

Report by Estonia on the application of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

**The report has been prepared in co-operation of
National Heritage Board,
Ministry of Culture,
Tax and Customs Board,
Police and Border Guard Board and
Estonian National Commission for UNESCO**

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I Information on the implementation of the UNESCO Convention of 1970

1. Ratification of the Convention

- (a) *Has this Convention already been ratified?*

Estonia ratified the 1970 Convention in 1995.

2. Implementation in the national legal system and in the organization of services.

- (a) *Give the references of the principal national regulations adopted in order to implement the 1970 Convention?*

- **Intra-Community Transport, Export and Import of Cultural Objects Act** (2008). This Act provides the processing of export licences of cultural objects, expert assessment of things and referral of things or cultural objects to expert assessment, customs formalities upon export of cultural objects and liability for violation of this Act and organisation of exercise of state supervision.
- **Heritage Conservation Act** (2002, last amended 2011). The Heritage Conservation Act regulates the rights and obligations of state and local government authorities and owners and possessors of cultural monuments (hereinafter monuments) in organising the protection of monuments and heritage conservation areas and in ensuring the preservation of monuments and heritage conservation areas.
- **Museums Act** (2013). Recently renewed Act provides the basis for the activities of museums and the organisation of museum collections.
- **Act on the Return of Cultural Objects Unlawfully Removed From the Territory of a Member State of the European Union** (2004). This act will be harmonized with renewed European Council Directive 2014/60/EU (previously: 93/7/EEC) on the return of cultural objects unlawfully removed from the territory of a Member State, to be applied from 19 December 2015.

- (b) *The definition of „cultural property“ used in Estonian national law:*

There are four types of cultural property indicated in Estonian laws:

- **Monuments**
According to the Heritage Conservation Act, a monument is a movable or immovable, a part thereof, a body of things or an integral group of structures under state protection, which is of historical, archaeological, ethnographic, urban developmental, architectural, artistic or scientific value or of value in terms of religious history or of other cultural value and due to which it is designated as a monument in accordance with the procedure provided for in the Act.
- **Cultural objects**
For the purposes of the Intra-Community Transport, Export and Import of Cultural Objects Act cultural objects are things of historical, archaeological, ethnographic, artistic, scientific or other cultural value that have been divided into 16 categories, such as buildings or parts of buildings, archaeological findings, ethnographic objects, works of visual and applied arts, collections of Estonian philately or photography, printed matter, furniture, motor vehicles. Please see Annex I for a full list of cultural objects.
- **Museum objects**

A museum object is a thing of cultural value registered in a museum, for which records are maintained pursuant to the international principles of museum documentation.

- Archival records

Archival records are records (i.e information recorded on any medium, which is created or received in the course of the activities of an agency or person, and the content, form and structure of which is sufficient to provide evidence of facts or activities) to which archival value has been granted by a public archives as the result of an appraisal. According to the Archives Act § 2 part 3, archival records are part of the national cultural heritage.

- (c) *Have specialized units been established in order to prevent and combat trafficking and ensure international cooperation for the protection of heritage? Within the Heritage Department? In other government departments (police, customs)?*

In National Heritage Board the international issues related to cultural heritage protection are within the competence of the adviser on movable monuments and exportation of cultural goods.

According to the Customs Law Customs has entitlement to control, seize and confiscate cultural heritage. Customs does not have special units to control cultural heritage. Customs is controlling cultural heritage in a similar way to other goods under bans and restrictions. Customs staff has necessary guidelines to control cultural heritage and they have passed special trainings.

There are no specialized units in Police to deal exclusively with the prevention and combat against trafficking of cultural goods. The Police Board is responsible for investigation of all cases of stolen cultural goods.

- (d) *Describe briefly the administrative coordination of the activities of these specialized units, especially with the police and customs authorities.*

Control is carried out by customs border control officers and should it be necessary also by mobile units. Both of them are working under Customs Organisation Department, respectively Customs Offices and Mobile Control Units.

Police and Customs work in close cooperation. Customs Board is responsible for customs check and all items of suspicious/unknown origin are handed over to the Police. Should it be necessary, the Police will start investigation proceedings. The efficient cooperation between Customs and Police is guaranteed by 24/7 service of both institutions, relevant co-operation agreement between Police Board and Customs Board and the liaison Officer of Customs Board working in the structure of Police Board.

- (e) *Are working meetings held to enable police officers, customs officials and ministerial representatives to meet and coordinate their activities?*

Working meetings with stakeholders are held when necessary. National Heritage Board and Tax and Customs Board have concluded a cooperation agreement and have regular meetings. National Heritage Board's cooperation agreement with Police and Border Guard Board is under preparation.

3. Inventories and identification

- (a) *State briefly the extent to which inventories provide for the risks of misappropriation and theft.*

The National Heritage Board – a government body affiliated to the Ministry of Culture – maintains the national register of cultural monuments. On 6 April 2015, the register contained 26 505 monuments (<http://register.muinas.ee>). The risks of misappropriation and theft are alleviated through risk management and disaster plans, alarm systems, rapid reaction of the police, training and awareness raising. The disappearance of any objects of cultural value is made publicly known. The list of stolen objects of cultural value together with photos of such objects is available on the National Heritage Board’s website.

Museum and archive collections contain additional objects of cultural value. There is a web-based information system for museum objects: <http://www.muis.ee>. Its goal is to provide a comprehensive overview of museum collections and to allow tracking down collection items in and outside museum(s).

Library collections are incorporated into the Internet-based digital information system ESTER <http://www.elnet.ee/ester>. Archives are digitising fund lists and records which are placed in the archives information system AIS <http://ais.ra.ee>.

- (b) *Specify the degree of precision, at the national level, of the definition of “cultural property” covered by international conventions (see above 1.2(b)). State whether “national treasures” are identified in an official, tentative or exhaustive list.*

Please see 2 (b) above for the definition of „cultural property“.

There is no separate list of “national treasures” (owned by the state or privately) as described in the art 5 (b) of the 1970 Convention. All museum objects and objects registered in the national register of cultural monuments are considered to be cultural objects of such value. Objects are not divided into value-based categories. These registers are official and constantly updated.

- (c) *To what extent is the Object ID standard used? Is the standard adapted to the State’s needs?*

Estonia uses the Object ID standard which has been adapted to the State’s needs.

- (d) *Are there systems to combat theft and to train museum staff and have specific measures been adopted for libraries, archival and manuscript repositories, and any specialized units established to monitor them?*

Museums, libraries and archives have their own security and safety systems to guard against various threats such as thieves, vandals, fire, water, pests, incorrect temperature and incorrect relative humidity.

There is no universal system of training or safety measures applicable to all heritage institutions in Estonia nor specialized units to monitor them. Many museums are housed in historic buildings that add to the complexity of installing adequate security, therefore tailor-made solutions are often needed. Heritage institutions prepare their own risk analysis according to their situation.

As a good public-private partnership example, National Heritage Board and a commercial bank have agreed that several of bank’s strongboxes will be donated to rural churches. Small

congregations in rural areas tend to have problems with theft. At the same time many bank offices in smaller places are closed down and their equipment, including strongboxes will be redundant. Proper strongboxes reduce the risk of movable ecclesiastical objects to be stolen.

4. Archaeological excavations

- (a) *Summarize the basic principles of the regulations on archaeological excavations and on the monitoring of excavations in force in the country.*

Archaeological remains are protected by law from the moment of their registration in state register. Register with the map of monuments and sites is web-based and open for public: owners, developers, municipalities, history enthusiasts etc. It means that during planning process reservations connected with archaeological heritage are taken into consideration in the earliest phase of project already.

Elements of archaeological heritage discovered accidentally during digging works may be placed under temporary protection for a period ranging from two weeks up to six months in order to determine whether they qualify as a monument or a site.

The National Heritage Board yearly examines about 200 development projects which are connected with archaeological heritage. On the average annually about $\frac{3}{4}$ of these proceed into fieldwork phase, i. e. the National Heritage Board gives out about 150 fieldwork permits for salvage excavations or watching briefs. In addition about 10–20 field studies are initiated by researchers.

The penalty for destroying or damaging archaeological monuments or sites is a fine or imprisonment for 2–10 years, although fine has been implemented very seldom and imprisonment never. In most such cases an agreement is reached so that the offender pays for the costs of the subsequent rescue excavations.

One of the most influential changes concerning archaeology has been the regulation of the use of search device. The search device is defined by Heritage Conservation Act as a technical tool or device, with the help of which it is possible to determine the location of a findings of cultural value. It is prohibited to search archaeological items with search device without the permit issued by the National Heritage Board. The search permit can be applied for by a person of at least 18 years of age who has passed a training course. All licensees have to report annually to the Heritage Board. The search with a search device on immovable monument and their protection zones is prohibited.

The popularity of searching devices is growing according to the rising number of people applying for search permit. In 2015 348 search permits have been issued. Respectively the amount of information about archaeological sites and items discovered by search device users (mainly metal detector users) has increased also. Metal artefacts as jewelry fragments, clothing accessories, and coins but also fragments of weapons and tools are the most common finds. Cooperation between the searchers with detectors and National Heritage Board indicates positive influence of the new regulation.

- (b) *Is there a recurrent problem of illegal excavations? If so, what are the reasons and when did it begin? What steps have been taken to combat this scourge?*

Although National Heritage Board is making an effort to promote responsible metal detecting and pays fees for finders of the items with cultural value, there is still the problem of illegal excavations, unlicensed search device use, uncontrolled wreck diving and looting of archaeological sites. The number of illegal search device users is estimated to be over 1000 people. But the difficulty in establishing the purpose of using a search device on the landscape means that it is challenging to find evidence to prove violation. Many artefacts (mainly

archaeological, military) are sold anonymously at online auctions local or international (eBay), in which case it is especially difficult to prove the illegal origin of artefacts and get relevant information.

5. Monitoring of the export and import of cultural property

- (a) *Give an estimate of the scale of the illicit export or import of cultural property. Are up-to-date statistics compiled on the theft of cultural property?*

Since Estonia is a member of the Schengen Area the movement of goods within the Area is not well observable. The violations of the illicit export or import of cultural property are classified as violations of the Customs Act. Most of the restrained goods with the suspicion of cultural value are goods with no cultural value but antiquarian value and smuggling is related with tax fraud. The majority of incidents so far have concerned icons purchased by travellers in Russia allegedly as souvenirs and not declared at the customs office in order to avoid paying necessary duties.

A large problem is illegal archaeology – it is difficult to estimate the amount of treasures found during illegal excavations but it is known that most of these treasures are sold on international online auction sites (for e.g. eBay) and exported via mail, which makes discovering these items nearly impossible.

In case of theft of cultural monuments, the theft will be registered in the relevant state register maintained by National Heritage Board. Police does not hold a special register for stolen cultural goods but uses the Interpol Stolen Works of Art database.

- (b) *Is the illicit export of cultural property a recurring problem? If so, for which reasons (lack of financial and human resources, shortcomings in the legal supervision framework, etc.)?*

The problem with illegal excavations mentioned above is a recurring problem. The reason for it is that the excavations mainly take place in areas with a low population density so it is hard to spot the offenders in action. But also lack of human resources, mainly in customs, for the main interest of the customs is import and prohibiting import of illegal goods.

- (c) *What are the main rules (administrative and legal) for monitoring the export and import of cultural property (existence of an export certificate, public information about the rules in force)? What categories of cultural property are covered by the rules?*

The National Heritage Board maintains the national register of cultural monuments and issues licenses for the export of objects of cultural value. The customs checks the presence of the licence. § 75 of the Customs Act prescribes liability for the carriage of forbidden goods or goods which are subject to prohibitions and restrictions from another Member State of the European Union to Estonia or from Estonia to another Member State of the European Union. Pursuant to the Intra-Community Transport, Export and Import of Cultural Objects Act, a licence is not required in case of import of a cultural object. Nevertheless, a cultural object is checked upon import. The checking is based on risk analysis, which includes checking of additional documents, the value of goods for customs purposes and ascertaining, where needed, whether the work is an original or a counterfeit.

The adviser to the Register Department of the National Heritage Board is charged with tasks related to exporting cultural property, including:

- informing clients about the procedures of the Republic of Estonia and the European Union related to exports of cultural property;
- providing advice on the subject of exports of cultural property and cooperating with the Ministry of Culture, the Estonian Tax and Customs Board and the Police and Border Guard Board;
- where necessary presenting proposals to the Head of Department with regard to using expert advice in order to assist in establishing the true value of cultural objects.

The main legal act is Intra-Community Transport, Export and Import of Cultural Objects Act (2007) referred to above. Paragraph 2 of the Act lists the categories of cultural property covered by the rules. Please see Annex I for more details.

The National Heritage Board has issued brochures informing the public about the rules of export of cultural goods in addition to that the web page of the National Heritage Board is widely used.

(d) *Do the rules provide for the restitution of illicitly imported cultural property?*

The Act on the Return of Cultural Objects Unlawfully Removed From the Territory of a Member State of the European Union (2004) will be harmonized with European Council Directive 2014/60/EU (previously: 93/7/EEC) 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State, to be applied from 19 December 2015. The National Heritage Board implements the necessary measures described in the Act. The Police and Border Guard Board and the Estonian Tax and Customs Board are to assist within their jurisdiction in finding cultural objects unlawfully removed from the territory of EU member states to Estonian territory. In accordance with the 1970 Convention Estonia has agreed to co-operate with all Member States in order to facilitate identification and return to their lawful owners of works of art and cultural property illegally brought into its territory, but the return of unlawfully removed cultural objects is legally regulated only with regard to EU member states.

(e) *What are the main obstacles encountered in securing the restitution of illicitly exported cultural property? What type of obstacles are they (administrative, legal or political) and why do they arise (legal loopholes, unwillingness by importing countries, lack of international cooperation, etc.)?*

The main obstacles include different interpretation of the circumstances of how the cultural property was taken out of the country of origin and disputed ownership issues. Complicated historical-juridical issues also play their part. Estonia has striven to adhere to the practice of international law by returning foreign cultural property and also retrieving many of its own cultural treasures. Nevertheless, a great number of national culture heritage treasures remain outside Estonia.

(f) *If the country has succeeded in securing the restitution of a stolen cultural object, describe the circumstances and state whether that involved legal proceedings, arbitration or alternative dispute resolution.*

Estonia has had cultural property returned from many countries. These properties have in various ways been dispersed around the world (for instance, evacuated during wars and occupations):

- Germany returned in 1990 the Tallinn City Archives that were taken away from Tallinn in 1944, which contained documents from as early as the XIII century.
- Sweden returned in 2002 the most important Estonian foreign policy documents from the years 1918-1939, including the original of the Tartu Peace Treaty signed by the Republic of Estonia and the Russian RFSR that had been evacuated to Sweden immediately before Estonia's occupation by the Soviet Union.
- USA returned in 2004 General Laidoner's medal and order collection that was secretly taken to Finland during the German occupation; from there they were taken to Sweden and later to USA.

Estonia has also returned cultural property:

- In 1991, Estonia returned to Russia the Petchory Uspenski Monastery's library that had upon Estonia's occupation by the Soviet Union been kept in Tartu University Library.
- In 2003, Estonia returned to Germany an altar wing (~1505) with Albrecht Dürer's painting depicting John the Baptist that was lost from the Bremen Athenaeum during World War II and was confiscated by Estonia's Customs Office in 1992.

Estonia has held bilateral negotiations on restitution issues as well as participated in international projects dealing with restitution matters of cultural property and concluded relevant agreements and programmes with several partners.

6. System for trade-in, acquisition, ownership and transfer of cultural property

- (a) *Give a brief description of the cultural goods market in the country (financial volume of the market, number and turnover of auction houses including via the Internet).*

As of 2015 there were 35 antiquities shops in Northern and Central Estonia (incl Tallinn); in Southern Estonia (incl Tartu) there were 7 antiquities shops; in Western Estonia (incl Pärnu and islands) the number of antiquities shops was 11. In Estonia there is a small number (ca 10) of galleries dealing with cultural goods and organizing auctions both on- and offline. There is a vivid activity in various online auction environments (for e.g. eBay; but also local platforms). It is not possible to give the financial volume of the market since the market is fractured.

- (b) *What are the main rules governing trade in cultural goods? Are control measures in place for such trade (maintenance of a police register), in particular through the Internet (for example, reference to the basic measures proposed by UNESCO, INTERPOL and ICOM)?*

Intra-Community Transport, Export and Import of Cultural Objects Act (2007) referred to above in 2(b) is the main legal act regulating the issue. National Heritage Board coordinates the implementation of the Act. Art and antique dealers (as well as private persons) can also turn to the National Heritage Board for help in verifying the origin of objects.

Auction houses involve experts in the appraisal of the objects sold by them in accordance with their auction rules and contracts. Should there be doubts regarding the legal ownership of some items, the competent authorities will be notified.

The National Heritage Board works in close cooperation with the Customs Board and also museums actively trading information and knowhow. In addition to that the National Heritage Board has access to the Interpol Database of Stolen Artworks which is also in active use to determine whether the objects are not stolen.

In addition to that the National Heritage Board has a good relationship with the local online auction platform www.osta.ee. The platform discloses all necessary information about the sold goods and persons selling it when requested by the National Heritage Board.

- (c) *Do measures exist to control the acquisition of cultural property (for example, mechanisms to prevent museums and similar institutions from acquiring cultural property exported illegally from another State)?*

§ 5 part 4 (1) of the Museums Act states that upon replenishment of a museum collection a museum that has joined the database of museums shall within available means, ascertain the origin of a thing of cultural value to prevent registration of a thing that has gone out of the possession of the owner against his or her will or taken out of another state.

Additionally, a museum object of a museum that has joined the database of museums shall be deaccessioned from a museum collection if the museum object has gone out of the possession of the owner against his or her will before the registration in the museum collection or has been taken out of another state and it shall be transferred to the owner or returned to another state (§ 11 part 1 (4)).

- (d) *Specify the existing legal system concerning ownership of cultural property:*
- Is the principle of inalienability applied to cultural items in national collections and objects originating in heritage sites?

§ 12 part 1 of Museums Act (restrictions on use of museum object) states that a museum object may not be transferred or encumbered with a pledge unless otherwise provided for by the Act. The provisions specify that a museum object may be handed over to another museum, library or the National Archives and that shall not be considered a transfer.

§ 11 of the same Act lists the basis for exclusion of museum object from museum collection. This can happen if the museum object has been damaged and cannot be restored; has been destroyed or lost; is handed over to another museum or has gone out of the possession of the owner against his or her will before the registration in the museum collection or has been taken out of another state and it shall be transferred to the owner or returned to another state. A thing deaccessioned from the museum collection of a state museum shall be taken into use in the same or another museum that has joined the database of museums for the purpose of supporting the functions of the museum, transferred to a library or archives or returned to the person who has donated or sold the thing to the museum.

Heritage Conservation Act § 21 states that movable monuments which together constitute a body of things may be transferred or bequeathed separately or distributed upon the division of an estate only with the permission of the National Heritage Board. According to § 27 the state has a right of pre-emption upon transfer of a movable monument. In case of transfer of immovable monument the state and thereafter the local government have the right of pre-emption.

Heritage Conservation Act § 30 states that all archaeological findings belong to the state. Ca 85% of excavated Estonian archaeological material is preserved in scientific institutions in the

framework of universities (Tallinn University, University of Tartu), the rest is kept in the collections of museums.

- What is the status of yet unfound cultural objects, of cultural items found by chance and archaeological artefacts found during legal or illegal excavations?

Chapter 5 of Heritage Conservation Act deals with findings of cultural value. According to the requirements contained in § 30 a finding of cultural value is a movable found in the ground or on the surface of the ground, inside a construction, under water or in the sediment of a body of water, which is either a natural feature or has historical, archaeological, scientific, artistic or other cultural value and which has no owner or the owner of which cannot be ascertained. Findings of cultural value belong to the state. State supervision is exercised by the National Heritage Board.

- Are there any due diligence requirements in place?

§ 5 part 4 (1) of the Museums Act states that upon replenishment of a museum collection a museum that has joined the database of museums shall within available means, ascertain the origin of a thing of cultural value to prevent registration of a thing that has gone out of the possession of the owner against his or her will or taken out of another state.

- What are the rules governing the search of provenance?

Upon replenishment of a museum collection an expert assessment is conducted, relevant archive material is checked and museum's purchase committee will evaluate the object in order to determine that the collecting policy established by the museum is respected.

(e) *Are there special rules on the transfer of title deeds in respect of cultural property? If so, please summarize their content.*

Estonia has no particular rules regarding the transfer of title deeds in respect of cultural property.

7. Bilateral agreements

- (a) *List the bilateral agreements concluded with other countries on the import, export and return of cultural property and comment briefly on their results.*

Estonia has entered into a number of bilateral agreements and programmes on cultural cooperation that include also the issue of import, export and return of cultural property as one topic among others. Such bilateral agreements have been concluded with 19 countries: Armenia, Bulgaria, Philippines, Georgia, Croatia, Israel, Italy, Cyprus, Latvia and Lithuania, Mexico, Poland, Portugal, France, Germany, Czech Republic, Turkey, Ukraine, Hungary and Russian Federation. As a rule these agreements contain broad provisions.

- (b) *What conditions are set by the importing country with regard to the admissibility of requests for restitution from a country of origin?*

European Council Directive 2014/60/EU (previously: 93/7/EEC) on the return of cultural objects unlawfully removed from the territory of a Member State applies to Estonia. The directive is laid down by the Act on the Return of Cultural Objects Unlawfully Removed

From the Territory of a Member State of the European Union (2004). This act will be harmonized with the renewed directive by 19 December 2015. Outside the Member States of EU, there is no special legal framework in this matter.

- (c) *Apart from these agreements, is there administrative aid or any other type of cooperation with neighbouring countries, particularly in respect of police and customs services?*

There is active cooperation with neighbouring countries, both police and customs exchange information with officials from neighbouring countries. The National Heritage Board provides assistance with expertise.

II. Code of ethics, awareness raising and education

Ethical standards

- (a) *Are the UNESCO International Code of Ethics for Dealers in Cultural Property and that of ICOM for museums known to the professionals concerned (in particular, curators, antique dealers, merchants and collectors)? How is their observance checked?*

The ICOM code of Ethics for Museums is well known among professionals. It has been translated into Estonian and is available on the Internet, for instance from the Information Centre of Estonian Museums (<http://www.icomeesti.ee>) The UNESCO International Code of Ethics for Dealers in Cultural Property is less known. There is no particular mechanism for checking the observance.

Awareness raising and education

- (b) *Are the “One hundred missing objects” series and the ICOM Red Lists disseminated and read?*

Professionals are aware of „One hundred missing objects“series and the ICOM Red Lists through the work of ICOM Estonian National Committee, but these documents have not been translated into national language nor disseminated to a wider audience. Based on the websites of *One hundred missing objects* and *ICOM Red Lists* the information seems to be outdated.

- (c) *Briefly describe activities carried out to raise the awareness of the authorities and educate the public, children in particular, regarding the serious damage that can be caused by illegal excavations, theft of cultural property and illegal export. How far can UNESCO contribute to these activities?*

One of the objectives of the national curriculum developed by the Ministry of Education and Research is to raise awareness of children and young people about the values of cultural heritage and foster its appreciation.

Many Estonian museums have established education centres. Visitors of all ages are welcomed to participate in the various educational activities. For instance, Art Museum of Estonian has Art and Museum Education centre that offers art education programmes and museum school for children, youth and adults: lectures, art studio, workshops, art clubs etc;

The education programmes introduce also the principles of replenishment of museum collections, inter alia preservation and restoration of art objects and issues regarding theft, looting and illegal export and import of cultural goods.

The Estonian National Heritage Board has developed different materials including brochures and a cartoon to raise awareness on matters concerning heritage.

In November 2014, a children's cartoon was published explaining how to act when you find an object of cultural value. The cartoon is accessible in web in Estonian: <http://www.lastekas.ee/index.php?go=web&t=1&id=4150>.

III. Cooperation with other international and regional agencies

Police

- (a) *What is the state of national cooperation with INTERPOL? What specialized police services can heritage officials call on for enquiries, legal proceedings and punitive measures?*

All competent national authorities are aware of relevant INTERPOL services. There are no specialized police services in Estonia to deal exclusively with cultural heritage issues.

- (b) *If a cultural object is stolen, is the INTERPOL database on stolen objects checked? Is information on the persons implicated in the theft of cultural property transmitted to INTERPOL?*

Yes.

- (c) *Do members of police services follow a specific training programme?*

No.

- (d) *Do criminal law provisions allow for the punishment of fraud and theft related to cultural property? Are judges specialized in this field?*

There are relevant criminal law provisions, but no judges specialized in this field.

- (e) *Does cooperation exist with the United Nations Office on Drugs and Crime (UNODC)?*

Yes, the officials of the Ministry of the Interior are cooperating with UNODC.

Customs

- (f) *What is the status of cooperation with the World Customs Organization and which specialized customs services can assist heritage officials in preventing the illicit export of cultural property?*

Cooperation with WCO is very good. Customs has one expert specialized in cultural heritage protection and export, the responsibilities of this expert include training and giving guidance to customs field officers.

- (g) *Do members of the customs administration follow a specific training programme?*

Customs officers graduated from The Estonian Academy of Security Sciences had special class on cultural heritage. Besides that, cultural heritage export is a subject in customs officers' base course. National Heritage Board conducts additional trainings concerning cultural heritage export issues.

(h) *Is the UNESCO-WCO Model Export Certificate for Cultural Objects used?*

Estonia uses movement/export licence that is foreseen under national legislation (www.riigiteataja.ee/akt/12921710).

European Union

Have particular measures been adopted to apply the Council of the European Communities Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State.

The Act on the Return of Cultural Objects Unlawfully Removed From the Territory of a Member State of the European Union (2004) will be harmonized with European Council renewed Directive on the return of cultural objects unlawfully removed from the territory of a Member State, to be applied from December 2015.

The Directive 93/7/EEC was also taken into consideration when drafting Intra-Community Transport, Export and Import of Cultural Objects Act (2007).

IV. Emergency situations and heritage at risk

(a) *What is the strategy in place in your country to face emergency situations for heritage in case of natural disaster or conflict?*

New National Defence Law (comes into force 01.01.2016) establishes the notion of national defence object. National defence object is, *inter alia*, defined as objects, territories and buildings which under attack may cause the loss of national cultural heritage. Once these objects will be determined, the next step will be to prepare risk management plans.

(b) More particularly, what are the measures undertaken to implement UNSC Resolution 2199 (paragraph 17, 12 February 2015) for the protection of Syrian and Iraqi cultural heritage?

Estonia is deeply concerned and strongly condemns the continuing attacks against the cultural heritage of Syria and Iraq. We have co-signed relevant resolutions in UNESCO Executive Board and appreciate UNESCO's strong coordination role in preventing the trade in Iraqi and Syrian cultural property. Since Estonia is geographically located far from the crisis area and is not a transit country for cross-border trade in such items nor a well-established international art market, no extra measures have been taken such as a revision of national legislation or establishing specialized anti-trafficking of cultural property police units and customs officers. We believe that it is important to take into account the relevant circumstances of individual countries.

However, the relevant provisions of national laws provide for the process of due diligence. Museums shall, within available means, ascertain the origin of a thing of cultural value to prevent registration of a thing that has gone out of the possession of the owner against his or her will or taken out of another state. The Customs office checks goods and cargo that leaves Estonia both as local goods but also as transit. If any suspicions arise National Heritage Board is contacted immediately. The local equivalent of E-Bay (www.osta.ee) has also an established good cooperation with our National Heritage Board. The platform discloses all

necessary information about the sold goods and persons selling it when requested by the National Heritage Board. As of today no items from Syria or Iraq have appeared in this local platform. Estonian authorities also work with INTERPOL's Stolen Works of Art Database to combat looting and illicit trafficking of cultural objects.

During the preparation of the current report on the application of the 1970 Convention the officials of National Heritage Board, Ministry of Culture, Tax and Customs Board, Police and Border Guard Board discussed the UN Security Council resolution 2199 in order to be vigilant and to sensitize the professionals of the current situation.

Estonia has also been active in raising awareness at the national level and has made every effort to sensitize general public through media of the situation regarding the Iraqi and Syrian cultural heritage. We are also grateful for the Director-General of UNESCO, Madame Irina Bokova, who gave a public lecture in the Estonian Academy of Art on this issue and an interview for the weekly foreign policy TV-programme "Välisilm" (Foreign World) during her official visit to Estonia in May 2015.

V. Other legislative, legal and administrative measures taken by the State

1. Accession to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects

- (a) *Has this Convention been ratified, in addition to that of 1970?*

Estonia does not consider ratification of the 1995 UNIDROIT Convention at the moment.

- (b) *If not, please indicate, where applicable:*

- *the stage of the ratification process reached by the State concerned (close to ratification, under way, actively under preparation, not considering ratification in the short, medium or long term) ;*
- *obstacles or difficulties encountered in completing the ratification process (whether legal, political or practical) and the means of overcoming them;*
- *the extent to which UNESCO can assist in completing the process.*

2. Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation

Describe the extent to which the State concerned is following the work of the UNESCO Intergovernmental Committee (observer, member, State concerned by a case under discussion, etc.).

Estonia is following the work of the UNESCO Intergovernmental Committee as an observer.

3. UNESCO Database of National Cultural Heritage Laws

Indicate action taken to organize the contribution to the UNESCO Database of National Cultural Heritage Laws and to check whether it contains all historical and existing laws and regulations, including successive amendments.

The most up-to-date versions of Estonian relevant legislation in force were forwarded to UNESCO for the inclusion in the database in May 2015. The legislation in Estonian and also the translations into English are accessible through the official online publication of *Riigi Teataja* (State Gazette) <https://www.riigiteataja.ee/en/> that is regularly updated. The system is built up in a way that enables to trace all the successive amendments throughout the years and to compare parallel texts. In Estonia, legislation has legal force only in Estonian, therefore

the translations are unofficial texts – they do not have legal force in judicial or any other official proceedings.

In 2015 the UNESCO database contains the following Estonian national cultural heritage laws in force:

- Museums Act
- Heritage Conservation Act
- Act on the Return of Cultural Objects Unlawfully Removed from the Territory of a Member State of the European Union
- Intra-Community Transport, Export and Import of Cultural Objects Act

Extract from the Intra-Community Transport, Export and Import of Cultural Objects Act

§ 2. Cultural object

(1) For the purposes of this Act, cultural objects are the following things of historical, archaeological, ethnographic, artistic, scientific or other cultural value:

- 1) buildings or parts of buildings and architectural details and accessories located in Estonia which are older than 75 years;
 - 2) archaeological findings, coin treasures and parts of coin treasures originating from the time before 1721;
 - 3) works of sacramental art or sacred objects related to Estonian cultural space made before 1945 and sacred printed matter which are older than 100 years;
 - 4) jewellery and unique objects containing precious metal made in Estonia before 1945, except objects from the nature of which it may be deduced that these are intended for personal or family use;
 - 5) awards (trophies, medals, diplomas) of sports competitions won by Estonian sportsmen before 1945 and awards (trophies, medals, diplomas) of international title competitions, Olympic Games, World and European Championships won by Estonian sportsmen;
 - 6) Estonian ethnographic objects, including national costumes and the accompanying jewellery originating from the time before 1945;
 - 7) works of applied art of Estonian artists which are unique or of limited edition made before 1945;
 - 8) works of visual art of Estonian artists made before 1945;
 - 9) collections of Estonian philately or photography (including negatives) or parts thereof, single stamps of edition below 200,000 which are older than 60 years;
 - 10) printed matter published in Estonia and related to Estonian cultural space which have been published before 1850, manuscripts, correspondences, diaries and other single-copy material related to Estonian cultural space and significant from the point of view of cultural history irrespective of their age;
 - 11) films, sound recordings or other technically recorded material on original carrier media which are older than 50 years and related to Estonian cultural history;
 - 12) musical instruments made in Estonia before the year 1950;
 - 13) furniture manufactured in Estonia before 1945 and unique furniture custom-made in Estonia which is older than 50 years;
 - 14) cut-and-thrust weapons and firearms and their essential components manufactured before 1945;
 - 15) motor vehicles and bodies of cars, military equipment which are older than 50 years, except the ones imported to Estonia after 20 August 1991;
 - 16) water crafts built in Estonia and their parts, freight and other content originating from the time before 1945, water crafts found from the territories under the jurisdiction of the Republic of Estonia and their parts, freight and other content originating from the time before 1945.
- (2) For the purposes of this Act, a cultural object is also a thing declared to be a cultural monument (hereinafter monument) on the basis of the Heritage Conservation Act or a thing placed under temporary protection irrespective of the fact whether the thing is specified in subsection (1) of this section.
- (3) The list of cultural objects shall be established by the regulation of the minister responsible for the area.