

UNESCO 1970 Convention - Periodic Reporting Form 2019

Respondent Information

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Organization/Agency : Ministry of Culture and National Heritage

Country : Poland

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.

In the moment of ratification of the UNESCO 1970 Convention (April 1974) Polish legislation was partly conformed with its regulations. Provisions of the *Act of 15 February 1962 r. on the protection of cultural property and on the museums* stated that export of cultural goods is prohibited, unless it will be ascertained that it does not impoverish the national heritage.

The Act of 23 July 2003 on the protection and guardianship of monuments (Journal of Law No. 162, item 1568), currently in force, contains many provisions that aim at countermeasure the illicit Export of Cultural Property. It creates a system of permits for the export of cultural goods, that differs the procedure according to the objects' value, age and nature. There are also penal provisions penalizing their export without a legal permit. This act relates also to the antiquarian market – it stipulates that an economic operator specialized in the field of trade of monuments on the territory of the Republic of Poland is obliged to keep a record book of monuments accepted or offered for sale, both on its own behalf and for other people, with a value exceeding PLN 10,000, as well as expert opinions issued by this entity, in particular, the assessments indicating the time of the monument's creation and valuation of the monument.

Last year Poland adopted a new law – *The Act of 25 May on the restitution of national cultural property* (Journal of Law No. 1086). The Act specifies the competent authorities for the restitution of cultural goods conducted by the Republic of Poland on its territory and abroad, proceedings with cultural goods brought out in violation of law from the territory of the Republic of Poland, as well as proceedings regarding the return of cultural property located on the territory of the Republic of Poland, taken in violation of law from the territory of a Member State European Union. This act implements Directive 2014/60 / EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of the state Member State, amending Regulation (EU) No 1024/2012 (OJ L 160, 28/05/2014, pages 1 and Dz. Office. UE L 147, 12/06/2015, p. 24).

The issues of protection of archival materials are regulated by the *Act of 14 July 1983 on national archival resources and archives* (Journal of Law No. 38, item 173)

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).

The Act of 23 July 2003 on the protection and guardianship of monuments (Journal of Law No. 162, item 1568),

The Act of 25 May on the restitution of national cultural property (Journal of Law No. 1086)

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

3	Clear definition of cultural property
5	State ownership of undiscovered cultural heritage
2	Regulations on trade of cultural property
3	Export controls
4	Export certificates
1	Certificate of authenticity
2	Import controls
4	Establishment of national services

4	National inventory of cultural property
2	Inventory requirements for museums, public institutions, private collections
4	Protection of archaeological sites and regulation of archaeological excavations
2	Public education and awareness raising
2	Measures to prevent museums and similar institutions from acquiring illegally exported cultural property
1	Prohibition of import of cultural property stolen from a museum or religious/secular institution
	Regulation of the diplomatic pouch
4	Provisions for the return of cultural objects stolen from a museum or other public institution
4	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
2	Protection of underwater cultural heritage
3	Regulations regarding the use of metal detectors
2	Regulations regarding the trade of cultural artefacts on internet
Other (please specify):	

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

<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	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)

The Act of 23 July 2003 on the protection and guardianship of monuments (Journal of Law No. 162, item 1568),

The Act of 25 May on the restitution of national cultural property (Journal of Law No. 1086)

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

The provisions of the Convention are taken into account when drafting legislation on the protection of cultural property. As a member of the European Union, Poland adapted its export control system to be consistent with the provisions of Council Regulation (EC) No. 3911/92 of 9 December 1992 on the export of cultural goods (currently replaced by Council Regulation (EC) No. 116/2009 of 18 December 2008 on the export of cultural goods and executive regulations to it).

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

X	Yes
	No

Please specify:

The Act of 23 July 2003 on the protection and guardianship of monuments contains provisions on export controls through an export license system. Currently, there are four types of permits to export a monument from the country:

- One-time permission to permanently export a monument abroad - this permit is issued by the Minister of Culture and National Heritage. The Minister may refuse to issue a one-time permit to permanently export the monument abroad if the monument has a special value for cultural heritage. With reference to library materials, the permit is issued by the Director of the National Library.
- Single permit for temporary export of a monument abroad - this permission is issued by the voivodeship (provincial) inspector of monuments at the request of a natural person or an organizational unit in whose possession there is a monument, intending to export this monument once for a purpose for utility or exhibition purposes or for carrying out conservation work.
- Multiple individual permission for temporary export of a monument abroad - this permit is issued by the voivodeship inspector of monuments at the request of a natural person or an organizational unit in whose possession there is a monument, intending to transport this monument many times abroad for utility or exhibition purposes.
- Multiple general permission for temporary export of monuments abroad - this permit is issued by the voivodeship inspector of monuments at the request of a museum or other cultural institution which, in connection with its activity, intends to export its collections abroad, in whole or in part, for exhibition purposes many times.

The obligation to possess abovementioned documents has been limited only to those monuments that meet the criteria of the appropriate age and value presented in the relevant categories. A similar solution, which the legislator modeled on, exists in the regulation of the Council (EC) No. 116/2009 of 18 December 2008 on the export of cultural goods. In practice, the categories from Annex Act was revised to Polish conditions and implemented into the Act on the Protection of Monuments and Guardianship of Monuments.

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

X	Yes
	No

Please specify:

At present, export licenses are required in the following categories of items:

- archaeological monuments that are more than 100 years old and are part of archaeological collections or were acquired as a result of archaeological research or accidental discoveries;
- elements that are an integral part of architectural monuments, interior decorations, monuments, statues and handicrafts that are more than 100 years old;
- made by any technique and any material of painting that is more than 50 years old and their value is higher than PLN 40,000;
- made on any material, watercolors, gouaches and pastels, which have more than 50 and their value is higher than PLN 16,000;
- mosaics, and drawings made by any technique and on any material, which are more than 50 years old and their value is higher than PLN 12,000;
- original artwork and dies to make them and original posters that are more than 50 years old and their value is higher than PLN 16,000;
- original sculptures, statues or copies thereof made using the same technique as the original, which have more than 50 and their value is higher than PLN 20,000;
- individual photographs, films and their negatives that are more than 50 years old and their value is higher than PLN 6,000;
- single or in the collection of manuscripts that are more than 50 years old and their value is higher than PLN 4,000;
- single or in the collection of books that are more than 100 years old and their value is higher than PLN 6,000;
- single printed maps and scores that are more than 150 years old and their value is higher than PLN 6,000;
- collections and items from zoological, botanical, mineral or anatomical collections, the value of which is higher than PLN 16,000;
- collections of historical, palaeontological, ethnographic or numismatic significance, the value of which is higher than PLN 16,000;
- means of transport that are more than 50 years old and their value is higher than PLN 32,000;
- other categories, not mentioned, including monuments that are more than 50 years old and their value is higher than PLN 16,000

The export of monuments meeting above mentioned criteria, without a permit or failure to return within the period of validity of the permit, may result in sanction under The Act of 23 July 2003 *on the protection and guardianship of monuments* - imprisonment from 3 months to 5 years. If the perpetrator acts unintentionally, he is subject to a fine, restriction of liberty or imprisonment for up to 2 years. The object of the illicit export may be also forfeited, even if it did not constitute the property of the perpetrator and a fine for a social purpose related to the care of monuments may be also imposed.

There is also a group of monuments that cannot be exported abroad permanently and their export can only take place on the basis of temporary permit:

- Monuments entered in the register;
- Monuments included in the public collections that are owned by the State Treasury, local government units and other organizational units included in the public finance sector;
- Monuments located in a museum inventory or national library resources

Different regulations refer to the control of the export of archival materials which are not monuments on the basis of Polish legislation. The rules for the export of these objects are contained in the provisions of the Act of 14 July 1983 *on national archival resources and archives*. As in the case of illegal export of monuments, illegal export of archival materials is a crime. According to the provisions of this act whoever

exports the archival material abroad without a permit or after exporting it abroad does not bring it back in within the time set in the permit, is subject to imprisonment of up to 3 years. If the offender acted unintentionally, he or she is subject to a fine or restriction of liberty. The court may also order the forfeiture of archival materials constituting the object of crime.

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

	Yes
	No

Please specify:

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?

X	Yes
	No

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

Tasks related to the protection of cultural heritage are dealt with by the General Inspector of Monuments and the voivodeship (provincial) inspector of monuments. There are also specialized cultural institutions, such as:

- National Institute For Museums and Public Collections
- National Heritage Board of Poland

They have statutory tasks, that are closely related to the protection of cultural heritage.

The Police, Custom Service and Border Guard are also involved in fighting illegal trafficking of cultural goods. In their structures, there are appointed persons to coordinate activities related to the protection of cultural heritage.

Cooperation between these services takes place on the basis of administrative agreements, that form a framework for the collaboration and joint actions in the field of cultural heritage protection:

- November 2004 - an agreement between the Ministry of Finance represented by the Head of Customs Service, Ministry of Culture and National Heritage represented by the General Inspector of Monuments

and the Ministry of Interior and Administration represented by the Chief Commander of the Police and the Chief Border Guard

• February 2018 - an agreement between the General Inspector of Monuments and the Chief Commander of the Police (amendment of the previous agreement from March 2005)

The above-mentioned acts led to the conclusion of many cooperation agreements at the local level, improving cooperation in order to increase security in the transfer of cultural goods.

On the basis of this cooperation special training is being organised, during which representatives of state authorities learn how to counteract, among others, the import of inventoried cultural objects stolen from a museum or a religious or secular building or other similar institution from another state.

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
	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 National Tax Administration (Krajowa Administracja Skarbowa - KAS) plays an important role in counteracting the phenomenon of illegal export of monuments and cultural goods abroad, contributing to the protection of both Polish and European cultural heritage. The tasks of this institution include recognizing, detecting, preventing and combating crimes and offenses against cultural property - export of cultural goods abroad without a permit. KAS authorities have the competence to conduct preparatory proceedings in the above-described scope in accordance with the provisions of criminal proceedings. The National Tax Administration also performs tasks related to the implementation of regulation 116/2009 and the Polish law regarding the legal export and import of cultural goods (legal turnover) - inspection of export licenses.

When the export license has not been submitted, an entity is called to provide the permit, and at the same time KAS contacts with the voivodeship inspector of monuments, asking whether an export of the above-mentioned object requires a permit. If the entity does not present a permit and voivodeship inspector of monuments indicates that it is required, KAS authorities initiate proceedings in the matter of illegal export of monuments.

There are Coordinators for the protection of cultural goods appointed in the Tax Administration Chambers. The main task of the coordinators is to provide assistance to customs officers in the field of issues related to cultural goods, analyzing regulations, organizing and conducting training, gathering information and statistical data, cooperation with other authorities competent in the field of cultural goods, etc..

There are also Coordinators for the protection of cultural goods appointed in Police and Prosecutor services.

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

X	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)
X	Cross-trainings (i.e., trainings for police from Ministry of Culture staff)
	No Coordination
	Other (please specify) :

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

On the basis of an agreement between the General Inspector of Monuments and the Chief Commander of the Police Ministry of Culture and National Heritage organise a special coordination meeting, once in 3 months, during which representatives of different departments of the Ministry, Police, Customs and Boarder Guard discuss about current issues concerning protection of cultural heritage.

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.

In 2003 the *Act on the protection and guardianship of monuments* established National List of Monuments that have been Stolen or Illegally Exported abroad, which is held by the General Inspector of Monuments in the Ministry of Culture and National Heritage.

These losses are reported to the National List by the Voivodeship Heritage Protection Authorities (provincial inspector of monuments), Police, Border Guard, National Tax Administration, prosecutors and directors of museums and libraries that constitute cultural institutions. They are obliged to immediately inform about a cultural good stolen or exported abroad unlawfully, so it can be included in the List.

Provided data must allow to directly identify the lost item (photographs, basic dimensions and a description). Some of these losses are also reported to the INTERPOL database.

The national registry database in its current form remains a tool serving the Police, Customs Service and Border Guard to conduct searches and identification of lost cultural goods. As a publicly available database, it also gives other people (General Public) the opportunity to check whether a given item is not sought after and, as a consequence, largely helps to avoid aiding the circulation of stolen cultural goods. This is an extremely useful tool for antiquarians, auction houses and their clients - all participants of the antiquarian market.

The National List of Monuments that have been Stolen or Illegally Exported abroad is the only Polish database pooling information regarding missing artifacts and works of art accessible in such a broad manner to all web users.

The work to establish the catalogue started in late 1980s. In the beginning, it contained only information regarding museums losses - all Polish museums and all their losses due to theft and misplacement that took place after 1970 were queried. Information had been gathered as paper charts.

Since 1992, together with the creation of first digital version of national database of stolen and lost objects of cultural value, losses of libraries and other public institutions, churches and private collections were simultaneously and consecutively added.

In 2004 duties associated with keeping the list were entrusted to the Center for the Protection of Public Collections. As a result previously existing catalog of stolen and lost cultural property was modernized and it was possible to expand its resources with information on objects secured by the Customs Service and the Border Guard.

In July 2005, the database was made available on the Internet.

In 2011 Centre was transformed into National Institute For Museums and Public Collections.

(Narodowy Instytut Muzealnictwa i Ochrony Zbiorów - NIMOZ). Since August 1, 2018, the National List is curated by the Department of Cultural Heritage Abroad and Wartime Losses in the Ministry of Culture and National Heritage.

Ministry of Culture and National Heritage maintains also The base of war losses. This is not an official register, but it is collected for research and information purposes. It also does not constitute a full list of cultural assets lost during World War II from territory of Poland after 1945. Objects are registered on the basis of voluntary applications of public institutions, religious associations and private persons, and the information collected is verified only in the basic scope.

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.

In case of museums – providing inventories of objects is mandatory. Yet not all objects are registered (especially in case of archaeological objects, due to their vast number) and provided information is sometimes of poor quality.

Provisions of Regulation of the Minister of Culture and Arts on the rules and method of recording cultural property in museums of August 26 1997 (Journal of Law No. 5, item 656), replaced later by the Regulation of the Minister of Culture on the scope, forms and method of recording monuments in museums of August 30 2004 (Journal of Law No. 202, item 2073), does not demand clearly to include information about the source of acquisition of the object into inventories (mandatory information – “provenance” is not defined, therefore might be interpreted in different ways). This seems to be the main issue concerning the topic of proper documentation of legal acquisitions. Regarding old acquisitions (i.e. mainly from the time just after the II World War), some museums do not have proper documentation of part of the acquisitions and still have to make a research on it. The problem is also lack of established mandatory procedures for provenance research and acquiring objects.

Regarding digitization – the process is partially present in Polish museums. According to the NIMOZ statistics project held in 2017, 70% of asked museums declared using digital inventory systems, but only a part of their objects was registered in a database (usually the bigger the collection, the lower the percentage of objects in the database). In some cases only very basic information was digitized, such as inventory number and object name, lacking acquisition information. About 70% of the objects have digital photos.

It must be noted that only 25% of Polish museums filled the survey, so in relation to the whole number of museums in Poland, the percentage of digital databases is probably much lower. Poor online accessibility to the inventories is a serious drawback in research for illegal objects.

The problem is a lack of tools for digital inventorying and nationally established information and metadata standards for both producing and harvesting data.

Proper provenance and ownership information in inventories (and therefore digital databases), established data standards and acquisitions and diligent provenance research procedures are the key for responsible and accountable documentation that helps to cope with the issue of illegal objects. This still remains an issue in Polish museums.

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.

The first inventories of monuments were provided to the registry of monuments in 1918. Since that time the amount of the tangible heritage inscribed in the national registry of monuments grew up to more than 76 000 immovable monuments and more than 265 000 movable monuments. In this regard, it is impossible to provide a list of the objects registered.

The procedure of registering monuments into the register of monuments is regulated by the Act of 23 July 2003 on protection and guardianship of monuments. According to its provisions immovable elements shall be entered into register pursuant to a decision of the voivodeship inspector of monuments *ex officio* or upon a request of the owner of an immovable monument or the perpetual lessee of the land on which an immovable monument is located. Respectively, the surrounding of a monuments as well as the geographical, historical or traditional name of this monument may also be put in the registry. As it refers to the movable monuments, they may be inscribed into the registry of monuments upon a request of the owner of a movable monument or *ex officio* by a decision of the voivodeship inspector of monuments only in case of a reasonable suspicion of an intent to destroy, damage or illegally export a monument of exceptional historical, artistic, scientific or academic value.

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.

There still exists a problem of illegal archaeological excavations and we are not able to precisely determine its scale. It started in the 90s with the appearance of portable metal detectors on the market. Until 2003 there were no legal regulations of the use of detectors in search for archaeological objects. Provisions of the *Act of 23 July 2003 on the protection and guardianship of monuments* state that searching for hidden or abandoned movable monuments, including archaeological monuments, with the use of any type of electronic and technical devices and diving equipment needs a permit of voivode inspector of monuments. In Poland there are approx. 80 000 users of metal detectors, but the number of submitted applications is still very low.

The condition of services responsible for protection of monuments also remains an issue. They are burdened with administrative issues, do not have enough means nor the human resources to adequately control the objects of archaeological heritage in the area. Low detection of this type of crime and poor public awareness of the value of archaeological heritage for society as a whole contribute to the high level of illegal excavations. Treasure hunters lobby actively in the media, selling false image of innocent explorers, persecuted by the severe State for their love of the past. As a result, their activity is accepted by society easier than arguments of monuments protection officers.

However this situation gradually changes, together with amendments made to the law and educational projects. From January 2018 the regime of responsibility for illegal searching for monuments has been modified - their legal classification has been changed from offenses to crime. The introduction of the

above solution constituted an element of broader changes in the criminal provisions related to the protection of monuments - criminal liability for damaging and destroying a monument has tightened, the perpetrator of this crime face now up to 8 years in prison. The introduced legislative change has brought the expected effect - the number of applications for the issue of a search permit has increased more than five times. In order to combat crime archaeological National Heritage Board monitors the e-commerce and provides training for police.

On the basis of aforementioned (point 14) agreement between the General Inspector of Monuments and the Chief Commander of the Police there are being organised coordination meetings, during which the issue of counteracting illegal excavations and searches is broadly discussed. Together with Policy the Ministry of Culture and National Heritage provides also regular training for police services on this matter.

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.

There are conferences related to the issues of protection of cultural property organized by the Ministry of Culture and National Heritage or under its patronage in consultation with the police, customs service and border guards. The universities conduct classes to make students aware of the scale of heritage threats. There are specialist magazines, such as the quarterly magazine "Valuable, priceless, lost" entirely devoted to the problem of stolen and lost cultural goods and the annual "Museology" shaping the rules of conduct of museum specialists issued by the National Institute For Museums and Public Collections. On its website, the Institute also promotes issues related to the protection of national heritage. The periodical "Protection of monuments" issued by the National Heritage Board has a similar significance for the protection of cultural heritage.

On the publishing market and on the Internet there are many publications dealing with the issues of the UNESCO Convention, analyzing various aspects of the protection of cultural heritage in the world, eg "Meetings with monuments".

To broaden the knowledge about lost and stolen cultural objects Ministry of Culture and National Heritage supports the mobile application ArtSherlock. This app allows automatic recognition of works of art in the field of paintings, drawings and antique fabrics looted from Polish collections during World War II. The application uses the electronic database of Polish war losses made available by the Ministry of Culture and National Heritage.

Many cultural objects are also marked with QR codes which guide to the relevant web sites – it enables broad public to get to know its history and value.

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.)
2	Return of objects to relevant authorities
4	Sharing information on stolen objects with authorities
1	Placing pressure on museums to change acquisition policies
2	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 no extent
	To some extent
X	To a considerable extent
	To a great extent

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

	To no extent
	To some extent
	To a considerable extent
X	To a great 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
X	Training occurs periodically
	In-depth, specialized training for officers working on this issue
	Assistance is required from UNESCO and its partners
	Other (please specify)

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

Training in the field of protection and restitution of cultural goods organized for the Police every six months

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
X	In-depth, specialized training for officers working on this issue
	Assistance is required from UNESCO and its partners
	Other (please specify)

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

The National Tax Administration officers are undergoing appropriate training in the protection of cultural goods. Training takes place at both the basic and specialist level. Coordinators for cultural goods from all tax administration chambers participate in periodic specialist trainings. They take place in the form of lectures and practical classes, most often in museum halls and workshops as well as training centers of the Ministry of Finance with the participation of experts from museums and other cultural institutions (eg. National Institute For Museums and Public Collections or National Heritage Board). During the training participants learn about the art market, identification, evaluation and valuation of historic objects, as well as legal regulations and documents issued by entities specialized in trade in monuments and works of art (examples of invoices, valuations, insurance documents, etc.). Later, Coordinators responsible for cultural goods conduct local trainings for officers in the Tax Administration Chamber.

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 ongoing
	Most have adopted such a code of ethics
X	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.

The Polish National Committee of ICOM promotes the museum's code of ethics, which has been translated to Polish. The reference to the code of ethics can be found also in the Act of 21 November 1996 on museums (Journal of Law 1997 No. 5, item 24).

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
	Most follow such practices
	Some follow such practices
X	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.

Dealers and auction houses adopt special regulations in which they stipulate that the sale of the acquired object can not take place without a special permit.
Economic entities dealing in antiques trade operate on general principles similarly to other enterprises. Museum institutions have the right of first refusal and priority to purchase in relation to cultural goods offered at auctions and in antique shops.

In the museum institutions, there is a purchasing committee, which should check objects in databases for the legality of their origin before purchasing objects.

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

According to the provisions of *The Act of 23 July 2003 on the protection and guardianship of monuments* an economic operator specialized in the field of trade of monuments on the territory of the Republic of Poland is obliged to keep a record book of monuments accepted or offered for sale, both on its own behalf and for other people, with a value exceeding PLN 10,000, as well as expert opinions issued by this entity, in particular, the assessments indicating the time of the monument's creation and valuation of the monument.

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

	Yes
X	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.

Poland has not yet concluded any bilateral agreement on measures aimed at prohibiting and preventing illegal import, export and transfer of ownership of cultural goods.

In 2009 China presented a draft Agreement between the Government of the People's Republic of China and the Government of the Republic of Poland on measures aimed at preventing theft, illegal excavations, illegal import and export of cultural goods.

In 2010 the Peruvian side presented a draft Agreement between the Republic of Peru and the Republic of Poland on the protection, conservation, recovery and return of cultural and paleontological goods stolen, illegally exported or transported.

The proposal to sign this type of contract was also made by the Mexican party in 2010 during the meeting of the Polish-Mexican Joint Commission, during which the Third Executive Program to the Agreement for cooperation in education and culture between the Government of the Republic of Poland and the Government of the United Mexican States for 2010- 2014.

The Polish side did not decide to conclude these agreements, considering that in practice they would have an asymmetrical character.

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): <i>(maximum of 5000 characters accepted in the field)</i>				

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

The convention is an important document that can be invoked by while arguing the necessity and justification of the restitution

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

Please specify:

The National Tax Administration uses the ARCHEO Network system. It enables communication and rapid information exchange as well as cooperation in the field of border protection against illegal export of cultural goods under CENcomm (Customs Enforcement Network Communication). It is an internet application available only to a closed group of users. Its objectives include: exchange of best practices within the network, the possibility of using training materials and identification guides, exchange of information on the retention of cultural goods, creation of discussion forums, facilitation of contact with experts, cooperation between customs administrations in this area and relevant international organizations.

The officers also have access to the Psyche database managed by Interpol and to the list of stolen monuments administered by the Ministry of Culture and National Heritage - exported / imported objects, which are suspected of coming from an illegal source, can be verified in these systems.

In addition, the following systems are used: the national Artinfo database and the international Artprice allowing to determine the value of exported objects and the ArtSherlock application (a mobile application enabling recognition of works of art stolen from Polish collections during the Second World War).

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

Overall

46. Yearly statistics

Thefts

1st Year reporting : 0
Additional information : No data available – Police does not keep separate statistics of crimes against objects of cultural value.
2nd Year reporting: 0
Additional information : No data available
3rd Year reporting: 0
Additional information : No data available
4nd Year reporting: 0
Additional information : No data available

Illegal Excavations

1st Year reporting : 0	
Additional information : No data available	
2nd Year reporting: 0	
Additional information : No data available	
3rd Year reporting: 0	
Additional information : No data available	
4nd Year reporting	26
Additional information : 26 cases were brought to the Prosecutor	

Seizures (cultural objects originating from own country)

1st Year reporting :	0
Additional information :	
2nd Year reporting	0
Additional information :	
3rd Year reporting	2
Additional information : Two infringements of national rules on the export of cultural goods without the required authorization were found	
4nd Year reporting	2
Additional information : Two infringements of national rules on the export of cultural goods without the required authorization were found	

Seizures (cultural objects originating from another country)

1st Year reporting :	8
Additional information : 8 cases - import of historical objects from other countries detained as smuggling - goods not submitted for customs control	
2nd Year reporting	23
Additional information : 23 cases - import of historical objects from other countries detained as smuggling - goods not submitted for customs control	
3nd Year reporting	18
Additional information : 18 cases - import of historical objects from other countries detained as smuggling - goods not submitted for customs control	
4nd Year reporting	21
Additional information : 21 cases - import of historical objects from other countries detained as smuggling - goods not submitted for customs control	

Restitutions

1st Year reporting :	1
Additional information : A 17th-century chalice which was stolen in 1994 from the church of the Assumption of the Blessed Virgin Mary in the Abbey near Sieciechów was going to be sold in the Doyle Auction House in New York. The sale was prevented owing to the inscription chiseled on its base: Sumptibus Monasterii Sieciechoviensis A.D. 1608, it was identified as having come from the former Benedictine Abbey in Sieciechów. It was also listed in the "National Register of Historic Objects that Were Stolen or Illegally Taken Abroad". The chalice was found and recovered thanks to the cooperation of the Polish police, the FBI, the National Institute for Museums and Public Collections, the Ministry of Culture and National Heritage, the Radom Curia of Catholic Church and the Sieciechów Abbey rector.	
2nd Year reporting	2
Additional information : The two bas-reliefs: The Adoration of the Magi and Adoration of the Christ Child were returned to Poland in 2016. They come from the late Gothic triptych (around 1520), originally located in the wooden church of the Nativity of the Blessed Virgin Mary in Bralin (southern Wielkopolska). In the second half of the twentieth century, the triptych was moved to the church there. St. Anna, from where it was stolen in 1994. In 2015, two of the bas-reliefs were put on the auction in Vienna. Thanks to their registration in The National List of Monuments that have been Stolen or Illegally Exported abroad and the international base of lost monuments, both bas-reliefs were seized and negotiations with persons in their possession were undertaken by the Consular Section of the Embassy of the Republic of Poland in Vienna. As a result, it was possible to recover both monuments unconditionally.	
3rd Year reporting	0
Additional information :	
4nd Year reporting	0
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.).

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.).

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.

UNESCO's tools help to promote appropriate, ethical attitudes regarding the handling of cultural goods.

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

Poland uploaded *The Act of 23 July 2003 on the protection and guardianship of monuments* (Journal of Law No. 162, item 1568) to the Database

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

Model solutions in the context of social education in the field of monument protection, indication of good practices in this area

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?

x	Yes
	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.

It broaden the knowledge of polish customs service and prosecutors about ways to deal with illicit traffic of cultural property, recognize it and prevent it

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, ministries, etc.				X
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.

58. What difficulties did you 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)?

They contributed to deepening cooperation between entities involved in the protection of cultural goods, including conservation services, cultural institutions, law enforcement agencies, customs officers and border guards. In 2018 the General Inspector of Monuments sent a letter to all state and local government museums, emphasizing the need to thoroughly check the origin of the acquired objects and reminding that the purchase of an items that may come from an illegal source is strictly forbidden.

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