

GREECE

**NATIONAL REPORT ON THE
IMPLEMENTATION OF THE 1970
CONVENTION ON THE MEANS OF
PROHIBITING AND PREVENTING THE
ILLICIT IMPORT, EXPORT AND
TRANSFER OF OWNERSHIP OF
CULTURAL PROPERTY**

2011 - 2015

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

1. Ratification of the Convention

The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property was ratified by the Hellenic State in 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 in the national Legal system by Law 1103/1980, published in Governmental Gazette 297/A/29-12-1980. (Ratification of the 1970 Unesco Convention)

b. Definition of the “cultural property”

According to Law 3028/2002¹ “On the Protection of Antiquities and Cultural Heritage in general”

“.....a. “cultural objects” : shall mean testimonies of the existence and the individual and collective creativity of humankind;

b. “monuments” shall mean cultural objects which constitute material testimonies and belong to the cultural heritage of the country and which deserve special protection on the basis of the following distinctions:

(i) “Ancient monuments or antiquities” shall mean all cultural objects dating back to prehistoric, ancient, Byzantine and post-Byzantine times up to 1830, subject to the provisions of article 20². Archaeological monuments shall also include caves and

¹<http://portal.unesco.org/culture/fr/files/25587/11113354823nomos4en2.pdf/nomos4en2.pdf>
(in english) and
http://www.unesco.org/culture/natlaws/media/pdf/greece/gre_law3028_2002protclther_greorof
(in greek)

² According to article 20 of Law 3028/2002: “Movable monuments shall include:

a. monuments dating up to 1453;

b. monuments dating after 1453 and up to 1830 which constitute finds from excavations or other archaeological research, or have been removed from immovable monuments, as well as icons and other religious objects used for worship, dating from the same period;

c. monuments dating after 1453 and upon 1830 which are not subject to subparagraph b and are classified as monuments due to their social, technical, folk, ethnological, artistic, architectural, industrial or in general historical or scientific significance;

d. recent cultural objects more than one hundred years old which are classified as monuments due to their social, technical, folk, ethnological, artistic, architectural. Industrial or in general historical or scientific significance, and

paleontological remains, for which there is evidence that they are related to human existence.

(ii) "Recent monuments" shall mean cultural objects dating after 1830, which deserve protection due to their historical, artistic, or scientific significance, in accordance with the distinctions of article 20.

(iii) "Immovable monuments" shall mean monuments which have been attached to, and remain on the ground or on the seabed or on the bed of lakes or rivers, as well as monuments which are found on the ground or on the seabed or on the bed of lakes or rivers and cannot be removed without damage to their value as testimonies. Immovable monuments shall also include installations, structures and the decorative and other elements, which form an integral part of the monuments, as well as their surroundings.

(iv) "Movable monuments" shall move monuments which are not immovable.

c. Specialized units

The Ministry of Culture, Education and Religious Affairs is the main authority which is responsible for the protection of cultural heritage. According to the new current organizational structure of the Ministry, the former Directorate of the Documentation and Protection of Cultural Property (Law 3658/2008) has been integrated to the *Directorate of the Management of the National Archive of Monuments, Documentation and Protection of Cultural Goods* as the **Department of Documentation and Protection of Cultural Goods**.³ The aim of the aforementioned Department still remain the protection of cultural property, the fight against illicit traffic of cultural goods, the documentation of their provenance and the claim of repatriation of those which have been illegally transferred within the Greek Territory or abroad.

The Ministry of Culture, Education and Religious Affairs is always in cooperation with

- the Ministry of Interior and Administrative Reconstruction
 - Security Police Division of Attica-Department of Cultural Heritage and Antiquities
 - the National Interpol Bureau
 - Marine Police and
- the Ministry of Finance / D33-Department of Customs

d. Administrative coordination

All the public authorities and services, the local administration organizations, the agencies of the broader public sector are obliged to provide immediate information and assistance to the Department of Documentation and Protection of Cultural Goods of the Ministry of Culture, Education and Religious Affairs

e. recent cultural objects less than one hundred years old which are classified as monuments due to their social, technical, folk, ethnological, artistic, architectural, industrial or in general historical or scientific significance"

³ Governmental Gazette 171/A/28-8-2014

e. Working meetings

The Department has organized working meetings and seminars with police officers, customs officers, marine police officers and military officers to coordinate the activities between them and the Ministry of Culture, Education and Religious Affairs, to strengthen cooperation and share information in order to improve the methodology used for the prevention and combat of the illicit transfer of cultural goods.

3. Inventories and Identification

a. Inventories

The existence of Inventories is of particular importance since claims for restitution of inventoried cultural property cannot be always undisputable. Thus, inventories remain a secure way for a country to prove its claims in cases of illicit import, export, transfer or transit of cultural goods. The Department is competent for the keeping of electronic databases of a) movable monuments that have been stolen or embezzled, b) illegal excavations and c) movable monuments that have been seized.

The Hellenic Ministry of Culture, Education and Religious Affairs is under the procedure of creating databases with photographs of all inventoried cultural goods not only in Public Museums but also in Archaeological warehouses with a view to include all finds of licit excavations.

b. Definition of cultural property

As stated above (1.2b and footnote 2) the national legislation provides for a detailed classification of cultural property, which is up to an extent covered by the definition of cultural property in the International conventions.

c. Object ID

Object ID is always used by the Ministry of Culture, Education and Religious Affairs in cases of theft or illicit export of cultural property, mainly as a minimum standard for identification and quick way to transmit information to the police and the customs.

4. Archaeological excavations

a. The main task of the Regional Services of the Ministry of Culture, Education and Religious Affairs is the conduction of rescue and systematic excavations. Systematic excavations may also be carried out by domestic scientific or educational institutions and by foreign Archaeological missions or schools established in Greece. The issue of a decision of the Minister of Culture, Education and Religious Affairs is required for the carrying out of such legal excavations.

The number of archaeological projects, that can be conducted by the Foreign Archaeological Schools is strictly determined by the Greek legislation. During the last years is observed the orientation of the foreign institutes towards the enhancement of the cooperation with the competent Greek authorities, particularly in conducting surveys and not systematic excavations. Moreover it can be easily observed that the number of surveys along Greece is annually increased. In 2008 27 field survey projects were conducted and in 2013 the number was nearly doubled (40 survey projects).

Analytically:

Systematic Archaeological Researches in Greece, conducted by Greek or Foreign Scientific Institutions and the Archaeological Service, per year

2011: 161

2012: 154

2013: 154

2014: 113

b. Although the security staff of the Ministry of Culture, Education and Religious Affairs guard the archaeological sites, the problem of illegal excavations persists. The main reason is the richness of the cultural heritage of the country since throughout the Greek territory (surface or underwater) there are still many undiscovered archaeological sites. The combat of illegal excavations takes both preventive (e.g education of local people and awareness raising) and repressive forms. (cooperation of the Ministry of Culture with the Greek Police in order to arrest the criminals involved).

Illegal excavations 2011 – August 2014

Since 2009, when the former Directorate for the Documentation and the Protection of Cultural Goods was founded, one of its main tasks has been the registration of clandestine excavations as well as illegal interventions/ cases of vandalism on monuments and sites. The above practice derived from the need to deteriorate phenomena of pillaging on protected cultural artifacts and their surroundings, which demands the gathering of relevant data in central level.

For this reason, the Regional Services of the Hellenic Ministry of Culture and Sports report such incidents to the above mentioned Directorate as thorough as possible and when it is necessary photographic documentation is demanded.

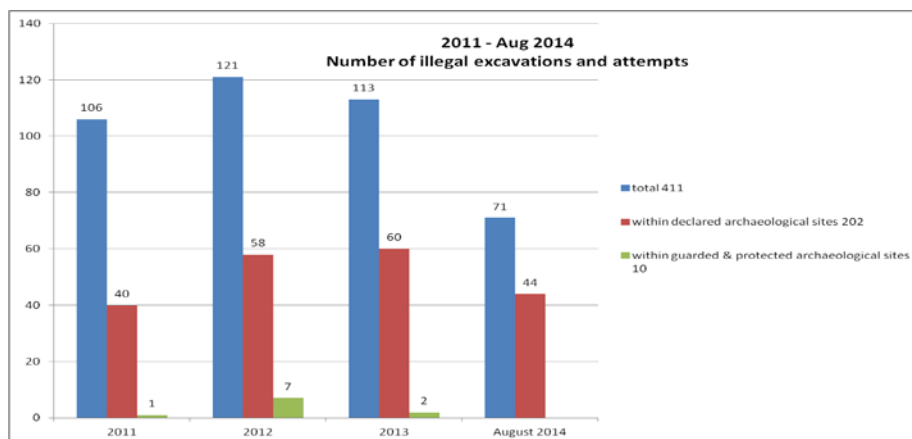
Moreover the Directorate for the Documentation and the Protection of Cultural Goods comes in touch with the competent law enforcement authorities, informing them, in case they are not already informed, and asking for further actions, such as the collaboration with the Regional Services of the Hellenic Ministry of Culture and the reinforcement of the supervision around the looted sites.

We should take under consideration the two distinguishing characteristics of Greece, regarding the protection of cultural heritage from looting: The long term human

presence and activity and the numerous monuments and archaeological sites, a number of them are located in isolated and hard to be guarded areas.

The situation of pillage that warranted the initial request continues. Looting and clandestine excavations are still observed, caused partly from poverty and the need for economic resources and partly from the ongoing request of art markets that hold the ancient pieces of art as a guaranteed investment, which, at the same time, provide a feeling of a higher social status.

Of course, progress has been made, since registered looting cases seem to be reduced. The amount of damage from pillage seems to be also declined. A great number of the looting shafts seem to be mere attempts, since no ancient remains are observed inside or around them.



5. Monitoring of the export and import of cultural property

- a. Though there are up-to date statistics compiled on the theft of cultural property it is very risky to proceed with an estimation of the scale of the illicit export of cultural property.
- b. The illicit export of cultural property remains a recurring problem, as one can estimate judging from the number of cultural goods of greek origin being circulated internationally through auction houses, collectors, antiquity dealers etc. The main reason is of course the recurrent problem of illicit excavations (see above) together with lack of financial and human resources.
- c. The export of cultural goods is generally prohibited according to Law 3028/2002. An export license may be granted provided that the property is not of special significance to the cultural heritage of the country and the unity of an important collection is not affected. A temporary export may be permitted for educational or scientific purposes or for exhibitions in museums abroad.

Legislative and policy framework :

- Presidential Decree 423/1995 (Council Regulation 3911/1992 on the export of Cultural goods)
 - Ministerial Decision ΥΠΠΟ/ΔΟΕΠΥ/ΤΟΠΥΝΣ17759/1-3-2004 (on import control and certificate)
 - Ministerial Decision ΥΠΠΟ/ΔΟΕΠΥ/ΤΟΠΥΝΣ17764/1-3-2004 (on export control and certificate)
- d. Import of cultural property is subject to Law 3028/2002. Imported cultural goods must be declared and the issue of an import certificate for any cultural good -as defined in Law 3028- is obligatory. The Greek State has several times returned to its country of origin illicitly cultural property which has been proved to have been proved to have been unlawfully removed from other countries⁴.
 - e. The restitution of illicitly exported cultural property are mainly legal as a result to the existent differences in the definition of cultural property and the breadth of protection provided in the national legislative systems. This is the reason why international cooperation is considered so important in order that such obstacles could be overcome.
 - f. Greece has succeeded in restituting a number of cultural objects of greek origin which have been illicitly removed from the country. In all cases the Greek state has offered all the necessary documentation to prove its requests and though legal proceedings may have been required, the returns have been accomplished by dispute resolutions.
 - g. During recent years many claims for the return of illegally exported cultural goods have been very successful. As a result many objects were restituted to Greece. From 2011 to 2014, 22 cases of repatriations have taken place with in total 322 repatriated objects (including 123 ancient coins) and 30 crates of osteological material.

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

- a. In Greece there are no auction houses trading antiquities and less than twenty (20) antiquity merchants, all of them approved and controlled by the Ephorate of private archaeological collections. On the other hand there are numerous galleries trading contemporary art all over the country.
- b. Art dealers are obliged to keep records of the cultural property they acquire. There is an obligation that cultural goods suspected to be originating from any illegal activity cannot be traded. Anyone who buys a cultural object from an art dealer is obliged to declare it to the Ministry of Culture, Education and Religious Affairs so that a certificate of ownership may be granted.
- c. Museums are prohibited from acquiring or accepting as loan cultural property suspected to have acquired through any kind of illegal activity.

⁴ In this framework, cultural goods from Italy and Belgium which were confiscated in Greece returned to their countries of origin in 2009 and 2011. An oil on panel depicting the Caledonian Boar Hunt returned to the Museum of Ghent in Belgium <http://www.gettyimages.com/detail/news-photo/belgian-ambassador-to-greece-marc-van-den-reeck-shakes-news-photo/148950805> and Parts of wall paintings from the church Grotta delle Fornelle at the area Caserta repatriated in Italy.

- d. Cultural property dating up to 1453 belong to the State in terms of ownership and possession and are imprescriptible and *extra commercium*. The same status applies for archaeological artifacts found during legal or illegal excavations or other archaeological research, regardless of their dating. A permit of possession of cultural property may be granted by a decision of the Minister of Culture and Tourism and under certain circumstances.
- e. The holder of a monument may transfer his possession after notifying the Ministry of Culture and Tourism of his intention and the personal data of the candidate holder who shall submit an application for a permit of possession. There are specific conditions concerning the transfer of possession in case of death of the holder, in case the holder is a legal person of the public law, or an ecclesiastical legal person.

7. Bilateral agreements

- a. The Hellenic Ministry of Culture, Education and Religious Affairs in accordance to article 15 of the UNESCO Convention has signed bilateral agreements, for the import, export and return of cultural property with
 - Switzerland (Law 3915/2011)
 - China (Law 3914/2011)
 - Turkey (Law 4294/2014)
 - USA Law 4026/2011 . Moreover negotiations are still going on with other countries in order to proceed with bilateral agreements on the prevention of illicit traffic of cultural goods.

Also, provisions concerning the protection of cultural property and the combat against its illicit traffic are included in many educational and cultural bilateral agreements.

- b. The conditions set by the importing country with regard to the admissibility of request for restitution from a country of origin do not differ from those imposed by the national laws and the international Conventions signed by each country.

II. Code of ethics, awareness raising and education

Ethical standards

- a) The UNESCO International Code of Ethics for Dealers in Cultural Property and the ICOM Code of Ethics for Museums are both known to and adopted by the professionals concerned.

Dealers and merchants of cultural goods are obliged to keep record books where they register the merchandise that enters into their premises and they are prohibited from trading in cultural objects suspected of originating from theft, illegal excavation or any other illegal activity. Antique Dealers and the antiquities market is controlled and constantly checked by the “Ephorate of Antiquities Dealers and Private Archaeological Collections” of the Ministry of Culture, Education and Religious Affairs.

Museum curators and managers as well as all the museum personnel, are familiar and apply the ICOM Code of Ethics for Museums in their everyday practice and its observance is checked through the “Directorate of Museums, Exhibitions and Educational Programs”.

Awareness raising and education

b) The “One hundred missing objects” series and the ICOM Red Lists are disseminated and read on a regular basis from the expertise in charge, especially every time a new loss or theft occurs and also when checking the providence of goods on auction.

c) One of the main tasks of the Department of Documentation and Protection of Cultural Property is the public awareness. The main tool for achieving our goals are:

- The design, planning and implementation of an educational programme, orientated for schools of primary and secondary level.
- The participation into the educational programme “Witness the Past” (designed by the Technical Educational Institution of Athens).
- The organization of seminars for the training of archaeologists, regarding the fight against illicit trade of cultural goods.
- The organization of International Conferences regarding the Repatriation of Cultural Property. In 2013 a large Conference of Experts on the Return of Cultural Property took place at Ancient Olympia. Experts from all over the world and from various faculties (law enforcement, police and custom authorities) have gathered and exchange opinions, experience and suggestions about the repatriation of antiquities and the procedures, that should be implemented for the successful return of the antiquities. The publication of the Proceedings of the aforementioned Conference which will be a useful guiding tool for the repatriation of Cultural Property.

(3rd Conference of Experts on the Return of Cultural Property :
http://www.yppo.gr/3/g32.jsp?obj_id=54992)

The Departement for the Documentation and for the Protection of Cultural Goods has greatly contributed in preparing and organizing the temporary exhibition “Illicit Antiquities No More”, designed initially by the Archaeological Museum of Thessaloniki. The concrete exhibition is also transformed to a portable one in order to be presented all over Greece. The first presentation took place at Ancient Olympia on the occasion of the aforementioned 3rd Conference of Experts on the Return of Cultural Property and the second one at the Museum of Igoumenitsa (Epirus)
http://www.igoumenitsamuseum.gr/view_exhibition/5/27/arhaiokapilia-telos-ekthesi-epoptikoy-ylikoy-kai-arhaiologikwn-ekthematwn.

The former Directorate for the Documentation and the Protection of Cultural Property published an informational brochure, regarding the achievements of the implemented actions against Illicit Trade of antiquities and the Return of Cultural Property titled “Protecting History” Athens 2013

III. Cooperation with other international and regional agencies

Police

a) Greece is cooperating closely with INTERPOL, through the INTERPOL department in Athens. Based at the Greek Police Headquarters, the INTERPOL National Central Bureau (NCB) for Greece is part of the International Police Cooperation Directorate. INTERPOL Athens is the exclusive platform for Greek police investigations requiring outreach with the international law enforcement community. Thus, heritage officials can call for inquiries, legal proceedings and punitive measures the Department for the Documentation and the Protection of Cultural Goods, which is officially in charge for matters of theft, illicit trading and illegal excavations and is constantly communicating with the competent police department, specialized in crime concerning theft, illicit excavation and illegal trading of cultural property.

b) When a cultural object is stolen the INTERPOL database on stolen objects is checked and updated. All the existing information concerning the theft (names, personal data, information about the incident and the object) are circulated among the professionals concerned, i. e. the specialized police authorities (INTERPOL, Department for the prosecution of the illicit trade in Antiquities of the Security Directorate of Attica) and cultural heritage management services of the Greek Ministry of Culture, Education and Religious affairs (Directorates, Ephorates, Museums, etc.).

c) Members of police follow a training program while studying in the academy and also attend seminars organized from the Department for the Documentation and the Protection of Cultural Goods of the Greek Ministry of Culture, Education and Religious affairs about the procedures and the methods suitable for the prevention of illicit trading and the enforcement of the coherent legislation.

d) Law 3028/2002 incorporates provisions on criminal activities related to cultural property. Specifically, the ninth chapter⁵ of this Law, with its articles 53 to 72 defines

⁵Article 53: Theft of monuments

Article 54: Embezzlement of monuments

Article 55: Receiving and disposing of monuments constituting products of crime

Article 56: Damage to a monument

Article 57: Damage to a monument due to negligence

Article 58: Breach of the duty to declare a monument

Article 59: Illegal transfer of a monument

Article 60: Illegal trading in monuments

Article 61: Illegal excavation or other archaeological research

Article 62: Illegal use of a metal detector

Article 63: Illegal export of cultural goods

Article 64: Illegal import of cultural objects

Article 65: Illegal non – return of cultural objects

Article 66: Illegal intervention or execution of works

Article 67: Negligent safeguarding, preservation or conservation of a monument

Article 68: Actions of investigative bodies

Article 69: Forfeiture and pecuniary penalty

Article 70: Extension of the application of the provisions of Law 2331/1995

Article 71: Jurisdiction of the Court of Appeal

both the crimes and the penalties imposed to persons as well as the manipulation of goods – objects of crime, after they are seized.

Furthermore, according to Law 3658/ 2008, article 11, the Penal Code provisions for organized crime apply to felonies falling under the laws for the protection of cultural heritage. Article 187 of the Penal Code punishes with imprisonment up to ten years persons who create or join a “criminal organization” (a structured group of three or more persons with sustained activity) in order to commit the felonies listed in the same paragraph (i.e. counterfeiting, homicide, terrorist bombings, etc.). Cultural heritage violations are added to this list. In addition, the article 12 of the law 3658/2008 regulates the lifting of telecommunications confidentiality. In practice, a crucial tool for combatting illegal trafficking in antiquities is the analysis of telephone call records and wiretapping. According to law 2225/1994, telecommunications confidentiality can be lifted only for the limited list of felonies in article 4. With the aforementioned article 12, crimes against cultural heritage are included in that list.

Article 13 of law 3658/2008 makes a reference to the international jurisdiction of the Greek courts when it comes to claims based on the right of ownership and possession of antiquities. According to paragraph 1, Greek courts have exclusive international jurisdiction. Paragraph 2 regulates that Greek courts have the international jurisdiction to order coercive measures to secure the rights on a movable cultural object.

e) Greece has taken part as observer to the 19th Commission on Crime Prevention and Criminal Justice of the United Nations Organization against Drugs and Crime (UNODC), that has taken place in Vienna from the 17th till the 21st of May, 2010. The *Department of Documentation and Protection of Cultural Goods* is the designated authority of the Greek State to the Commission on Crime Prevention and Criminal Justice (CCPCJ) in the area of combating trafficking in cultural property.

Customs

Greece has established and is using a Certificate for the export of cultural objects, that is defined after the joint decision (ΥΠΠΟ/ΔΟΕΠΥ/ΤΟΠΥΝΣ/17764/1.3.2004) in accordance to the EE L 395/31.12.1992 and the EE L 77/31.3.1993 regulations of the European Union, which are following the model of the UNESCO – WCO Export Certificate for Cultural Objects.

European Union

Greece is under procession of implementing in its national legislation Directive 2014/60/EU which is the recast of the Directive 93/7/EEC “*on the return of cultural objects unlawfully removed from the territory of a Member State*”.

IV. Emergency situations and heritage at risk

All provisions concerning the emergency situations and heritage in risk are included in the two aforementioned greek national laws 3028/2002 and 3658/2008. Greece is also signatory member state to the 1954 Hague Convention and its 1999 Second Protocol (Law 1114/1981, Governmental Gazette 6/A/8-1-1981 and Law 3317/2005, Governmental Gazette 45/A/23-2-2005)

During the Third Meeting of States Parties to the UNESCO 1970 Convention (Paris 18-20 May 2015), by initiative of Greece, the States Parties to the 1970 Convention adopted the Statement “**Stop Illicit Trafficking of Cultural Property**”. »

http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/Statement_Greece_final_EN.pdf

Our intention is to organize, during July 2015, a meeting with all the Greek authorities that are involved in the combat of illicit trade, in order to reaffirm the United Nations Security Council Resolution 2199 (2015) concerning the destruction of cultural heritage in Iraq and Syria.

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) The UNIDROIT Convention has been ratified to the Greek legislation with the Law 3348 of the year 2005.

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

Greece puts particular emphasis on the functioning of the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (ICPRCP), as the issue of the Parthenon Marbles is continuously on the agenda of the Committee since 1984.

Within the framework of the latest meeting of the aforementioned Intergovernmental Committee (Paris, 1-2 October 2014), Greece and Great Britain negotiated a new Recommendation that was subsequently adopted by the Committee’s General Conference.

3. UNESCO Database of National Cultural Heritage Laws

Most of the laws, regulations and successive, amendments both historical and existing, concerning the Protection of Cultural Heritage of Greece, are already in the UNESCO Database of National Cultural Heritage Laws. More specifically, in the above mentioned data base, there are 32 registrations of Greek laws, 10 of which are translations of the original Greek texts in English or French.