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LAW AND PRACTICE REGARDING COIN FINDS

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LEGISLATION AND PRACTICE IN THE FIELD OF NUMISMATIC VALUES IN THE REPUBLIC OF BULGARIA

The Third Bulgarian State was restored in 1878 as a result of the 1877–1878 Russian–Turkish War. For a short period of time the main state institutions were established and the first laws adopted. After the accomplishment and adoption of the Constitution as well as the other main laws, the authorities proceeded with the special laws and regulations.

The first actual mention of numismatic finds in a normative document appeared in *Provisional Rules for Scientific and Literary Societies* from 1888^[1]. The initial classification systems for the kinds of ancient artifacts covered by the rules were also attached. Coins were explicitly mentioned. The State specified the terms for the remuneration of citizens who found and handed over ancient coins. According to these, an appointed specialist had to study the coins and make a review of their characteristics and an estimate of their value.

Two years later, in 1890, the first law was adopted known as the *Law for discovery for antiquities and fostering scientific and literary societies*. According to the clauses of the law, persons who had found an antiquity should receive half of its value, to be estimated by an expert. The law adopted by the National Assembly was so well-prepared and balanced that it operated successfully until 1911.^[2] The export of cultural, historical and archaeological antiquities from the state was also coordinated and regulated by the then Customs Act.

The next step of the Bulgarian State concerning the cultural, historical and archaeological matters was the Antiquities Law from 1911^[3]. It also contained clauses regarding coins and seals.

The established tradition and the sustainable functioning of the state policy with regard to antiquities and their values were destroyed by the wave of changes in 1944. For a long time Bulgaria did not have a functioning legal framework for cultural and historical heritage.

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[1] Provisional Rules for Scientific and Literary Enterprises. Sofia, March 14th 1888. Prom. SG No. 31/19.03.1888.

[2] Signed in Sofia on December 17th 1889 by His Royal Highness Ferdinand I; stamped with the State Seal and registered under No. 246 on January 13th 1890. Prom. SG No. 13/17.01.1890.

[3] Antiquities Law. Issued in Sofia on February 10th 1911. Signed by His Royal Highness Ferdinand I. Prom. SG No. 37/18.02.1911.

Decree No. 1608, issued on December 30th 1951,^[4] was the first normative document after Bulgaria's accession to the Soviet Bloc. It provided instructions for registering all cultural monuments. Thus, the term *cultural monument* definitely replaced the term *antiquity*, which was considered to be inherited from the time of the monarchy. Coins and coin hoards were also included in this category.

The next document regarding numismatic finds was Decree No. 165 of the Council of Ministers, adopted in August 1958^[5]. The text regulates the transfer, exchange and export of cultural monuments, including coins.

The Law on Cultural Monuments and Museums was adopted in 1969. It provides a definition of a movable monument of culture that has a cultural value^[6]. The law allows coins to be privately owned. Citizens who had discovered and brought coin finds to museums received a remuneration. This was not based on an evaluation of the coins themselves but was intended to encourage submitting antique coins and objects to museums. Alongside the reward, the bearers also received certificates recognizing them as museum donors. At the time of operation of this law, a powerful numismatic movement developed in the country. The number of members of the Bulgarian Numismatic Society exceeded 12,000, and together with the associated members even 20,000 people. The Law was in force until 2005 enjoying a positive public assessment.

The latest and still effective legislation in the Republic of Bulgaria is the Law on the Cultural Heritage^[7]. This came into force on April 4th 2009 and obliges every citizen holding a numismatic collection within one year after the entry into force of the law to submit a declaration requesting identification and registration (Transitional and Final Provisions § 5. (1) and § 6. (1)). Citizens handing over valuables, including coins, to museums are remunerated (Art. 95. (1)). A distinction is made between coins that have cultural value and thus fall under the restriction of the law, and the rest. Art. 7. (4) stipulates: *They are not cultural values within the meaning of this law: 1. Machine-cut coins and coin-like items which have no significance for academic studies and exhibition except for particularly rare and valuable pieces...* The procedure for identification and registration is indicated in a special regulation H-3 of the Ministry of Culture^[8]. The law does not contain a provision as to what should be done by citizens who, for objective

[4] Issued on December 30th 1951. See Notices of the Presidium of the National Assembly, Sofia, No. 7, 1952.

[5] Prom. Notices No. 68/26.08.1958.

[6] Movable monuments are "works of human activity that document material and spiritual culture and ... relate to historical events...".

[7] Prom. SG No. 19/March 13th 2009, last modified SG No. 7/January 19th 2018.

[8] Regulation No. H-3/December 3rd 2009 on the procedure for identification and keeping the State Gazette's Register of movable cultural values. SG No. 101/18.12.2009.

reasons, have missed the stipulated one-year term. There is no permanent or periodic deadline for submitting the declarations specified in the law. For example, when inheriting coins, they can no longer be registered. In such a case, the coins are treated as public property and seized for the benefit of the state. Any citizen discovered in possession of an undeclared and unregistered coin is subject to an investigation. The law allows the import of coins by purchase from abroad. Nevertheless, these coins must be accompanied by a transaction document (Art. 97. (6)).

Citizens are forbidden to search for and find coins in the earth by digging, using machines or metal detectors. All coins and coin hoards found are public property. The law is very restrictive, and the practice of applying it has had a mixed reception.

In the last nine years since its adoption, the law has undergone 18 amendments. Some of its articles have been abolished as unconstitutional. Analyses by experts from the country and the EU have revealed serious contradictions with a number of EU rules the European convention on the protection of archaeological heritage^[9].

According to the prevailing public and expert rating, the law does not work well for the benefit of society and has limited scope for adjustment. There is a predominant view that the country needs a completely new law.

^[9] Ratified by Bulgaria and promulgated in SG No. 70/August 10th 2004.