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U.S. Laws that Impact the Trade in Ancient Coins

Prepared for the International Association of Professional Numismatists

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Revisions from March 18, 2022, Guidance- (1) Describes revised and expanded import restrictions on coins from Cyprus.

I. Overview

U.S. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) (collectively, “U.S. Customs”) have ample authority to seize coins these law enforcement authorities deem to be illicit. In this regard, one must distinguish between import restrictions and U.S. Customs authority to detain smuggled, improperly declared, or stolen coins. U.S. Customs has ample authority to seize smuggled or improperly declared artifacts, including coins. U.S. Customs can also seize artifacts stolen from museums or other collections or imported from certain countries that are subject to sanctions. Finally, certain U.S. Courts have also blessed efforts to repatriate artifacts traced to illicit excavations in another country where that country has unequivocally declared such material to be state property.

II. Improper Declaration

As commercial importers, IAPN members have the legal responsibility to ensure that all imports, whether hand carried, through the mail, through an express carrier such as Federal Express or UPS, or through a freight forwarder such as Brinks or Malca-Amit, are properly declared. The fact that the sender improperly declares a coin on a commercial invoice or other shipping document does not absolve the recipient of responsibility for the mistake. The importer of record is always responsible for the accuracy of the information provided on the commercial invoice and other shipping documentation, and, therefore, has an obligation to ensure the entry was made properly and to amend inaccurate customs documentation, if necessary, after a coin enters the United States.

Correct paperwork includes a proper and full description of **each** coin in the shipment with an exact piece count, as well as a proper declaration of the “countries of origin” and values of the coins. It is critical to ensure that the “country of origin” and values of any coins imported into the United States are accurate. Under U.S. law, “country of origin” is associated with

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“country of manufacture.” Proper “value” is that in an arm’s length transaction for items purchased for resale or the “fair market value” for items that are under consignment. While mail shipments may be less likely to be examined, the documentation requirements described herein do not change based on the method of shipment.

The proper customs codes should also be included with the customs paperwork. At the request of the numismatic trade, effective July 1, 2020, the US international Trade Commission has recognized the concept of “ancient coins in trade” through the creation of a new harmonized tariff code subheading for “Coins made prior to the 14th century and not known to be the direct products of excavations, finds or archaeological sites.” As a result of this change, HTS code number **9705.31.0001** should be used for all coins prior to 14th century. where there is no evidence of them coming from a hoard or excavation.

Coins greater than 250 years old that are from known hoards or excavations should be listed as archaeological objects under HTS code, 9705.10.00.10, and more modern coins not known to be from hoards or excavations should be listed under more general codes.¹ The changes to Heading 9705 applies to imports into the United States and do not change the reporting codes of Schedule B for reporting exports on the Shipper's Export Declaration. Accordingly, exporters may still use Schedule B codes 9705.00.0030 (for Gold) and 9705.00.0060 (for other than gold) for reporting exports on the Shipper's Export Declaration or under the program for electronic reporting of exports. Furthermore, the changes to Heading 9705 apply only in the United States and would not dictate how the EU treats coins for purposes of exports from the EU.

Accuracy is essential because failure to properly declare coins can lead to their detention and seizure, and if intentional, to potential criminal liability. Title 18 of the U.S. Code imposes criminal penalties for smuggling and entry of goods by means of false statements. Title 19 of the U.S. Code requires materials to be imported with invoices that allow U.S. Customs officials to examine the entry fully. U.S. Customs has used these provisions to seize coins and other artifacts as well as provide the basis for criminal liability. Finally, IAPN members should also be aware that items enter the United States conditionally. In other words, U.S. Customs maintains the right to review paperwork associated with imports even after coins have entered the country from abroad.

III. Import Restrictions

For twenty-five years after the Cultural Property Implementation Act (CPIA) was passed, there were no import restrictions on ancient coins. This should be no surprise because it is hard to link coins—which by their very nature are instruments of exchange—to one modern nation state. Indeed, when the CPIA was being negotiated, Mark Feldman, one of the State Department’s top lawyers, assured Congress that “it would be hard to imagine a case” where coins would be restricted. In 2007, however, the State Department imposed import restrictions on Cypriot coins, against CPAC’s recommendations, and then misled the public and Congress

¹ A complete list of Chapter 97 HTS codes for imports into the United States may be found at <https://hts.usitc.gov/current> (last visited January 31, 2022).

about it in official government reports. Since that time, additional import restrictions have been imposed on coins from Afghanistan, Albania, Algeria, Bulgaria, China, Egypt, Greece, Iraq, Italy, Jordan, Libya, Morocco, Syria, Turkey, and Yemen. Import restrictions remain pending for Tunisia.

The restricted coins can only be imported into the United States with: (a) an export certificate issued by the country for which import restrictions were given (which are non-existent); or (b) “satisfactory evidence” demonstrating that the coins were exported from or were outside that country at least 10 years prior to importation into the U.S.; or (c) “satisfactory evidence” demonstrating that the coins were exported from or were outside the country before the date the restrictions went into effect. What constitutes “satisfactory evidence” is ultimately left to the discretion of Customs, but usually takes the form of a declaration by the importer and a statement by the consigner. Keep in mind, however, that U.S. Customs believes it has authority to ask for additional information to back up such declarations.

The cumulative impact of import restrictions is problematic. Outside of some valuable Greek coins, most coins simply lack the document trail necessary for legal import under the “safe harbor” provisions of 19 U.S.C. § 2606. The CPIA only authorizes the government to impose import restrictions on coins and other artifacts first discovered within and subject to the export control of the particular country for which restrictions were granted. 19 U.S.C. § 2601. Furthermore, seizure is only appropriate for items on the designated list *exported from the State Party after the effective date of regulations*. 19 U.S.C. § 2606. Unfortunately, the State Department and CBP view this authority far more broadly. Designated lists have been prepared based on where coins are made and sometimes found, not where they are actually found and hence are subject to export control. Furthermore, restrictions are not applied prospectively solely to illegal exports made after the effective date of regulations, but rather are enforced against any import into the U.S. made after the effective date of regulations, i.e., an embargo, not targeted, prospective import restrictions.

Another related concern is the burden of proof once an item is seized. Mark Feldman has also confirmed the legislative intent that the burden of proof was on the government to establish that the object was illicitly removed from the country where it was found after the effective date of the implementing regulations. “Statement of Deputy State Department Legal Adviser, Mark Feldman in *Proceedings of the Panel on the U.S. Enabling Legislation of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*, 4 Syracuse J. Int’l L. & Com. 97 1976-1977 at 129-130. However, CBP instead views the burden of proof as being on the importer, not the government. This, along with the high cost of legal services, leads to most cultural artifacts, particularly minor ones like coins, being abandoned by the importer if they are seized.

While it is true enforcement has been spotty, we know of situations where coins have been detained, seized, and repatriated where the importer cannot produce information to prove his or her coins were outside of a country for which import restrictions were granted before the date of restrictions.

Below we provide a list of current import restrictions on coins as well as the documentation necessary to take advantage of “safe harbor” provisions of 19 U.S.C. § 2606. Properly filled out documentation should allow free entry but be aware it has been reported that on occasion CBP asks for additional documentation, i.e., published auction references pre-dating the effective date of the applicable regulation.

A. List of Current Restrictions:

1. Afghanistan

Effective date: February 18, 2022

Source: 87 FR 9439-9445 (February 22, 2022), available at <https://www.federalregister.gov/documents/2022/02/22/2022-03663/emergency-import-restrictions-imposed-on-archaeological-and-ethnological-material-of-afghanistan>

The Designated List of coins “sourced” to Afghanistan subject to import restrictions is as follows:

5. Coins— Ancient coins include gold, silver, copper, and bronze coins; may be hand stamped with units ranging from tetradrachms to dinars; includes gold bun ingots and silver ingots, which may be plain and/or inscribed. Some of the most well-known types are described below:

a. The earliest coins in Afghanistan are Greek silver coins, including tetradrachms and drachmae. Approximate date: 530-333 B.C.

b. During the reign of Darius I, gold staters and silver sigloi were produced in Bactria and Gandhara. Approximate date: 586-550 B.C.

c. Achaemenid coins include round punch-marked coins with one or two punched holes and bent bar coins (*shatamana*). Approximate date: 5th century B.C.

d. Gandhara coins include *janapadas*, bent bar coins based on the silver sigloi weight. Approximate date: 4th century B.C.

e. Mauryan coins include silver *karshapanas* with five punches, six arm designs, and/or sun symbols. Weights ranged from 5.5 to 7.2 gm. Approximate date: 322-185 B.C.

f. Gold staters and silver tetradrachms were produced locally after Alexander the Great conquered the region. Approximate date: 327-323 B.C.

g. Greco-Bactrian coins include gold staters, silver tetradrachms, silver and bronze drachms, and a small number of punch-marked coins. The bust of the king with his name written in Greek and Prakrit were on the obverse, and Greek deities and images of Buddha were on the reverse. Approximate date: 250-125 B.C.

h. Common Roman Imperial coins found in archaeological contexts in Afghanistan were struck in silver and bronze. Approximate date: 1st century B.C.-4th century A.D.

i. Kushan Dynasty coins include silver tetradrachms, copper coin (Augustus type), bronze diadrachms and gold dinars. Imagery includes portrait busts of each king with his emblem (*tamgha*) on both sides. Classical Greek and Zoroastrian deities and images of the Buddha are depicted on the reverse. Approximate date: A.D. 19-230.

j. Sassanian coins include silver drachms, silver half drachms, obols (*dang*), copper drachms and gold dinars, and gold coins of Shapur II (A.D. 309-379). Starting with Peroz I, mint indication was included on the coins. Sassanian coins may include imagery of Zoroastrian Fire Temples. Approximate date: A.D. 224-651.

k. Hephthalite coins include silver drachms, silver dinars, and small copper and bronze coins. The designs were the same as Sassanian, but they did not put the rulers' names on the coins. Hephthalite coins may include imagery of Zoroastrian Fire Temples. Approximate date: 5th-8th centuries A.D.

l. Turk Shahis coins include silver and copper drachma with portraits of the rulers wearing a distinctive triple crescent crown. The emblems of these Buddhist Turks were also included on the coin. Inscriptions were in Bactrian. Approximate date: A.D. 665-850.

m. Shahiya or Shahis of Kabul coins include silver, bronze, and copper drachma with inscriptions of military and chief commanders. Hindu imagery is included on the coin design. The two main types of images are the bull and horseman and the elephant and lion. Approximate date: A.D. 565-879.

n. Chinese coins belonging primarily to the Tang Dynasty are found in archaeological contexts in Afghanistan. Approximate date: A.D. 618-907.

o. Ghaznavid coins include gold dinars with bilingual inscriptions, Islamic titles in Arabic and Sharda and images of Shiva, Nandi, and Samta Deva. Approximate date: A.D. 977-1186.

p. Ghurid coins include silver and gold tangas with inscriptions and abstract goddess iconography. Approximate date: A.D. 879-1215.

q. Timurid coins include silver and copper tangas and copper dinars, both coin types are decorated with Arabic inscriptions. Approximate date: A.D. 1370 -1507.

r. Mughal coins include shahrukhi, gold mithqal, gold mohur, silver rupee, copper dams, and copper falus. The iconography varies, depending on the ruler, but popular designs include images of the Hindu deities Sita and Ram, portrait busts of the rulers, and the twelve zodiac signs. Approximate date: A.D. 1526-1857.

Comment: The designated list of coins is particularly broad and includes coins that circulated regionally as well as internationally. It goes far beyond coins that "primarily circulated" within

Afghanistan, the State Department's prior standard and encompasses coin types (like Roman Imperial coins) purposely left of prior lists. Hopefully, such broad restrictions made on an "emergency basis" will not be cited as "precedent" in the future, particularly given the Federal Register's requirement that they be "sourced" to Afghanistan.

2 Albania

Effective date: March 17, 2022

Source: 87 FR 15079-15084 (March 17, 2022), available at <https://www.federalregister.gov/documents/2022/03/17/2022-05685/imposition-of-import-restrictions-on-categories-of-archaeological-and-ethnological-material-of>

The Designated list of coins subject to import restrictions is as follows.

8. Coins—This category includes coins of Illyrian, Greek, Macedonian, Roman provincial, Byzantine, Medieval, and Ottoman types that circulated primarily in Albania, ranging in date from approximately the 6th century B.C. to A.D. 1750. Coins were made in copper, bronze, silver, and gold. Examples are generally round, have writing, and show imagery of animals, buildings, symbols, or royal or imperial figures.

Comment: The designated list of coins is particularly broad and includes coins that circulated regionally as well as internationally. It goes far beyond coins that "primarily circulated" within Albania. Despite the assumption contained in the regulation, no Greek, Byzantine, and Ottoman types "primarily circulated" within Albania or were even made there. As for Illyrian coins, hoard evidence indicates that popular cow/calf coins from the Roman Republican period "circulated primarily" in Romania, not Albania. The only bright spot is that neither Roman Republican nor Roman Imperial coins seem to be restricted.

A case can be made that the "circulated primarily" standard is statutorily deficient because it is contrary to the CPIA requirement that restricted items must be first discovered within and subject to export control of a particular country. There also is a fair notice issue because how is a typical collector or dealer to know whether or not a particular issue "primarily circulated" in Albania or not?

3 Algeria:

Effective date: August 14, 2019

Source: 84 Fed. Reg. 41909-41913 (August 16, 2019), available at <https://www.federalregister.gov/documents/2019/08/16/2019-17743/import-restrictions-imposed-on-archaeological-material-from-algeria>

The Designated List of coins subject to import restrictions is as follows:

Pre-Roman mints in Algeria include Cirta, Hippo Regius, Caesarea (Iol), Lix, Siga, and Timici. Roman provincial mints in Algeria include Caesarea, Cartenna, and Hippo Regius. Helpful reference books include: *Corpus nummorum Numidiae Mauretaniaeque*, 1955, J. Mazard, et al., Arts et metiers graphiques, Paris; *Le Trésor de Guelma*, 1963, R. Turcan, Arts et Métiers Graphiques, Paris; *Etude sur la numismatique et l'histoire monétaire du Maroc: Corpus des dirhams idrissites et contemporains*, 1971, D. Eustache, Banque du Maroc, Rabat; *Corpus des Monnaies Alaouites*, 1984, D. Eustache, Banque du Maroc, Rabat; *The Roman Provincial Coinage*, multiple volumes, 1992-, A. Burnett, et al., The British Museum Press, London. Some of the best-known types are described below:

1. Greek—In silver, bronze, and gold, struck in Algeria and in nearby mints (Cyrene, Carthage).
2. Roman Provincial—In bronze, struck at Roman and Roman provincial mints and found throughout Algeria.
3. Numidian and Mauretanian—Associated with Numidian kings such as Micipsa, Jugurtha, Hiempsal II, and Juba I, and Mauretanian kings such as Syphax, Juba II, Ptolemy II of Mauretania, Bocchus I, and Bocchus II.
4. Byzantine—In bronze, silver, and gold, struck in nearby mints like Carthage or mobile mints in Arab-Byzantine period Ifriqiya.
5. Islamic—In silver and gold struck at various mints including Algiers, Bijaya, Biskra, Qasantina, and Tlemcen. Examples include any coins of the following dynasties: Almohad, Hafsid, Marinid, and Ziyamid.
6. Ottoman—Ottoman coins of Algeria in silver, gold, billon, and copper, struck at various mints including Algiers, Qasantina, Tagdemt, and Tlemcen. Also Spanish coins of Oran in billon or copper, produced in Toledo or Madrid for use in Spanish Oran between 1618 and 1691.

Comment: This Designated List includes many coins that circulated in quantity outside of Algeria. These include Greek issues of Cyrene, Carthaginian coins, Numidian and Mauritanian coins, Byzantine, Islamic and Ottoman coins. The fact is Algeria was until the recent times part of larger Empires.

4. Bulgaria:

Effective Date: January 16, 2014

Source: 79 Fed. Reg. 2781-2785 (January 16, 2014), available at <https://www.federalregister.gov/documents/2014/01/16/2014-00615/import-restrictions-imposed-on-certain-archaeological-and-ecclesiastical-ethnological-material-from>

The designated list, taken from the Federal Register, is as follows:

7. Coins – In copper, bronze, silver and gold. Many of the listed coins with inscriptions in Greek can be found in B. Head, *Historia Numorum: A Manual of Greek Numismatics* (London, 1911) and C.M. Kraay, *Archaic and Classical Greek Coins* (London, 1976). Many of the Roman provincial mints in modern Bulgaria are covered in I. Varbanov, *Greek Imperial Coins I: Dacia, Moesia Superior, Moesia Inferior* (Bourgas, 2005), id., *Greek Imperial Coins II: Thrace (from Abderato Pautalia)* (Bourgas, 2005), id., *Greek Imperial Coins III: Thrace (from Perinthus to Trajanopolis), Chersonesos Thraciae, Insula Thraciae, Macedonia* (Bourgas 2007). A non-exclusive list of pre-Roman and Roman mints include Mesembria (modern Nesembar), Dionysopolis (Balchik), Marcianopolis (Devnya), Nicopolis ad Istrum (near Veliko Tarnovo), Odessus (Varna), Anchialus (Pomorie), Apollonia Pontica (Sozopol), Cabyle (Kabile), Deultum (Debelt), Nicopolis ad Nestum (Garmen), Pautalia (Kyustendil), Philippopolis (Plovdiv), Serdica (Sofia), and Augusta Traiana (Stara Zagora). Later coins may be found in A. Radushev and G. Zhekov, *Catalogue of Bulgarian Medieval Coins IX-XV c.* (Sofia 1999) and J. Youroukova and V. Penchev, *Bulgarian Medieval Coins and Seals* (Sofia 1990).
- a. Pre-monetary media of exchange including “arrow money,” bells, and bracelets. Approximate date: 13th century B.C. through 6th century B.C.
 - b. Thracian and Hellenistic coins struck in gold, silver, and bronze by city-states and kingdoms that operated in the territory of the modern Bulgarian state. This designation includes official coinages of Greek-using city-states and kingdoms, Scythian and Celtic coinage, and local imitations of official issues. Also included are Greek coins from nearby regions that are found in Bulgaria. Approximate date: 6th century BC through the 1st century B.C.
 - c. Roman provincial coins – Locally produced coins usually struck in bronze or copper at mints in the territory of the modern state of Bulgaria. May also be silver, silver plate, or gold. Approximate date: 1st century BC through the 4th century A.D.
 - d. Coinage of the First and Second Bulgarian Empires and Byzantine Empire – Struck in gold, silver, and bronze by Bulgarian and Byzantine emperors at mints within the modern state of Bulgaria. Approximate date: 4th century A.D. through A.D. 1396.
 - e. Ottoman coins – Struck at mints within the modern state of Bulgaria. Approximate date: A.D. 1396 through A.D. 1750.

Comment: Another exceptionally overbroad list including many coins that circulated in quantity outside of Bulgaria, most notably Hellenistic issues in silver and bronze. These restrictions are particularly ridiculous because there is a large internal market for such coins within Bulgaria itself.

5. China

Effective Date: January 14, 2019

Source: 74 Fed. Reg. 2838-2844 (January 16, 2009), available at <https://www.federalregister.gov/documents/2009/01/16/E9-848/import-restrictions-imposed-on-certain-archaeological-material-from-china>

The Designated list is as follows:

Coins.

- a. Zhou Media of Exchange and Tool-shaped Coins: Early media of exchange include bronze spades, bronze knives, and cowrie shells. During the 6th century BC, flat, simplified, and standardized cast bronze versions of spades appear and these constitute China's first coins. Other coin shapes appear in bronze including knives and cowrie shells. These early coins may bear inscriptions.
- b. Later, tool-shaped coins began to be replaced by disc-shaped ones which are also cast in bronze and marked with inscriptions. These coins have a central round or square hole.
- c. Qin: In the reign of Qin Shi Huangdi (221–210 BC) the square-holed round coins become the norm. The new Qin coin is inscribed simply with its weight, expressed in two Chinese characters *ban liang*. These are written in small seal script and are placed symmetrically to the right and left of the central hole.
- d. Han through Sui: Inscriptions become longer, and may indicate that inscribed object is a coin, its value in relation to other coins, or its size. Later, the period of issue, name of the mint, and numerals representing dates may also appear on obverse or reverse. A new script, clerical (*lishu*), comes into use in the Jin.
- e. Tang: The clerical script becomes the norm until 959, when coins with regular script (*kaishu*) also begin to be issued.

Comment: Another exceptionally overbroad list including many coins that circulated in quantity outside of China, most cash coins that helped monetize Japan and South East Asia. These restrictions are particularly ridiculous because there is an immense internal market for such coins within China itself.

6. Cyprus

Effective Date: July 16, 2007; Revised and expanded effective July 14, 2022 to include Byzantine and later coins.

Source: 72 Fed. Reg. 38,470-73 (July 16, 2007), available at <https://www.federalregister.gov/documents/2007/07/13/07-3425/extension-of-import-restrictions-imposed-on-pre-classical-and-classical-archaeological-objects-and>

87 Fed. Reg. 42636-42642 (July 18, 2022), available at

<https://www.federalregister.gov/documents/2022/07/18/2022-15398/extension-and-amendment-of-import-restrictions-on-archaeological-and-ethnological-material-from>

The Designated List is as follows:

4. Coins of Cypriot types made of gold, silver, and bronze including but not limited to:
 - a. Issues of the ancient kingdoms of Amathus, Kition, Kourion, Idalion, Lapethos, Marion, Paphos, Soli, and Salamis dating from the end of the 6th century B.C. to 332 B.C.
 - b. Issues of the Hellenistic period, such as those of Paphos, Salamis, and Kition from 332 B.C. to c. 30 B.C.
 - c. Provincial and local issues of the Roman period from c. 30 B.C. to A.D. 235. Often these have a bust or head on one side and the image of a temple (the Temple of Aphrodite at Palaipaphos) or statue (statue of Zeus Salaminios) on the other.
 - d. Byzantine, Medieval Frankish, Lusignan, Venetian, and Ottoman types that circulated primarily in Cyprus, ranging in date from A.D. 235 to 1770. Coins were made in copper, bronze, silver, and gold. Examples are generally round, have writing, and show imagery of animals, buildings, symbols, or royal or imperial figures.

Comment: The first import restrictions on coins, imposed against the recommendations of the Cultural Property Advisory Committee. CPAC's chairman at the time, the late Jay Kislak, confirmed in an affidavit that the decision was made against his Committee's recommendations, and that the State Department misled the public and Congress about it in official government documents. The Designated List includes early issues found in the famous Asyut Hoard from Egypt, Hellenistic coins that circulated throughout the Ptolemaic Empire, and Roman Provincial coins that circulated in quantity in nearby Turkey.

The "circulated primarily" standard applied to Byzantine and later coins does not comport with the plain language of the Cultural Property Implementation Act, 19 U.S.C. Section 2601. See *Ancient Coin Collectors Guild v. U.S. Customs and Border Protection*, 801 F. Supp. 2d 383, 407 n. 25 (D. Md. 2011) ("Congress only authorized the imposition of import restrictions on objects that were 'first discovered within, and [are] subject to the export control by the State Party.'").

Additionally, without being more specific, this "circulated primarily" phraseology also raises "fair notice" questions under 19 USC Section 2604. That provision requires the designated list be "sufficiently specific and precise" so that the import restrictions only apply to items covered by the agreement, and that fair notice is given to importers.

The other issue here is that at the April 26, 2022, CPAC meeting to discuss the renewal, IAPN presented substantial evidence that even under this "circulated primarily" standard,

all Archaic, Classical and Hellenistic gold (AV) coins of Cyprus should be delisted along with all silver (AR) coins of Alexander III (“the Great”), Philip III Arrchidaelus, and Demetrius I Poliorcetes. See IAPN’s supplemental correspondence, dated Jan. 17, 2022, available at <https://www.regulations.gov/comment/DOS-2021-0037-0015>

This raises the question whether the “circulated primarily” standard is just a bureaucratic justification for the State Department’s unpopular imposition of import restrictions on coins rather than a real standard the bureaucracy can be expected to hold itself to when promulgating regulations.

7. Egypt

Effective date: December 5, 2016. Amended and expanded effective December 1, 2021

Source: 81 Fed. Reg. 87805- 87809 (December 6, 2016), available at

<https://www.federalregister.gov/documents/2016/12/06/2016-29191/import-restrictions-imposed-on-certain-archaeological-material-from-egypt>

and 86 Fed. Reg. 68546-68553 (December 3, 2021), available at

<https://www.federalregister.gov/documents/2021/12/03/2021-26348/extension-and-amendment-of-import-restrictions-on-archaeological-material-and-imposition-of-import>

The Designated List is as follows:

H. Coins

In copper or bronze, silver, and gold.

1. General—There are a number of references that list Egyptian coin types. Below are some examples. Most Hellenistic and Ptolemaic coin types are listed in R.S. Poole, *A Catalogue of Greek Coins in the British Museum: Alexandria and the Nomes* (London, 1893); J.N. Svoronos, *Τὰ Νομισματὰ τοῦ Κρατοῦς τῶν Πτολεμαίων* (*Münzen der Ptolemäer*) (Athens 1904); and R.A. Hazzard, *Ptolemaic Coins: An Introduction for Collectors* (Toronto, 1985). Examples of catalogues listing the Roman coinage in Egypt are J.G. Milne, *Catalogue of Alexandrian Coins* (Oxford, 1933); J.W. Curtis, *The Tetradrachms of Roman Egypt* (Chicago, 1969); A. Burnett, M. Amandry, and P.P. Ripollès, *Roman Provincial Coinage I: From the Death of Caesar to the Death of Vitellius (44 BC-AD 69)* (London, 1998—revised edition); and A. Burnett, M. Amandry, and I. Carradice, *Roman Provincial Coinage II: From Vespasian to Domitian (AD 69-96)* (London, 1999). There are also so-called *nwb-nfr* coins, which may date to Dynasty 30. See T. Faucher, W. Fischer-Bossert, and S. Dhennin, “Les Monnaies en or aux types hiéroglyphiques *nwb nfr*,” *Bulletin de l’institut français d’archéologie orientale* 112 (2012), pp. 147-169.

2. Dynasty 30 —*Nwb nfr* coins have the hieroglyphs *nwb nfr* on one side and a horse on the other.

3. Hellenistic and Ptolemaic coins—Struck in gold, silver, and bronze at Alexandria and any other mints that operated within the borders of the modern Egyptian state. Gold coins of and in honor of Alexander the Great, struck at Alexandria and Memphis, depict a helmeted bust of Athena on the obverse and a winged Victory on the reverse. Silver coins of Alexander the Great, struck at Alexandria and Memphis, depict a bust of Herakles wearing the lion skin on the obverse, or “heads” side, and a seated statue of Olympian Zeus on the reverse, or “tails” side. Gold coins of the Ptolemies from Egypt will have jugate portraits on both obverse and reverse, a portrait of the king on the obverse and a cornucopia on the reverse, or a jugate portrait of the king and queen on the obverse and cornucopiae on the reverse. Silver coins of the Ptolemies coins from Egypt tend to depict a portrait of Alexander wearing an elephant skin on the obverse and Athena on the reverse or a portrait of the reigning king with an eagle on the reverse. Some silver coins have jugate portraits of the king and queen on the obverse. Bronze coins of the Ptolemies commonly depict a head of Zeus (bearded) on the obverse and an eagle on the reverse. These iconographical descriptions are non-exclusive and describe only some of the more common examples. There are other types and variants. Approximate date: ca. 332 B.C. through ca. 31 B.C.

4. Roman coins—Struck in silver or bronze at Alexandria and any other mints that operated within the borders of the modern Egyptian state in the territory of the modern state of Egypt until the monetary reforms of Diocletian. The iconography of the coinage in the Roman period varied widely, although a portrait of the reigning emperor is almost always present on the obverse of the coin. Approximate date: ca. 31 B.C. through ca. A.D. 294.

Effective December 1, 2021, the Designated list was amended to add additional categories of Roman Imperial and later coins. Here are the additions.

iv. Roman—Coins of this type are struck in bronze, silver, or gold at Alexandria and any other mints that operated within the borders of the modern Egyptian state until approx. A.D. 498. The iconography of the coinage in the Roman period varied widely, although a portrait of the reigning emperor is almost always present on the obverse of the coin. Approximate dates: ca. 31 B.C. through ca. A.D. 498.

v. Byzantine and Arab Byzantine—Coins of these types are struck in bronze and gold at Alexandria, Fustat, and other mints that operated within the borders of the modern Egyptian state between A.D. 498 and ca. A.D. 696. Iconography may include one, two, or three persons (busts or standing figures); large letters in Latin script (sometimes with smaller Latin, Greek, or Arabic letters along the edge); and crosses, stars, moons, and other symbols.

vi. Islamic/Medieval and Ottoman—Coins of this type are struck in copper, bronze, silver, and gold at Cairo, Fustat, Alexandria, and other mints that operated within the borders of the modern Egyptian state under the Umayyad, ‘Abbasid, Tulunid, Ikhshidid, Fatimid, Ayyubid, Mamluk, and Ottoman (up to A.D. 1750) dynasties. Iconography is mostly writing in Arabic

script, sometimes with stars, circles, flowers, or other ornaments placed at center or among the text, and rarely with human figures or trees

Comment: The current and amended designated list for Egypt ignores the statutory requirement that restricted objects must both be “first discovered within” and subject to Egyptian “export control.” Only coins that “exclusively” circulated within Egypt can meet both requirements, but larger denomination gold and silver Alexander the Great, Ptolemaic and Roman Egyptian, and now Roman Imperial and Byzantine coins from the Alexandria mint that circulated in quantity outside the modern borders of Egypt nonetheless ended up on the 2016 and 2021 designated lists. Proponents may have raised Egypt’s so-called “closed monetary system” under the Ptolemies and Roman Provincial authorities to justify these restrictions, but that system was meant to keep foreign coins "out" and not Egyptian coins “in.” Moreover, the borders of ancient Egypt stretched well beyond its modern borders, and larger denomination Greek and Roman Egyptian Provincial coins with Greek legends are found in quantity well outside of Egypt. The additional concern is that the amendment is the first time that restrictions were explicitly placed on Roman Imperial coins, here coins struck after Diocletian’s reform which were identical to other Roman Imperial coins except for a mint mark. Hopefully, this is not the beginning of a trend to place restrictions on such common coins from other more prolific later Roman Imperial mints.

8. Greece-

Effective Dates: December 1, 2011 (ancient coins)

November 21, 2021 (Byzantine and Medieval coins)

Sources: 76 Fed. Reg. 74691-74695 (December 1, 2011), available at <https://www.federalregister.gov/documents/2011/12/01/2011-30905/import-restrictions-imposed-on-certain-archaeological-and-ethnological-material-from-greece>; 86 Fed. Reg. 66164-66169 (November 22, 2021), available at <https://www.federalregister.gov/documents/2021/11/22/2021-25384/extension-and-amendment-of-import-restrictions-imposed-on-archaeological-and-ethnological-material>

The Designated List is as follows:

7. *Coins*—Many of the mints of the listed coins can be found in B.V. Head, *Historia Numorum: A Manual of Greek Numismatics* (London, 1911) and C.M. Kraay, *Archaic and Classical Greek Coins* (London, 1976). Many of the Roman provincial mints in Greece are listed in A. Burnett *et al.*, *Roman Provincial Coinage I: From the Death of Caesar to the Death of Vitellius (44 BC–AD 69)* (London, 1992) and *id.*, *Roman Provincial Coinage II: From Vespasian to Domitian (AD 69–96)* (London, 1999).

a. *Greek Bronze Coins*—Struck by city-states, leagues, and kingdoms that operated in territory of the modern Greek state (including the ancient territories of the Peloponnese, Central Greece, Thessaly, Epirus, Crete and those parts of the territories of ancient Macedonia, Thrace and the Aegean islands that lay within the boundaries of the modern Greek state). Approximate date: 5th century B.C. to late 1st century B.C.

b. *Greek Silver Coins*—This category includes the small denomination coins of the city-states of Aegina, Athens, and Corinth, and the Kingdom of Macedonia under Philip II and Alexander the Great. Such coins weigh less than approximately 10 grams and are known as obols, diobols, triobols, hemidrachms, and drachms. Also included are all denominations of coins struck by the other city-states, leagues, and kingdoms that operated in the territory of the modern Greek state (including the ancient territories of the Peloponnese, Central Greece, Thessaly, Epirus, Crete, and those parts of the territories of ancient Macedonia, Thrace and the Aegean islands that lie within the boundaries of the modern Greek state). Approximate date: 6th century B.C. to late 1st century B.C.

c. *Roman Coins Struck in Greece*—In silver and bronze, struck at Roman and Roman provincial mints that operated in the territory of the modern Greek state (including the ancient territories of the Peloponnese, Central Greece, Thessaly, Epirus, Crete, and those parts of the territories of ancient Macedonia, Thrace and the Aegean islands that lie within the boundaries of the modern Greek state). Approximate date: late 2nd century B.C. to 3rd century A.D.

d. *Coins from the Byzantine and Medieval Periods* —This category includes coin types such as those of the Byzantine and medieval Frankish and Venetian states that circulated primarily in Greece, ranging in date from approximately the 3rd century A.D. to the 15th century A.D.

Comment: The Greek designated list is one of the few that tries to distinguish between widely circulating coins and other local issues that are more likely to be found within the confines of modern-day Greece. While we can debate whether larger denomination coins from most Greek city states should have been included, the list at least recognizes the fact that large denomination coins of Aegina, Athens, Corinth, and the Macedonian Kingdom circulated far outside the confines of modern-day Greece. In November 2021, the designated list was amended to include coins from the Byzantine and Medieval periods that “circulated primarily in Greece.” This formulation is inconsistent with the statutory requirements that only authorize import restrictions on archaeological objects which were “first discovered within, and ...subject to export control by” Greece. Moreover, placing restrictions on coins that “circulated primarily in Greece” does not provide sufficient notice to the importer which coins are restricted, and which are not.

9. Iraq-

Effective Date: April 30, 2008, or August 9, 1990 (see comment below)

Source: 73 Fed. Reg. 23334-23342 (April 30, 2008), available at <https://www.federalregister.gov/documents/2008/04/30/E8-9343/import-restrictions-imposed-on-archaeological-and-ethnological-material-of-iraq>

The Designated List is as Follows:

B. Coins

1. Coins in Iraq have a long history and great variety, spanning the Achaemenid Persian, Hellenistic Seleucid, Parthian, Sasanian, and Islamic periods. Coins from neighboring regions circulated in Iraq as well. Early coins are hand-stamped, so that the design is usually off-center.
2. Achaemenid coins are the gold daric and silver siglos, and fractional and multiple denominations. Both are stamped on the front with an image of the king holding a bow, and on the back with a non-figural oblong mark.
3. Coin types and materials for coins minted or circulated in Iraq during the Seleucid, Parthian, and Sasanian periods include gold staters and dinars, bronze or silver drachms, tetradrachms, and hemidrachms, and smaller bronze and lead coins. These coins usually have male and female busts (of kings and queens) on the front. Seated archers, seated gods such as Zeus, winged Victory, and other Greco-Roman mythological subjects, are usually on the reverse of the Seleucid and Parthian coins, which are inscribed in Greek or Parthian. Sasanian period coins typically feature a fire altar on the back, either with or without figures, and are inscribed in Middle Persian.
4. Early Islamic coins are of gold, silver, and copper. Most are stamped on both sides with inscriptions in Arabic, though a few types have an image on one side and an inscription on the other.

Comment: Another all-encompassing list that includes many coins that circulated far outside of Iraq. These restrictions were made under separate statutory authority justified by looting in Iraq after the First Gulf War. The effective date of this regulation is ambiguous. The regulations themselves give April 30, 2008, as the effective date. However, the enabling statute states “the term ‘archaeological or ethnological material of Iraq’ means cultural property of Iraq and other items of archaeological, historical, cultural, rare scientific, or religious importance illegally removed from the Iraq National Museum, the National Library of Iraq, and other locations in Iraq, since the adoption of United Nations Security Council Resolution 661 of 1990.” Emergency Protection for Iraqi Cultural Antiquities Act of 2004 (title III of Pub. L. 108-429), Sec. 3002 (b). Even more confusingly, the statute also indicates that the authority lapsed as of September 30, 2009. *Id.* However, the State Department takes the position that it still has authority to regulate Iraqi cultural artifacts.

10. Italy-

Effective Date: January 19, 2011

Source: 76 Fed. Reg. 3012-3014 (Jan. 19, 2011), available at <https://www.federalregister.gov/documents/2011/01/19/2011-882/extension-of-import-restrictions-imposed-on-archaeological-material-originating-in-italy-and>

The Designated List is as follows:

F. *Coins of Italian Types*—A type catalogue of listed currency and coins can be found in N.K. Rutter *et al.* (eds.), *Historia Numorum: Italy* (London, 2001). Others appear in G.F. Hill *Coins of Ancient Sicily* (Westminster, 1903).

1. *Lumps of bronze (Aes Rude)*—Irregular lumps of bronze used as an early medium of exchange in Italy from the 9th century B.C.
2. *Bronze bars (Ramo Secco and Aes Signatum)*—Cast bronze bars (whole or cut) used as a media of exchange in central Italy and Etruria from the 5th century B.C.
3. *Cast coins (Aes Grave)*—Cast bronze coins of Rome, Etruscan, and Italian cities from the 4th century B.C.
4. *Struck coins*—Struck coins of the Roman Republic and Etruscan cities produced in gold, silver, and bronze from the 3rd century B.C. to c. 211 B.C., including the “Romano-Campanian” coinage.
5. *Struck colonial coinage*—Struck bronze coins of Roman republican and early imperial colonies and *municipia* in Italy, Sicily, and Sardinia from the 3rd century B.C. to c. A.D. 37.
6. *Coins of the Greek cities*—Coins of the Greek cities in the southern Italian peninsula and in Sicily (Magna Graecia), cast or struck in gold, silver, and bronze, from the late 6th century B.C. to c. 200 B.C.

Comment: Italy is another country where restrictions are ridiculous given the country’s immense legal internal market in ancient coins. This designated list encompasses large denomination Sicilian issues that are thought to have circulated in quantity outside of the confines of modern-day Italy. Thankfully, no restrictions have been put in place on late Roman Republican and Roman Imperial issues that mostly circulated outside of Italy. This exclusion makes sense. Scholarly research demonstrates that only 2.8% of Roman Imperial coin hoards containing coins from Italian mints are found within Italy itself making it impossible to fairly consider them Italian cultural patrimony.

11. Jordan-

Effective Date: February 5, 2020

Source: 85 Fed. Reg. 7204 (Feb. 7, 2020), available at <https://www.federalregister.gov/documents/2020/02/07/2020-02552/import-restrictions-imposed-on-archaeological-material-from-jordan>

The Designated List is as follows:

The restrictions on coins include:

10. Coins—Some of the best-known types include:

- a. Nabataean—Coins in silver, lead, copper or bronze and struck at Petra. They typically have cornucopias or wreaths on the reverse and portrait of the ruler or rulers on the obverse.
- b. Roman Provincial—Coins in silver and bronze were struck through the third century A.D. at Roman and Roman provincial mints of Abila (Abel), Adraa (Daraa), Charachmoba (Al-Karak), Dium, Esbous (Heshbon), Gadara (Umm Qais), Gerasa (Jerash), Medaba (Madaba), Pella, Petra, Philadelphia (Amman), Rabbathmoba (Aroer) Capitolias/Dion (Beit Ras), and Raphana. This type also includes the pseudo-autonomous coinage of the second and first centuries B.C.
- c. Byzantine—Coins in bronze and struck at the Arab-Byzantine mint of Aylah/Elath (Aqaba).
- d. Early Islamic—Coins in bronze or silver and struck at the Umayyad mints of Adraa (Daraa), Gerasa (Jerash), Philadelphia/Rabbath-Ammon (Amman) and under the Abbasids at Philadelphia/ Rabbath-Ammon (Amman). These coins are epigraphic in design, featuring one or more lines of Arabic script. Some Abbasid bronze coins from Philadelphia/Rabbath-Ammon (Amman) feature a small flower-like design in the center of one side.
- e. Crusader—These coins appear as thin, light-weight, low-quality-silver billon. Examples usually feature crosses and/or crude portraits or buildings as central images.

Comment: This list again includes coins that circulated in quantity outside of the confines of modern-day Jordan. Moreover, restrictions were imposed despite open sales of coins at the archaeological site of Petra as well as an annual numismatic bourse in Amman. If Jordan wants tourists to visit, it should encourage sales of such common material rather than expect CBP to seize such material purchased by tourists on their return to the United States.

12. Libya (“Emergency” import restrictions)

Effective Date: December 5, 2017.

Source: 82 Fed. Reg. 57346-57351 (Dec. 5, 2017), available at <https://www.federalregister.gov/documents/2017/12/05/2017-26278/emergency-import-restrictions-imposed-on-archaeological-and-ethnological-materials-from-libya>

Emergency Restrictions Converted into Regular ones:

Source: 83 Fed. Reg. 31654-31659 (July 9, 2018)

<https://www.federalregister.gov/documents/2018/07/09/2018-14637/import-restrictions-imposed-on-archaeological-and-ethnological-material-from-libya>

The Designated List is as follows.

- a. General--Examples of many of the coins found in ancient Libya may be found in: A. Burnett and others, *Roman Provincial Coinage*, multiple volumes (British Museum Press and the Bibliothèque Nationale de France, 1992-), R.S. Poole and others, *Catalogue of Greek Coins in the British Museum*, volumes 1-29 (British Museum Trustees 1873-1927) and H. Mattingly and others, *Coins of the Roman Empire in the British Museum*, volumes 1-6 (British Museum Trustees 1923-62). For Byzantine coins, see Grierson, Philip, *Byzantine Coins*, London, 1982. For publication of examples of coins circulating in archaeological sites, see *La moneta di Cirene e della Cirenaica nel Mediterraneo. Problemi e Prospettive*, Atti del V Congresso Internazionale di Numismatica e di Storia Monetaria, Padova, 17-19 marzo 2016, Padova 2016 (Numismatica Patavina, 13).
- b. Greek Bronze Coins--Struck by city-states of the Pentapolis, Carthage and the Ptolemaic kingdom that operated in territory of the Cyrenaica in eastern Libya. Approximate date: 4th century B.C. to late 1st century B.C.
- c. Greek Silver and Gold Coins--This category includes coins of the city-states of the Pentapolis in the Cyrenaica and the Ptolemaic Kingdom. Coins from the city-state of Cyrene often bear an image of the silphium plant. Such coins date from the late 6th century B.C. to late 1st century B.C.
- d. Roman Coins--In silver and bronze, struck at Roman and Roman provincial mints including Apollonia, Barca, Balagrae, Berenice, Cyrene, Ptolemais, Leptis Magna, Oea, and Sabratha. Approximate date: late 3rd century B.C. to 1st century A.D.
- e. Byzantine Coins--In bronze, silver, and gold by Byzantine emperors. Struck in Constantinople and other mints. From 4th century A.D. through 1396 A.D.
- f. Islamic Coins--In bronze, silver, and gold. Dinars with Arabic inscriptions inside a circle or square, may be surrounded with symbols. Struck at mints in Libya (Barqa) and adjacent regions. From 642 A.D. to 15th century A.D.
- g. Ottoman--Struck at mints in Istanbul and Libya's neighboring regions. Approximate date: 1551 A.D. through 1750 A.D.

Comment: The restrictions explicitly encompass Greek, Carthaginian, Roman, Byzantine and Ottoman coins struck outside Libya that are found within Libya. This is a major departure from prior restrictions that listed coins based on where the coins were made hundreds, if not thousands

of years ago, rather than where they were found today. While this phraseology is more consistent with applicable statutory language, it remains to be seen how it is applied.

13. Morocco

Effective Date: January 15, 2021

Source: 86 Fed. Reg. 6562—6566 (Jan. 21, 2021), available at <https://www.federalregister.gov/documents/2021/01/22/2021-01394/imposition-of-import-restrictions-on-categories-of-archaeological-and-ethnological-material-from>

The Designated List is as follows:

10. Coins—This category includes coins of Numidian, Mauretanian, Greek/Punic, Roman, Byzantine, Islamic, and Medieval Spanish types that circulated primarily in Morocco, ranging in date from the fifth century B.C. to A.D. 1750. Coins were made in copper, bronze, silver, and gold. Examples may be square or round, have writing, and show imagery of animals, buildings, symbols, or royal figures.

Comment: This designated list is peculiar because other than some bronze coins of the Mauritanian Kingdom struck at Lix and Roman Provincial issues of cities of Tingis (Tangier), Lix, and Tamuda, no Numidian, Mauritanian, Greek/Punic, Roman, Byzantine, and Medieval Spanish coins “primarily circulated” there. Instead, the only coins most associated with Morocco are Islamic ones struck within the confines of modern-day Morocco like Marrakesh, Fez, Misknash, Nul, Sijilmasa, Tangier, Cueta, Aghmar, Sala and Bani Tavula. As large gold issues were struck there, it is also debatable whether such coins “primarily circulated” within Morocco or not.

14. Syria

Effective Date: August 15, 2016 but regulations retroactive to March 15, 2011

Source: 81 Fed. Reg. 53916-53921 (Aug. 15, 2016), available at <https://www.federalregister.gov/documents/2016/08/15/2016-19491/import-restrictions-imposed-on-archaeological-and-ethnological-material-of-syria>

“Below is the Designated List of Archaeological and Ethnological Material of Syria that describes the types of objects or categories of archaeological or ethnological

material that are subject to import restrictions, if unlawfully removed from Syria on or after March 15, 2011.”

I. Coins--In copper or bronze, silver and gold.

1. Coins in Syria have a long history and exist in great variety, spanning the Achaemenid Persian, Hellenistic Seleucid and Ptolemaic, Roman, Sasanian, and Islamic periods. Coins from neighboring regions circulated in Syria as well. Some major mints for coinage that circulated in Syria in various periods include Emesa, Antioch, Apamea, Damascus, Beroea, and Laodicea.

2. Achaemenid coins include silver drachms stamped on the obverse with the head of the king and on the reverse with an altar.

3. Coin types and materials for coins minted or circulated in Syria during the Hellenistic Seleucid and Ptolemaic periods include gold and silver staters and obols, bronze or silver drachms, hemidrachms, tetradrachms, and smaller bronze and lead coins. These coins have a wide variety of decorative elements. Male and female busts (of kings, such as Seleucus, and queens, such as Cleopatra, or sometimes deities) are usually found on the front. Seated archers, seated gods such as Zeus, winged Victory, Tyche, and Herakles, other Greco-Roman mythological subjects, animals such as lions and elephants, palm trees, and ships are usually on the reverse of the Seleucid and Ptolemaic coins, which are often inscribed in Greek.

4. Roman coins minted and circulated in Syria during the Roman period come in a variety of denominations and weights and were struck primarily in silver and bronze, though examples (sesterces) of brass also appear. The front usually has an image of the emperor; sometimes, other notable personages (e.g., Julia Domna) might appear. Subjects shown on the reverse include seated and standing deities, wreaths, temples and altars, mythological scenes, and eagles. Inscriptions are usually in Latin, but sometimes also in Greek. Late Roman (Byzantine) coins are similar, but the reverse often shows Christian iconography (e.g., crosses), and inscriptions are in Greek.

5. Sasanian period coins are typically silver drachms with an image of the ruler on the obverse and a religious scene with a fire altar on the reverse.

6. Islamic coins are of gold, silver, bronze, and copper and include examples from the Umayyad, Abbasid, Ghaznavid, Fatimid, Ayyubid, Seljuq (including Zengid), Timurid, Mamluk, Safavid, and Ottoman periods. Most are stamped on both sides with inscriptions in Arabic, although a few types have an image on one side and an inscription on the other.

Comment: These restrictions were imposed by statute. The breathtakingly broad restrictions with a retroactive date to 2011 also include a specific provision that the coins in question were unlawfully removed from Syria after that March 15, 2011 date. As such, they are much more in keeping with the CPIA’s limitations of restrictions to items “first discovered within” and “subject to” the export control of the country for which restrictions were granted than many other import restrictions.

15. Turkey

Effective Date: June 16, 2021

Source: 86 Fed. Reg. 31910-31916 (Feb. 16, 2021), available at <https://www.federalregister.gov/documents/2021/06/16/2021-12646/import-restrictions-imposed-on-categories-of-archaeological-and-ethnological-material-of-turkey>

The list of coins is extensive. It includes:

9. Coins

- a. Greek coins – Archaic coins, dated to 640 – 480 B.C., in electrum, silver and billon, that circulated primarily in Turkey; Classical coins, dated to 479 – 332 B.C., in electrum, silver, gold, and bronze, that circulated primarily in Turkey; and Hellenistic coins, dated to 332 – 31 B.C., in gold, silver, bronze and other base metals, that circulated primarily in Turkey. Greek coins were minted by many authorities for trading and payment and often circulated all over the ancient world, including in Turkey. All categories are based on find information provided in Thompson, M., Mørkholm, O., Kraay, C., *Inventory of Greek Coin Hoards, 1973* (available online at <http://coinhoards.org/>) and the updates in *Coin Hoards I-X* as well as other hoard and single find publications. Mints located in Turkey and surrounding areas are found in Head, B. V., *Historia Numorum, A Manual of Greek Numismatics, 1911* (available online at <http://snible.org/coins/hn/>).
- b. Roman provincial coins – Roman provincial coins, dated from the end of 2nd century B.C. to the early 6th century A.D., in gold, silver, and bronze and copper that circulated primarily in Turkey.
- c. Byzantine period coins – Byzantine period coins, in gold, silver, bronze, copper coins, and sometimes electrum, dating from the early 6th century to the 15th century A.D., that circulated primarily in Turkey, (e.g., coins produced at mints in Nicaea and Magnesia under the Empire of Nicaea).
- d. Medieval and Islamic coins – Medieval and Islamic coins, in gold, silver, bronze, and copper coins from approximately A.D. 1077 – 1770, that circulated primarily in Turkey.

Comment: These restrictions are breathtakingly broad. However, they are qualified to only include coins that “circulated primarily in Turkey.” If this phraseology is meant to comply with the CPIA, it only pays “lip service” to the statutory provision limiting any restrictions to archaeological objects “first discovered within” and “subject to export control by” Turkey. (19 U.S.C. § 2601.) Moreover, what coins “primarily circulated in Turkey” is undefined putting the importer in the position of gambling whether the coins they import will be deemed to be covered by the restrictions or not. On a positive note, Roman Imperial coins remain exempted from the restrictions.

16. Yemen

Effective Date: February 5, 2020

Source: 85 Fed. Reg. 7209 (Feb. 7, 2020), available at <https://www.federalregister.gov/documents/2020/02/07/2020-02553/emergency-import-restrictions-imposed-on-archaeological-and-ethnological-material-from-yemen>

The list of coins is extensive. It includes:

9. *Coins*—A reference book for ancient, pre-Islamic material in Yemen is M. Huth, *Coinage of the Caravan Kingdoms: Ancient Arabian Coins from the Collection of Martin Huth*, New York, 2010, pp. 68-152. A reference book for Islamic coinage to A.D. 1750 is S. Album, *Checklist of Islamic Coins*, Santa Rosa, 2011, pp. 116-127. Some of the best-known types are described below:

- a. Ancient—In gold, silver, and bronze/copper, with units ranging from tetradrachms down to various fractional levels.
 - i. Earliest coins from Yemen are imitations of silver tetradrachms from Athens; feature a bust of Athena on the obverse and an owl on the reverse. The style of these imitations is distinctive, and they are usually marked with Arabian monograms or graffiti. Approximate date: 500 B.C. and later.
 - ii. Minaeans produced schematic imitations of the Athenian coinage; these coins have angular shapes, often triangular. Style is distinctive with monograms with Arabian letters. Approximate date: 200 B.C.
 - iii. Sabaeans struck distinctive local imitations of Athenian tetradrachms, with or without monograms, often with the curved symbol of Almaqah to the right of the owl, and of smaller units than previously. In the 1st century A.D., the head of Athena is replaced with a male bust resembling Augustus; owl on the reverse continues, as do monograms and the curved symbol. In the 2nd and 3rd centuries A.D., a beardless male head appears on the coins with the curved symbol, and a facing bucranium (a bull's head) appears on the reverse with the curved symbol and monograms. Approximate date: 400 B.C.-A.D. 300.
 - iv. Himyarite coins feature beardless male heads on the obverse coupled with bearded male heads on the reverse. Various South Arabian monograms appear on the coins. Rulers include Yuhabir, Karib'il Yehun'im Wattar, Amdan Yuhaqbid, Amdan Bayan, Tha'ran Ya'ub, Shamnar Yuhan'am, and unknown kings. Approximate date: 110 B.C.-A.D. 200.
 - v. Qatabians produced imitations of Athenian coins also in 2nd-4th century B.C., with or without monograms; distinctive style. From the 2nd century B.C. to the 2nd century A.D., head of Athena is replaced with male ruler portraits, including those of Yad'ab Dhubyān Yuhargib, Dhub, Hawfi'amm Yuhan'am III, Shahr Yagul, Waraw'il Ghaylan, Shahr Hilal, Yad'ab Yanaf, and various unknown rulers. Reverses of early types have the owl, while later types have a second portrait on the reverse. Approximate date: 400 B.C.-A.D. 200.
 - vi. Bronze coins from Hadramawt have radiate male portraits in a circle on the obverse and a standing bull on the reverse; Arabian symbols appear. Approximate date: A.D. 200-400.
 - vii. Various South Arabian types imitate Athenian coins, Hellenistic Alexander tetradrachms with a head of Herakles on the obverse and Zeus seated on the reverse, and Ptolemaic coins with a cornucopia on the reverse. Style is distinctive; designs are accompanied by Arabian monograms.
- b. Islamic Period—In gold, silver, and bronze, and including anonymous mints in Yemen, and coins of unknown rulers attributed to Yemen. Non-exclusive mints are the primary manufacturers of the listed coins, but there may be other production mints.

- i. `Abbasid coins struck in gold, silver, and bronze, at non-exclusive mints San`a, Zabid, `Adan, Dhamar, `Aththar, and Baysh mints. Approximate date: A.D. 786-974.
- ii. Coins of the Amirs of San`a, struck in gold, at the mint of San`a. Approximate date: A.D. 909-911.
- iii. Rassid (1st period) coins struck in gold and silver at Sa`da, San`a, Tukhla', and `Aththar. Approximate date: A.D. 898-1014.
- iv. Coins of the Amirs of Yemen, struck in silver, at an uncertain mint. Approximate date: A.D. 1000-1100.
- v. Coins of the Amirs of `Aththar, struck in gold, at the mint of `Aththar. Approximate date: A.D. 957-988.
- vi. Tarafid coins, struck in silver, at the mint of `Aththar. Approximate date: A.D. 991-1004.
- vii. Ziyadid coins, struck in gold and silver, at non-exclusive mint Zabid. Approximate date: A.D. 955-1050s.
- viii. Khawlanid coins, struck in silver, at the mint of San`a. Approximate date: A.D. 1046-1047.
- ix. Najjahid coins, struck in gold, at the mints Zabid and Dathina. Approximate date: A.D. 1021-1158.
- x. Sulayhid coins, struck in gold and debased silver, at non-exclusive mints Zabid, `Aththar, `Adan, Dhu Jibla. Approximate date: A.D. 1047-1137.
- xi. Zuray'id coins, struck in gold, at the mints of `Adan and Dhu Jibla. Approximate date: A.D. 1111-1174.
- xii. Coins of Mahdid of Zabid, struck in silver, at the mint of Zabid. Approximate date: A.D. 1159-1174.
- xiii. Rassid (2nd period) coins, struck in gold and silver, at non-exclusive mints Zufar, San`a, Sa`da, Huth, Dhirwah, Kahlan, Muda', `Ayyan, Bukur, al-Jahili, and Dhamar. Approximate date: A.D. 1185-1390.
- xiv. Ayyubid coins, struck in gold, silver, and bronze, at the mints of Zabid, `Adan, Ta`izz, San`a, al-Dumluwa, Bukur, and Mayban. Approximate date: A.D. 1174-1236.
- xv. Rasulid coins, struck in gold, silver, and bronze, at non-exclusive mints `Adan, Zabid, al-Mahjam, Ta`izz, San`a, Tha'bat, and Hajja. Approximate date: A.D. 1229-1439.
- xvi. Tahirid coins, struck in silver, at the mint of `Adan. Approximate date: A.D. 1517-1538.
- xvii. Rassid (3rd period) coins, struck in silver and bronze, at the mints of San`a, Zafir, and Thula. Approximate date: A.D. 1506-1572.
- xviii. Ottoman coins, struck in gold, silver and bronze, at the mints of Zabid, San`a, `Adan, Kawkaban, Ta`izz, Sa`da, al-Mukha, and Malhaz. Approximate date: A.D. 1520-1750.

Comment: Ironically, both Martin Huth and Stephen Album's firm have expressed concerns about import restrictions on coins to the Cultural Property Advisory Committee (CPAC) in the past. Yet, here their scholarly works on these coins are being cited as a basis for the restrictions! Once again, the restrictions include issues that would have circulated outside of the confines of modern Yemen, including many pre-Islamic silver and Islamic silver and gold coins.

B. Safe Harbor Provision:

Under 19 U.S.C. § 2606, coins of the above restricted types may still be imported into the United States with: (a) an export certificate²; (b) “satisfactory evidence” demonstrating that the coins were exported from or were outside these countries at least 10 years prior to importation into the U.S.³; or (c) “satisfactory evidence” demonstrating that the coins were exported from or were outside of these countries before the restrictions went into effect. What constitutes “satisfactory evidence” is ultimately left to the discretion of Customs, but usually takes the form of a declaration by the importer and a statement by the consigner. As described above, it may be in practice quite difficult to procure such statements because provenance information may be lacking, particularly for Roman or lower value Greek coins.

Restricted coins should be imported separately to avoid delays of unrestricted coins. Also, importers should include the find spot, if known, of such coins, though one must also understand that such information may prompt additional inquiries from Customs to ascertain whether such coins were illicitly excavated.

“Satisfactory evidence” under these safe harbor provisions included with Customs paperwork identifying the type of item, country of origin (manufacture), and value should allow free entry, but on occasion CBP asks for additional documentation, i.e., published auction references pre-dating the effective date of the applicable regulation.

1. “Satisfactory Evidence” Documenting Coins Exported Before Effective Date of Import Restrictions.

a. Importer’s Statement

Here is a sample Importer’s Statement for the legal import of restricted coins under the “safe harbor” provisions of 19 U.S.C. § 2606 (c) (2) (A). This statement should be faxed or emailed to the exporter so it may be included within the package. We understand that CBP often allows entry simply with a consigner’s statement, but the statute provides for the inclusion of an importer’s statement in the form of a declaration as well.

STATEMENT OF IMPORTER OR BUYER REGARDING CERTAIN [FILL IN NATIONALITY OF] COINS

I, _____, state as follows:

² It is our understanding that among these countries only Italy regularly issues export certificates.

³ This provision is rarely used because it makes more sense to provide documentation of export before the effective date of the import restrictions.

1. I am the importer of Certain Coins from [**fill in nationality of coins**] described on Schedule I (the “Coins”).
2. I make this statement in satisfaction of the evidence required to establish lawful exportation in accordance with the Import Restrictions set forth in the Convention on Cultural Property, 19 U.S.C. § 2606(b)-(c) (the “Import Restrictions”).
3. To the best of my knowledge, the Coins were exported from [**fill in nationality of coins**] prior to [**fill in effective date of regulations**], the date the date such material was designated under § 2604 of the Import Restrictions.
4. To the best of my knowledge, the Coins do not violate § 2607 of the Import Restrictions as they do not appertain to the inventory of a museum or religious or secular public monument or similar institution in [**fill in nationality of coins**] which were stolen from such institution after January 12, 1983.

Signature

Date

Schedule I

[Please provide a schedule of the coins being transferred to the consignee or buyer. This schedule must list and identify each coin individually; it is not acceptable to list coins in groups or lots for this purpose.]

b. Consigner’s Statement

Here is a sample Consigner’s Statement for the legal import of restricted coins under the “safe harbor” provisions of 19 U.S.C. § 2606.(c) (2) (B)

STATEMENT OF CONSIGNOR OR SELLER REGARDING CERTAIN [FILL IN NATIONALITY OF] COINS

I, _____, state as follows:

1. I am the consignor or seller of Certain Coins from [**fill in nationality of coins**] described on Schedule I (the “Coins”).
2. I make this statement in satisfaction of the evidence required to establish lawful exportation in accordance with the Import Restrictions set forth in the Convention on Cultural Property, 19 U.S.C. § 2606(b)-(c) (the “Import Restrictions”).
3. To the best of my knowledge, the Coins were exported from [**fill in nationality of coins**] prior to [**fill in effective date of regulations**], the date the date such material was designated under § 2604 of the Import Restrictions.
4. To the best of my knowledge, the Coins do not violate § 2607 of the Import Restrictions as they do not appertain to the inventory of a museum or religious or secular public monument or similar institution in [**fill in nationality of coins**] which were stolen from such institution after January 12, 1983.

Signature

Date

Schedule I

[Please provide a schedule of the coins being transferred to the consignee or buyer. This schedule must list and identify each coin individually; it is not acceptable to list coins in groups or lots for this purpose.]

2. “Satisfactory Evidence” Documenting Coins Exported At least Ten Years Prior to Entry in into the United States.

a. Importer's Statement

Here is a sample Importer's Statement for the legal import of restricted coins under the "safe harbor" provisions of 19 U.S.C. § 2606.(c) (1) (A).

**STATEMENT OF IMPORTER REGARDING CERTAIN RESTRICTED COINS
EXPORTED FROM [FILL IN NATIONALITY OF COINS] NOT LESS THAN TEN
YEARS BEFORE ENTRY INTO THE UNITED STATES**

I, _____, state as follows:

1. I am the importer of Certain restricted coins described on Schedule I (the "Coins").
2. I make this statement in satisfaction of the evidence required to establish lawful importation in accordance with the Import Restrictions set forth in the Convention on Cultural Property, 19 U.S.C. § 2606(b)-(c) (the "Import Restrictions").
3. To the best of my knowledge, the Coins were exported from exported from **[fill in nationality of coins]** not less than ten years before the date of entry into the United States.
4. I (or any related person) did not contract for or acquire an interest, directly or indirectly, in such coins more than one year before the date of entry of the coins.
5. To the best of my knowledge, the Coins do not violate § 2607 of the Import Restrictions as they do not appertain to the inventory of a museum or religious or secular public monument or similar institution which were stolen from such institution after January 12, 1983.

Signature

Date

Schedule I

[Please provide a schedule of the coins being imported. This schedule must list and identify each coin individually; it is not acceptable to list coins in groups or lots for this purpose.]

b. Consigner's Statement

Here is a sample Consigner's Statement for the legal import of restricted coins under the "safe harbor" provisions of 19 U.S.C. § 2606 (c) (1) (B).

**STATEMENT OF CONSIGNOR OR SELLER REGARDING CERTAIN
RESTRICTED COINS EXPORTED FROM [FILL IN NATIONALITY OF COINS]
NOT LESS THAN TEN YEARS BEFORE ENTRY INTO THE UNITED STATES**

I, _____, state as follows:

1. I am the consignor or seller of Certain Coins from **[fill in nationality of coins]** described on Schedule I (the "Coins").
2. I make this statement in satisfaction of the evidence required to establish lawful exportation in accordance with the Import Restrictions set forth in the Convention on Cultural Property, 19 U.S.C. § 2606(b)-(c) (the "Import Restrictions").
3. To the best of my knowledge, the Coins were exported from **[fill in nationality of coins]** not less than ten years before the date of entry into the United States.
4. To the best of my knowledge, the Coins do not violate § 2607 of the Import Restrictions as they do not appertain to the inventory of a museum or religious or secular public monument or similar institution which were stolen from such institution after January 12, 1983.

Signature

Date

Schedule I

[Please provide a schedule of the coins being transferred to the consignee or buyer. This schedule must list and identify each coin individually; it is not acceptable to list coins in groups or lots for this purpose.]

IV. Countries Subject to Sanctions

The U.S. Treasury Department Office of Foreign Asset Control (“OFAC”) administers U.S. economic sanctions and embargoes that target geographic regions and governments. Comprehensive sanctions programs include Cuba, Iran, and Syria (which also is covered by U.S. Import Restrictions). Other non-comprehensive programs target individuals or entities that could be anywhere. Those programs currently relate to foreign narcotics traffickers, foreign terrorists, and WMD proliferators. In addition to targeted countries, it is very important to note that OFAC publishes a list of Specially Designated Nationals and Blocked Persons (“SDN list”) which includes over 6,000 names of companies and individuals who relate to the sanctions targets and are located throughout the world. Named individuals and entities are known to move from country to country and may end up in locations where they would be least expected. U.S. persons are prohibited from dealing with SDNs wherever they are located and all SDN assets are blocked. Because OFAC’s programs are dynamic and constantly changing, IAPN members should review OFAC’s website periodically if one is considering dealing with other than U.S. allies. For more information, see <https://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx>. Coins traceable to listed countries like Iran may be seized. In addition, OFAC regulations provide for substantial fines and penalties.

V. Criminal Law

Under the CPIA, import restrictions only apply to coins “first found in the ground” in these countries. *See* CPIA § 2601 (2). However, if a coin on these lists was excavated outside of those countries in a country that declares anything found in the ground to be state property (i.e., Egypt or Turkey), it may still be subject to seizure pursuant to the National Stolen Property Act (NSPA) and other provisions of U.S. law.

A. *United States v. Schultz*, 333 F.3d 393 (2d Cir. 2003)

The *Schultz* case remains one of the most significant legal developments in this area in the past several years. The defendant, Frederick Schultz, is a past president of the National Association of Dealers in Ancient, Oriental and Primitive Art (NADOPA). He was indicted under the NSPA for conspiring to deal in antiquities smuggled from Egypt. The NSPA makes it illegal to receive stolen property that traveled in interstate commerce valued over \$5,000. The items in question were not “stolen” from an archeological site or museum. Rather, the

government alleged that they were “stolen” because they were illicitly removed from Egyptian soil. Under Egyptian law, all antiquities unearthed after 1983 are considered the property of the state. Before conviction, the court rejected Schultz’s argument that the NSPA was not meant to apply to what was in essence a violation of Egyptian antiquities laws. In his instructions, the trial judge also charged the jury, *inter alia*, that the “scienter” or guilty knowledge necessary for a conviction under the NSPA could be inferred from Schultz’s “conscious avoidance” of knowledge of Egypt’s patrimony law.

The Court of Appeals affirmed the conviction. In so ruling, the Court confirmed that cultural objects subject to national patrimony laws are considered “stolen” when removed from the country of origin without consent of that government. The ruling is binding in the Federal 2nd Circuit, which includes the New York arts market. In addition, the ruling will have considerable persuasive authority elsewhere.

Broadly speaking *Schultz* and the NSPA make it a crime to import coins valued at \$5,000 or more, knowing the same to have been stolen under the cultural patrimony laws of a country that unequivocally declares them to be state property. Based upon *Schultz*, U.S. Customs has seized coins and other artifacts traced back to countries like Afghanistan, Bulgaria, Cyprus, Greece, Iraq, and Italy. The NSPA also allows U.S. Customs to seek criminal penalties against the importer or purchaser of these items as long as guilty knowledge necessary for a conviction can be proved directly or can be inferred from “conscious avoidance” about the foreign law and the origin of the coins in question.

VI. Conclusion

U.S. Customs has become far more aggressive in enforcing cultural property laws at a time import restrictions have begun to be applied to coins. As a result, IAPN members must take care to comply with all applicable laws and ensure that they provide accurate documentation to accompany imports into the United States.