

Report 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

GREECE

I. Information on the implementation of the UNESCO Convention of 1970

1. Ratification of the Convention

Greece ratified the Convention on 5 June, 1981

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

(a) References of the principal national regulations adopted in order to implement the 1970 Convention.

The Convention was adopted into the national legal system by Law 1103/1980, published in Governmental Gazette 297/A/29-12-1980.

(b) Definition of "cultural property" used by the national laws

Law 3028/2002 *On the Protection of Antiquities and Cultural Heritage in General* articulates that "cultural objects" are "testimonies to the existence and the individual and collective creativity of humankind." It further defines "monuments" as "cultural objects which constitute material testimonies and belong to the cultural heritage of the country and which deserve special protection."

- *Ancient monuments or antiquities* are cultural objects dating from prehistoric, ancient, Byzantine and post-Byzantine times up to 1830, including caves and paleontological remains.
- *Recent monuments* date from 1830 and deserve protection for their historical, artistic, or scientific significance.
- *Immovable monuments* are those attached to the floor or seabed or those that cannot be moved without damaging their value as testimonies.
- *Movable monuments* are those that are not immovable.

(c) Specialized units

The Hellenic Ministry of Culture and Tourism is charged with the protection of cultural heritage. To this end, the Directorate of the Documentation and Protection of Cultural Property was established in 2008 to protect property, fight illicit trafficking, document the provenance of objects, and repatriate those that have been illegally transferred to Greek territory.

(d) Administrative coordination

The Ministry of Culture and Tourism works with the Ministry of the Protection of the Citizen, the Greek Police, the National INTERPOL Bureau, the Ministry of Finance, the Customs Bureau, and the Marine Police. As liaison to the Directorate, the head of the Greek Police encourages such coordination. All public authorities and services, local administration organizations, and agencies in the public sector provide immediate information and assistance to the Directorate.

(e) Working meetings

To better prevent and combat illicit trafficking, the Directorate holds meetings and seminars with military personnel, marine police, police and customs officers, and the Ministry of Culture and Tourism.

3. Inventories and identification

(a) Inventories

Inventories provide a secure way for a country to prove claims to the illicit traffic of cultural property.

(b) Definition of “cultural property” and “national treasures”

With reference to 2(b) above, national legislation provides a detailed classification of “cultural property.”

(c) Reference to the Object ID standard

The Ministry of Culture and Tourism always uses the Object ID standard as a minimum for identification.

(d) Systems to combat theft and to train staff

A central alarm system monitors public museums, archaeological collections, and warehouses. Museum curators and directors give staff guidelines concerning the needs of each institution. Most libraries and archives are equipped with alarm systems. Specialized services are used to monitor the Greek Ministry of Education, Lifelong Learning, and Religious Affairs.

4. Archaeological excavations

(a) Basic principles of the regulations on archaeological excavations and on the monitoring of excavations in force

Excavations carried out by domestic scientific or educational institutions and by foreign archaeological schools are monitored by the Regional Services of the Ministry of Culture and Tourism.

(b) Illegal excavations

On land and underwater, alike, illegal excavations persist. To combat the problem, preventive measures (education to raise public awareness) and repressive measures (cooperation with the Greek police) are taken.

5. Monitoring of the export and import of cultural property

(a) Estimate of the scale of the illicit export or import of cultural property (statistics)

There are up-to-date statistics on cultural property theft, but to estimate the scale of the illicit export of cultural property is risky.

(b) Problem of the illicit export of cultural property

Because of the high volume of Greek cultural objects circulated internationally, in conjunction with the problems of illicit excavations and a lack of financial and human resources, the illicit export of cultural property persists.

(c) Main rules for monitoring the export and import of cultural property

Most exportation is prohibited by the law. Export licenses may be granted if the property is not of special significance and a collection is not affected. Temporary exports for educational and scientific purposes are permissible.

(d) Rules provided for the restitution of illicitly imported cultural property

All imported cultural goods must be issued an import certificate and declared under Law 3028/2002.

(e) Obstacles encountered in securing the restitution of illicitly exported cultural property

The primary obstacles to securing the restitution of illicitly exported items are differences in definitions of cultural property and the extent to which respective national legislations protect it.

(f) Circumstances in securing the restitution of a stolen cultural object

In the past, Greece has secured the restitution of many objects with necessary documentation and the aid of dispute resolutions.

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

(a) Description of the cultural goods market in the country (financial volume of the market, number and turnover of auction houses including via the Internet).

Greece has no auction houses and less than twenty antiquity merchants, controlled by the Ephorate of Private Archaeological Collections. There are, however, numerous galleries that trade art.

(b) Rules governing trade in cultural goods, measures in place for such trade (maintenance of a police register), in particular through the Internet (reference to the basic measures proposed by UNESCO, INTERPOL and ICOM)

In keeping with measures proposed by UNESCO, INTERPOL, and ICOM, acquired cultural objects must be declared with the Ministry of Culture and Tourism for issuance of a certificate of ownership.

(c) Existing Measures to control the acquisition of cultural property

Museums are prohibited from acquiring cultural property suspected of having been illicitly trafficked.

(d) Existing legal system concerning ownership of cultural property:

Cultural property dating up to 1453 belongs to the State and is imperceptible and *extra commercium*. Artifacts found during legal and illegal excavations belong to the State; however, the Ministry of Culture and Tourism may grant permits of possession circumstantially.

(e) Special rules on the transfer of title deeds with respect to cultural property

The transferor must provide the Ministry of Culture with a notice of intent to transfer as well as the personal data of the transferee, who shall submit an application for a permit of possession.

7. Bilateral agreements

(a) Bilateral agreements concluded with other countries on the import, export and return of cultural property

Greece has concluded agreements with France and Switzerland (2007), China (2008), and Turkey (2010). Greece promotes cooperation with Italy, Egypt, and Peru and educational programs with Iran, Bulgaria, and Cyprus.

(b) Conditions settled by the importing country with regard to the admissibility of requests for restitution from a country of origin

The conditions concerning the admissibility of requests do not differ from those imposed by national laws and the international Conventions signed by each country.

(c) Administrative aid or any other type of cooperation with neighbouring countries, particularly with respect to police and customs services?

Cooperation is exemplified in several mechanisms: the Council Decision of June 2008 on accelerating cross-border cooperation, the "Prevention of and Fight against Crime" program, the 2013 Customs program, and the modernized customs code.

II. Code of ethics, awareness raising and education

1. Ethical standards

(a) Application of the UNESCO International Code of Ethics for Dealers in Cultural Property and the ICOM for museums

Both codes of ethics are known to the relevant professionals. Controlled by the Ephorate of Antiquities Dealers and Private Archaeological Collections, dealers and merchants must register their merchandise. Museum personnel are monitored by the Directorate of Museums, Exhibitions, and Educational Programs.

2. Awareness raising and education

(b) Dissemination of the "One hundred missing objects" series and the ICOM Red Lists

The series and the ICOM Red Lists are disseminated and read by antique dealers, museum curators, public servants, and other professionals concerned with the prevention of illicit trafficking of property.

(c) Description of 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?

Museums, private institutions, and the Directorate for the Documentation and Protection of Cultural Goods raise public awareness (in children, especially) through educational programs and specialized publications. UNESCO contributes via handbooks and programs like Património.

III. Cooperation with other international and regional agencies

Police

(a) State of national cooperation with INTERPOL. Specialized police services to whom the heritage officials can call on for enquiries, legal proceedings and punitive measures

Heritage officials can call on the Directorate for the Documentation and Protection of Cultural Goods, as it works in close conjunction with INTERPOL and the Security Directorate of Attica.

(b) Check on the INTERPOL database on stolen objects when a cultural object is stolen. Transmission of information on the persons implicated in the theft of cultural property

The INTERPOL database is checked when a cultural object is stolen. All existing information is circulated among INTERPOL, the Security Directorate, and all cultural heritage management services.

(c) Specific training program for members of police services

The officers selected for the field of cultural property protection have completed studies in culture, history, or art. In addition, members of police services attend instructive seminars organized by the Directorate for the Documentation and Protection of Cultural Goods.

(d) Punishment of fraud and theft related to cultural property via criminal law provisions. Specialized judges in this field

Criminal law provisions allow for the punishment of fraud and theft. By law, a Prosecutorial Official appointed by the Magistrate Court of Athens to the Directorate for the Documentation and Protection of Cultural Goods shall institute proceedings and make provision for the execution of penalties.

(e) Cooperation with the United Nations Office on Drugs and Crime (UNODC)

Greece participated as an Observer to the 19th Commission of the UNODC in May 2010.

Customs

(f) Status of cooperation with the World Customs Organization. Specialized customs services which could assist heritage officials in preventing the illicit export of cultural property

The national customs service works closely with the WCO. Cultural property is exported solely via Athens and Salonika, where valid documentation is checked. In addition, the customs service receives support for law enforcement from the financial and economic crime units of the Ministry of Finance.

(g) Specific training program for members of the customs administration

Customs agents attend seminars on preventing the illegal traffic of cultural property.

(h) Reference to the UNESCO-WCO Model Export Certificate for Cultural Objects

The mandatory Greek export certificate is defined in accordance with EU regulations and follows the UNESCO-WCO model.

European Union - Application of 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

Directive 93/3/EEC was integrated into Greek legislation by Presidential Decree 133 in 1998.

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

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

Greece ratified the Convention on 19 July, 2007.

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

Greece is a Member of the Committee, particularly concerned with the present case of the restitution of the Parthenon Marbles currently exhibited at the British Museum.

3. UNESCO Database of National Cultural Heritage Laws – contribution and update

Most texts are already in the database with some English and French translations. A ministerial decision concerning metal detectors will soon be uploaded upon completion of the official translation.