

UNESCO 1970 Convention - Periodic Reporting Form 2019

Respondent Information

Name: Delegation of Austria/Délégation d'Autriche

Position :	Department for Cultural Heritage and Art Restitution
Organization/Agency :	Federal Chancellery of Austria
Country :	Austria

Policy and Legislative Framework

1. Did your country implement the 1970 UNESCO Convention, and if so, how?

	Civil Law
	Criminal Law
X	Specific Law

Please describe the specific law(s) used by your country.

Federal Act on the Return of Unlawfully Removed Cultural Objects (Return of Cultural Objects Act – RCOA)

2. Does your country have an overall policy and/or strategy for fighting illicit trafficking of cultural property (i.e., a document that describes the country's overall vision for fighting illicit trafficking)?

	Yes
X	No

3. Please provide the name and year the policy was passed (and web link to the policy/strategy if available).

□

4. Please describe your country's overall legal framework for protecting cultural property from illicit trafficking, referencing specific laws and years passed (including specific provisions on the return of cultural objects illegally exported from other States Parties to the Convention).

In close cooperation, the Federal Ministries of the Interior, of Justice, of Finance and of Culture take measures to protect the cultural heritage, whilst being committed to fight illicit trafficking. Federal Act on the Protection of Monuments Due to Their Historic, Artistic or Other Cultural Significance (Monument Protection Act – MPA): Regulating the export of cultural goods RCOA: Regulating the return of illegally exported cultural goods Regulation (EC) No 116/2009: Regulating the export of cultural goods to countries outside the EU

5. To what extent does your country's policy and legislation on this issue address the following topics (Please rate the degree of achievement in accordance to options available in the drop down boxes below).

5	Excellent
4	Very Good
3	Good
2	Satisfactory
1	Poor

4	Clear definition of cultural property
1	State ownership of undiscovered cultural heritage
3	Regulations on trade of cultural property
4	Export controls
4	Export certificates
4	Certificate of authenticity
4	Import controls
4	Establishment of national services
3	National inventory of cultural property
2	Inventory requirements for museums, public institutions, private collections
4	Protection of archaeological sites and regulation of archaeological excavations
3	Public education and awareness raising
4	Measures to prevent museums and similar institutions from acquiring illegally exported cultural property
3	Prohibition of import of cultural property stolen from a museum or religious/secular institution
3	Regulation of the diplomatic pouch
2	Provisions for the return of cultural objects stolen from a museum or other public institution
3	Sanctions (criminal and/or administrative and/or civil) of illicit activities related to destruction and illicit trafficking of cultural property
3	Requirement of register of sales for antique dealers, auction houses, dealers of cultural heritage and art galleries
4	Protection of underwater cultural heritage
4	Regulations regarding the use of metal detectors
3	Regulations regarding the trade of cultural artefacts on internet

Other (please specify): The national inventory of cultural property is already available for immovable monuments and archaeological sites. For public and ecclesiastical property, it is available in large parts, whereas it is in progress for private collections. The Protection of archaeological sites and regulation of archaeological excavations and of underwater cultural heritage is also achieved with the help of the "Richtlinien für archäologische Maßnahmen" (Guidelines for Archaeological Measures). There are no specific regulations regarding the trade of cultural artefacts on interne. A specific agreement with an internet platform does, however, exist.

6. **Did your country's legal framework regarding illicit trafficking of cultural property change as a result of ratifying the 1970 Convention?**

X	Yes
	No

7. **What laws were passed or changed as a result of ratification? (Please provide the name of the law and the year it was passed)**

RCOA 2016

8. **Please add any additional comments on the legislative/policy framework**

Memorandums of Understanding, including the protection of cultural property/heritage, are being worked on at the given time. Hence Austria begun to share information about its laws for the protection of cultural property.

9. **Has your country implemented a policy to prevent the illicit export of cultural property?**

X	Yes
	No

Please specify :

Rulings on export since 1918

10. **Does the implemented policy include the requirement of a legally issued export certificate of the country of origin and/or transit?**

	Yes
X	No

11. **Has your country encountered difficulties in returning/restituting cultural property to its place of origin due to incompatibilities with national judicial decisions?**

	Yes
X	No

Implementation and operative framework

Institutional Framework

12. Does your country have a specialized service for the protection of cultural property (as described in Article 5 of the Convention) whose functions may include drafting laws and legislation, establishing national inventory, promoting establishment/development of scientific and technical institutions, organizing the supervision of archaeological sites, establishing rules for curators, antique dealers, etc., developing educational activities and/or publicizing the disappearance of cultural property?

	Yes
X	No

13. Please describe this service's major roles and responsibilities.

□

14. Please indicate which of the following departments/ministries/agencies also have specialized services for the protection of cultural property against illicit trafficking (mark all that apply).

	Magistrates and/or judges
X	Police, gendarmerie, and/or Department of Interior
	Public prosecutor
X	Customs
	None
	Other (please specify):

15. Please describe the roles and responsibilities of these specialized services in more detail.

The Federal Monuments Authority controls the export of cultural goods and the return of temporary exported cultural goods. The authority is involved in procedures of returning illegally exported cultural goods. Art Crime Unit, Criminal Intelligence Service: Central contact point for all types of art crime on national and international level. National and international search for stolen works of art; checks of offered art in the art trade; Coordination of investigations in art crime cases; restitutions; international correspondence... 9 Regional Intelligence Services in Austria Investigations in art crime cases; seizures; search for stolen works of art; home searches...

16. How do relevant stakeholders (Ministry of Culture, police, customs, etc.) coordinate regarding the protection of illicit trafficking? Mark all that apply

	Formal coordinating committee, working group, etc.
	Coordination lead by specialized service (as described in Article 5), antenna or focal point
X	Communication and meetings as necessary (i.e., for specific cases)

	Cross-trainings (i.e., trainings for police from Ministry of Culture staff)
	No Coordination
X	Other (please specify) : Cultural Property Panel: Meetings on a regular basis with relevant stakeholders (Ministries, NGOs, art trade) for exchanging information but also realizing projects (e.g. Code of Ethics for the Austrian Art Trade; Prevention folder "Kultur unter Schutz Informationen aus erster Hand" (Culture under Protection. Information at first hand).

17. **Please provide more detail on this coordination, including how it functions and who is involved.**

Cooperation and meetings between the Federal Chancellery, police, customs and the Federal Monuments Authority on special topics (KGS-Panel) Meetings with other stakeholders when required by actual cases or changes in legislation, etc.

18. **Does your country use a database of stolen cultural objects?**

X	Yes, we have our own national or/and regional database that is not linked with the INTERPOL database
	Yes, we have our own national or/and regional database that is linked with the INTERPOL database
	Yes, we use the INTERPOL database (and do not have our own national database)
	No, we do not currently have a national database or use the INTERPOL database
	We would request assistance to establish such a database

19. **Please provide additional details on how your country uses such a database.**

AND use the Interpol database. Austrian stolen cultural property is registered in the Interpol Stolen Works of Art database.

Protection and Prevention Systems

20. **To what extent do museums and religious or secular public monuments have their own specific inventories of their cultural property/collections?**

	All/almost all cultural property is inventoried
X	Most, but not all, cultural property is inventoried
	Some cultural property is inventoried, but significant gaps remain
	Very little cultural property is inventoried
	No/almost no cultural property is inventoried

21. **Please provide additional details on these inventories, specifying whether they are digitized, and including any challenges in creating/maintaining them.**

inventories for public museums: mostly available inventories for private museums: still in work inventories for churches and monasteries: still in work

22. **To what extent does your country have a centralized national inventory of cultural property?**

	All/almost all protected cultural property is inventoried
X	Most, but not all, protected cultural property is inventoried
	Some protected cultural property is inventoried, but significant gaps remain
	Very little protected cultural property is inventoried
	No/almost no protected cultural property is inventoried

23. **Please provide additional details on this inventory, including any challenges in creating/maintaining it.**

Database of the Federal Monuments Authority for export of cultural goods

24. **Please describe the extent to which looting/pillaging/illegal excavations of archaeological and ethnological objects is a challenge, including actions taken to combat it.**

Illegal excavations are mostly executed by using metal detectors thus causing only small destructions, but extracting very important finds. Sometimes also eye-catching archaeological monuments like smaller grave mounds are totally looted. Control of all the monuments often situated in forests is hardly possible; the reconnaissance rate of reported violations of the law on monument protection is quite low.

Knowledge, Skills and Values of Stakeholders and the Public

25. **Has your country undertaken any public awareness campaigns related to the protection of cultural property in the past five years?**

X	Yes
	No

26. **Please describe, including methods, target audience, etc.**

Regarding archaeological heritage there are information sessions and presentations of the results of archaeological work. These sessions are open to the public at changing locations. There are also booklets both for children and adults giving information on how to protect archaeological sites and monuments and how to avoid damage. As well as that there were conferences on how to deal with metal detecting. Prevention folder “Kultur unter Schutz. Informationen aus erster Hand” (Culture under Protection. Information at first hand).
https://bundeskriminalamt.at/202/Eigentum_schuetzen/files/WEB_Kulturgut_Folder_13022017.pdf Annual reports on cultural property crime: https://www.bundeskriminalamt.at/502/files/Kulturgut_17_web.pdf

27. **To what extent is the public in your country engaged in the protection of cultural property? Examples of engagement may include :**

5	Excellent
4	Very Good
3	Good
2	Satisfactory
1	Poor

2	Protection of local archaeological and heritage sites by the public (eg. assistance in monitoring of sites, support in documenting etc.)
3	Return of objects to relevant authorities
3	Sharing information on stolen objects with authorities
3	Placing pressure on museums to change acquisition policies
3	Advocating for policy change

28. **Overall, to what extent do police and/or gendarmerie have the necessary resources and knowledge to address cultural property crime?**

	To a great extent
X	To a considerable extent
	To some extent
	To no extent

29. **Overall, to what extent do customs officers have the necessary resources and knowledge to address cultural property crime?**

	To a great extent
X	To a considerable extent
	To some extent
	To no extent

To no extent

30. **What type of training do police receive on cultural property crime?**

	No specific training on this issue
	Training has occurred in the past, but is not ongoing
	Training occurs periodically
X	In-depth, specialized training for officers working on this issue
	Assistance is required from UNESCO and its partners
	Other

31. **Please provide additional details on the content and frequency of these trainings.**

Training for specialized police officers in Regional Intelligence Services every two years: Legal framework, case studies, current threats to cultural property, exchange of information about experts.

32. **What type of training do customs officers receive on cultural property crime?**

	No specific training on this issue
	Training has occurred in the past, but is not ongoing
X	Training occurs periodically
	In-depth, specialized training for officers working on this issue
	Assistance is required from UNESCO and its partners
	Other

33. **Please provide additional details on the content and frequency of these trainings.**

"Train the trainer" - training for customs officers every two to three years: Legal framework, case studies, current threats to cultural property, exchange of information about experts.

34. **To what extent have museums in your country adopted a code of ethics, such as the ICOM Code of Ethics, that is in line with the principles of the 1970 Convention?**

	All or almost all have adopted such a code of ethics
X	Most have adopted such a code of ethics
	Some have adopted such a code of ethics
	None/only a few have adopted such a code of ethics

Other (please specify) :

35. **Please provide additional details on the degree to which museums adhere to such a code of ethics.**

746 museums in Austria are registered in the database <http://www.museen-in-oesterreich.at/> and adhere to the ICOM Code of Ethics.

36. **To what extent do dealers and auction houses in your country follow practices that are in line with the principles of the 1970 Convention, such as those outlined in the UNESCO International Code of Ethics for Dealers in Cultural Property and the Operational Guidelines of the 1970 Convention?**

	All or almost all follow such practices
X	Most follow such practices
	Some follow such practices
	None/only a few follow such practices
	Other (please specify) :

37. **Please provide additional details on the policies and practices of dealers and auction houses in your country.**

The big auction houses are aware of the regulations of UNESCO 1970, many art and antiquity dealers are as well.

38. **How has your country engaged art and antiquities dealers around the issue of illicit trafficking of cultural property?**

Publication: "Kultur unter Schutz" (Culture under Protection) Code of Ethics for the Austrian Art Trade

39. **Do you regulate the trade of cultural objects on internet?**

X	Yes
	No

40. **Have you entered into a specific agreement with an internet platform?**

X	Yes
	No

International Cooperation

41. **Please list any bilateral agreements your country has regarding the protection of cultural property, including**

the years for which the agreement is in effect.

In progress.

42. Please indicate how the 1970 Convention helped with return/restitution cases your country has been involved in?

	To no extent	To some extent	To a considerable extent	To a great extent
Provided a legal framework for return/restitution			X	
Provided a moral framework for return/restitution			X	
Provided a diplomatic framework for return/restitution		X		
Other (please specify):				

43. Please provide additional details on or examples of how the 1970 Convention has facilitated return/restitution cases

No examples.

44. Does your country have a system in place to facilitate international cooperation (e.g. single points of contacts and easily accessible information) in cases of illicit trafficking of cultural property?

X	Yes
	No

If yes, please specify

IMI – Communication between EU – member states

45. How has your country promoted this system and ensure the international community is aware of it?

obligatory for all member states of the EU

Overall

46. Yearly statistics

Thefts

1st Year reporting	172	Number of objects
Additional information : 2017: 172 art thefts (number of objects not known)		
2nd Year reporting	175	Number of objects
Additional information : 2016: 175 art thefts (number of objects not known)		
3rd Year reporting	179	Number of objects
Additional information : 2015: 179 art thefts (number of objects not known)		
4nd Year reporting	0	Number of objects
Additional information :		

Illegal Excavations

1st Year reporting	7	Number of objects
Additional information : 2018 : 7		
2nd Year reporting	0	Number of objects
Additional information :		
3rd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	0	Number of objects
Additional information :		

Seizures (cultural objects originating from own country)

1st Year reporting	20	Number of objects
Additional information : Police: 2017: approx. 20 objects		
2nd Year reporting	18	Number of objects
Additional information : Police: 2016: approx. 18 objects		
3rd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	0	Number of objects
Additional information :		

Seizures (cultural objects originating from another country)

1st Year reporting	10	Number of objects
Additional information : Police: 2017: approx. 10 objects		
2nd Year reporting	10	Number of objects
Additional information : Police: 2016: approx. 10 objects 2 of them archaeological objects with unknown provenance (Town Suben)		

3rd Year reporting	4	Number of objects
Additional information : 3-5 archaeological objects with unknown provenance (Linz) 1 wooden figure probably originating from Poland– EU-Regulation applies		
4nd Year reporting	1	Number of objects
Additional information : Additional seizure of the wooden figure originating from Poland– EU-Regulation applies		

Restitutions

1st Year reporting	15	Number of objects
Additional information : Police: 2017: approx. 15 objects		
2nd Year reporting	23	Number of objects
Additional information : Police: 2016: approx. 23 objects		
3nd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	0	Number of objects
Additional information :		

47. **Please rate the extent to which each of the following is a challenge your country faces in preventing theft and illicit exportation of its cultural property.**

	Not a challenge	Somewhat of a challenge	A considerable challenge	A major challenge
Gaps in national legislation to protect cultural property			X	
Lack of police capacity related to cultural property		X		
Lack of customs capacity related to cultural property		X		
Lack of coordination between relevant stakeholders	X			
Lack of inventories and databases in museums		X		
Inadequate security systems in museums and places of worship		X		
Inadequate security of archaeological sites			X	
Lack of cooperation from the art market		X		
Lack of expertise/capacity in				

the legal field (lawyers, judges, prosecutors, etc.)		X		
Lack of regulation on the internet				X
Lack of public awareness			X	
Other (please specify):				

48. **If applicable, please describe the three biggest barriers your country faces in securing the return/restitution of cultural property that has been stolen/illegally exported (e.g., cost of legal proceedings in other countries, lack of communication with counterparts in other countries, etc.).**

Bona fide property No criminal proceedings / convictions on receiving of stolen goods Statute of limitations

49. **If applicable, please describe the most common reasons why your country is not able to fulfill requests for return/restitution made by other countries (e.g., requests made outside parameters of existing legal framework, lack of evidence for claims, etc.).**

Bona fide property No criminal proceedings / convictions on receiving of stolen goods Statute of limitations

UNESCO Support for the Implementation of the 1970 Convention

General awareness raising and communication strategies

50. **UNESCO and its partners have developed a number of tools to help State Parties implement the 1970 Convention. Please rate how helpful these tools have been to your country :**

	Not helpful	Somewhat helpful	Very helpful	Extremely helpful
Object ID Standard (ICOM, the Getty, and UNESCO)			X	
UNESCO International Code of Ethics for Cultural Property Dealers			X	
ICOM Code of Ethics for Museums			X	
UNESCO Database of National Cultural Heritage Laws			X	
Basic Measures Concerning Cultural Items Offered for Sale on the Internet (INTERPOL, UNESCO, ICOM)			X	
Model Provisions Defining State Ownership of Undiscovered Cultural Property (UNESCO and UNIDROIT)	X			
Model Export Certificate for Cultural Objects (UNESCO and WCO)	X			

51. Please provide additional details on how your country has used UNESCO's tools.

The tools are used on a daily basis in the usual workflow.

52. Please indicate whether your country has uploaded relevant national laws to the UNESCO Database of National Cultural Heritage Laws.

Not uploaded yet.

53. What additional tools would be helpful for UNESCO to develop ?

A list of international experts, foundations, representatives of catalogues raisonnés that may be contacted for information and checks of suspicious works of art

54. Have you or other stakeholders in your country participated in any of UNESCO's capacity building workshops or projects related to preventing illicit trafficking of cultural property in the past five years?

	Yes
X	No

55. How did these workshops or projects contribute to the implementation of the 1970 Convention in your country? Please provide specific examples where possible.

□

56. There are a number of ways the UNESCO Secretariat could support State Parties in the implementation of the 1970 Convention in the future, in addition to servicing the governing bodies of the Convention. Please indicate the extent to which the Secretariat should give priority to the following activities :

	No priority	Low priority	Somewhat of a priority	High priority
Support in reforming national policies and legislation			X	
Promoting policy dialogues between countries			X	
Support for inventorying projects		X		
Specialized trainings for police			X	
Specialized trainings for customs			X	
Specialized trainings for museum staff			X	
National workshops to bring together stakeholders across departments,		X		

ministries, etc. Regional workshops to bring together stakeholders from across the region across departments, ministries, etc.		X		
Awareness raising activities (press releases, video clips, etc.)				X
Development of more legal and practical tools such as the WCO model export certificate, the Database of National Cultural Heritage Laws, etc.				X
Facilitating the sharing of best practices between countries (e.g., online or through a newsletter)				X
Other (please specify):				

57. **Please provide any additional suggestions for how UNESCO should focus its work on this topic going forward.**

no experience

58. **What difficulties did your State encounter while implementing the Convention during the last reporting cycle period ?**

59. **How has your country used the Operational Guidelines of the 1970 Convention adopted in UNESCO during the Third Meeting of States Parties (2015)?**

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60. **Any other additional issues or comments you would like to share.**