

## RUSSIAN LEGISLATION ON COIN FINDS

There are currently no acts in the Russian legislation specifically regarding the detection of coins and the legal status of numismatic material found in this way. As article 7 of the Federal Law No. 4804-1 of 15 April 1993 'On the Export and Import of Cultural Values' states: "antique coins, orders, medals, seals ..." fall into the category of cultural patrimony, and the procedure for their export out of the country, in particular, is regulated by the current law. Coin finds made on the territory of the Russian Federation should be considered as subject to the special Federal Laws No. 73 of 25 June 2002 'On the Objects of Cultural Heritage (Monuments of History and Culture) of the Peoples of the Russian Federation' and No. 245 of 23 July 2013 'On the Amending to Some Legislative Acts Regarding the Suppression of Illegal Activity in the Field of Archaeology' as well as to some articles of the Criminal and Civic Codes and Administrative Procedure Rules.

Federal Law No. 73 of 25 June 2002 'On the Objects of Cultural Heritage (Monuments of History and Culture) of the Peoples of the Russian Federation' is the main legislative act regulating in detail the preservation, use and state protection of cultural patrimony. According to this Law, objects of cultural heritage comprise immovables (including archaeological remains) as well as portable objects such as paintings, sculptures, pieces of applied art and other items of material culture historically related to these objects or to historic events, and possessing historical, archaeological, artistic, cultural or similar value, consisting of evidence of past eras and civilizations and supplying real information about the origin and evolution of human culture. Objects of archaeological heritage are thought of as evidence of human existence during past eras and comprise all archaeological items and cultural layers related to such evidence. Archaeological excavations or finds represent (one of) the main source(s) of information about them. Archaeological items are considered as portable objects and archaeological excavations or finds represent (one of) the main source(s) of information about them, whatever the circumstances of their detection. A cultural layer is considered any layer in the earth or under water, that contains traces of human existence and archaeological items that are older than one hundred years. Obviously, at least some individual coin finds or coin hoards, discovered accidentally or thanks to regular searches with the help of metal detectors fall within this definition of archaeological items.

In this vein, one should note that the Federal Law No. 245 of 23 July 2013 made some amendments to the Criminal Code and Administrative Procedure Rules of the Russian Federation. They regard searching and/or removal of archaeological items from their original places of deposit on the surface, in the ground or under water, which took place without specific permission and led to the damage or destruction of the cultural layer. Offenders are subject to a fine or imprisonment. Using special technical equipment or excavation machines for these purposes is an incriminating circumstance that increases the penalty. Special technical equipment includes metal detectors, radars, magnetic detectors and other instruments allowing the detection of the presence of archaeological objects in the ground.

Special articles in these Codes as well as in the Federal Law No. 73 provide for compulsory handing-over to the State authorities of objects of cultural value found during earth-removal, building activity, land-reclamation or similar works, as well as during official archaeological excavations. Evasion of this requirement is also subject to penalty. The law in question was amended by article 45.2, which specifies that the use of special technical equipment and/or excavation machines for detecting objects of archaeological heritage and/or archaeological items is allowed solely during archaeological excavations, which are being conducted with specific permission. In addition, article 49.3 states that objects of archaeological heritage as well as all archaeological items on the land surface, in the ground or under water belong to the State.

According to article 8 of the Federal Law No. 245, individuals and legal entities possessing archaeological objects do not have the right to dispose of them except in the case of handing them over to the State, of legal succession or of their legal import from abroad into the Russian Federation. There is a new legal provision on the right of disposition of archaeological items under the condition of their registration, no later than 1 September 2016, in the database of the so-called Museum Fund of the Russian Federation, which contains both publicly- and privately-owned archaeological objects.

Article 233 of the Civic Code of the Russian Federation contains the definition of a hoard and describes the procedure of establishment of a right to it. A hoard is considered to be money or any valuable object buried in the ground or hidden in another way, whose owner could not be defined or by force of law has lost a right to it. The Law admits immediate establishment of the property right for a hoard. It becomes the property of the owner of the land or the building where a hoard was hidden and of the finder. A hoard belongs to them in equal proportions unless another agreement was made. In order to protect property rights, excavations and the detection of hoards on another's land or on/in another's property without the rightful owner's consent are considered illegal. Individuals finding a

hoard as a result of such activities neither acquire a title to that hoard nor receive a reward for it. In case of detecting a hoard containing objects which are considered historic or cultural artefacts, these have to be handed over to the State. In such a case, the owner of the land or other property where a hoard was hidden, together with the finder, are entitled to compensation amounting to fifty percent of the hoard's market value. As there is still no comprehensive list of objects that might be considered as historic and cultural artefacts, any dispute must be settled in a judicial procedure based on scientific expertise.

The regulatory tightening of the protection of historic and cultural monuments and objects that has occurred in the current Russian legislation, was triggered by an increased activity of so-called 'black archaeologists' and metal-detectorists in recent years. As a result of this activity, the looting of archaeological sites reached catastrophic proportions. Under the guise of the exercise of the constitutional right of every citizen to access to the cultural or historical property of the country, archaeological monuments have in fact been destroyed. This being said, none of these so-called 'lovers of antiquities' recalls the duty of every citizen, equally set forward in the Constitution, to take care of and to preserve the historical and cultural heritage of the country.