

## **Agreement between the Republic of Austria and the Republic of Albania on Cooperation regarding the loan of objects belonging to their State Movable Cultural Heritage for exhibitions on each other's territory**

The Republic of Austria and the Republic of Albania, hereinafter referred to as "the Parties",

CONSCIOUS of the historic links between Austria and Albania and of the significance of displaying State movable cultural heritage belonging to one State on the territory of the other State;

DESIROUS to further strengthen the cooperation between Austrian and Albania in the field of culture;

BEARING IN MIND the Agreement on Cooperation in the fields of Culture, Education and Science signed on 31 October 2005;

BEARING IN MIND the rules of customary international law governing the immunity of cultural heritage and objects of scientific, cultural or historic interest as codified in the United Nations Convention on Jurisdictional Immunities of States and Their Property;

Have agreed as follows:

### **Article 1**

The purpose of this Agreement is to provide a legal framework for the loan of objects owned by either of the Parties and belonging to its movable cultural heritage, hereinafter referred to as "State movable cultural heritage", for exhibitions on the territory of the other Party on the basis of shared cultural interests and mutual benefit.

### **Article 2**

(1) Each Party shall designate, at its own discretion, the State movable cultural heritage to be exhibited on the territory of the other Party as State movable cultural heritage protected under this Agreement (hereinafter referred to as "designated State movable cultural heritage"). The other Party recognizes the ownership of the designating Party of such State movable cultural heritage.

(2) Each Party shall enjoy immunity with regard to its designated State movable cultural heritage from the jurisdiction of the other Party. In particular, the designated State movable property shall not be subject to

i) any judicial or administrative proceedings relating to the ownership or the right of either Party to dispose freely of its State movable cultural heritage;

ii) any measure of constraint, including pre-judgment or post-judgment measures, such as attachment or arrest, or to any other form of seizure, detention, or enforcement measure by the judicial or administrative authorities of the other Party.

(3) Each Party shall refrain from claiming title over or supporting claims relating to any designated State movable cultural heritage of the other Party, and safeguard and ensure the rights of the other Party as the sole and rightful owner of its State movable cultural heritage. In particular, it shall ensure the unimpeded and immediate return of any State movable cultural heritage in accordance with the previously agreed time schedule.

(4) No judicial or administrative proceedings relating to designated State movable cultural heritage of the other Party before the relevant national authorities or tribunals shall be initiated or sustained.

(5) In case of proceedings, whether or not in violation of paragraph 4 of this Article, any failure or refusal by a Party to comply with an order of a court of the other Party enjoining it to perform or refrain from performing a specific act or to produce any document or disclose any other information for the purpose of a proceeding shall entail no consequences. In particular, no fine or penalty shall be imposed on the Party by reason of such failure or refusal. Furthermore, a Party shall not be required to provide any security, bond or deposit, however described, to guarantee the payment of judicial costs or expenses in any proceeding to which it is a respondent party before the court of the other Party.

### **Article 3**

Subject to this Agreement and the relevant highest international standards, the Parties or other authorities or institutions authorized by them for that purpose may conclude specific arrangements or contracts concerning the loan of designated State movable cultural heritage.

### **Article 4**

The Parties designate the following national institutions in charge of implementing this Agreement and any arrangements or contracts concluded pursuant to Article 3:

- a) For the Republic of Austria: Federal Ministry for Education, Arts and Culture (and Kunsthistorisches Museum)
- b) For the Republic of Albania: The National Historical Museum in Tirana

### **Article 5**

Each Party shall protect and preserve, in accordance with highest international standards, the designated State movable cultural heritage of the other Party while located on its territory.

### **Article 6**

(1) Any dispute between the two Parties arising out of the interpretation or application of this Agreement or of any arrangement or contract concluded pursuant to Article 3 shall be settled by negotiations that shall be conducted in good faith following a written request by one of the Parties.

(2) If the dispute cannot be settled in accordance with paragraph 1 of this Article within three months following the written request by one of the Parties, it shall, at the request of either Party, be referred to the International Court of Justice for decision.

### **Article 7**

(1) This Agreement shall enter into force on the day following the notification, through diplomatic channels, by which the Parties inform each other of the completion of their internal legal requirements for that purpose.

(2) This Agreement shall remain in force until either Party notifies the other, through diplomatic channels, at least six months in advance, of its intention to terminate it.

(3) Notwithstanding any termination, this Agreement continues to apply to State movable cultural heritage on the territory of the other Party at the time of termination until returned.

(4) Any State movable cultural heritage shall be returned at the latest at the date of the termination of this Agreement or at the date provided for in specific arrangement or contract.

DONE in two originals in the German, Albanian and English language which are equally authentic.

For the Republic of Austria:

Martin Eichinger m.p.

For the Republic of Albania:

Suzana Turku m.p.

Date: 29.08.2012

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