responsibility in verifying the veracity of art.\textsuperscript{70} Similarly, during Operation Pandora (a pan-European operation of law enforcement authorities from 18 countries against theft and illicit trafficking of cultural goods, taking place in October and November 2016),\textsuperscript{71} Bulgaria carried out hundreds of checks on art galleries and antique shops, as well as harbours and borders – resulting in the reported seizure of 120 paintings and drawings, as well as about 850 archaeological objects, and 65 arrests, constituting the 86.7\% of the Operation’s total arrests.\textsuperscript{72}

C. What is the funding for law enforcement and prosecutions?

While there are several support programs and funds for cultural projects,\textsuperscript{73} there is no specific information about budget allocation for law enforcement.


\textsuperscript{73} See Tomova and Andreeva, supra n. 8, at 66 et ss.