

UNESCO 1970 Convention - Periodic Reporting Form 2019

Respondent Information

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Position :	Superior Counsellor
Organization/Agency :	Ministry of Culture and National Identity, Office for the Mobile and Intangible Heritage, Direction Cultural Heritage
Country :	Romania

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.

Romania accepted the Convention on 6 December, 1993 and adhered to it by Law no.79 of 11 November 1993. The 1970 Convention has been implemented in the national legal system and in the organization of services by: - Law No. 182/2000 on the protection of movable national heritage, republished; - Law No. 311/2003 on museums and public collections, republished; - Government Decision No. 518/2004 on the approval of the norms of temporary or permanent exportation of movable cultural goods, modified; - Government Decision No. 1420/2003 on the approval of the norms regarding trade in movable cultural goods, modified and completed; - Ordinance No. 43/2000 on the protection of archaeological heritage, republished. Specific laws regulate the field of national cultural heritage. These include patrimony definitions, the legal framework for owners, their rights and obligations, how to use, circulate, sell etc., as well as sanctions for breach of legal provisions. In addition to these specific laws, a series of enforcement rules have been issued to regulate each area of the cultural heritage: immovable, mobile, immaterial.

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)?

X	Yes
	No

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

Details regarding the overall legal framework - see 4).

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).

Romania has a mechanism of classification for the moveable cultural goods, based on their cultural and scientific value. Both categories of classified moveable cultural goods, the Treasure (cultural goods of exceptional value) and the Fund (cultural goods of special value) benefit of special legal protection. Law 182/2000 on the protection of the cultural heritage through the movement of cultural goods means all internal lending operations, export to the EU or non-EU space as well as commercialization by economic operators authorized by the Ministry of Culture and National Identity (MCNI). Temporary or permanent export of classified or unclassified movable cultural goods may be done on the basis of an export certificate issued by the specialized county directorates. Trade in movable cultural goods is regulated by Decision 1420/2003, for the approval of the Rules on the trade in movable cultural goods, which established a system for registration of economic operators authorized to be registered with the Registry of Authorized Authorities with identification data. Economic operators are legally obliged to keep a register called and stamped, mentioning correctly and completely the name and address of the bidder, the description and the price of each good. Failure is sanctioned by law. The employees, appointed by the Minister of Culture, have powers of control over the operation under conditions of legality of the economic operators. They cooperate with the competent territorial control bodies of the Ministry of the Interior Affairs. This facilitates control by patrimony police inspectors when it is suspected that economic operators are involved in illicit trafficking in mobile cultural goods. The laws on the acceptance of the 1970 Convention and the ratification of the UNIDROIT Convention govern the return of illicitly imported cultural goods, as amended by Law 182/2000 on the protection of mobile national heritage, Council Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State (MS) and incorporating the transposition of Directive 2014/60 EU of the European Parliament and of the EU Council on the return of cultural objects unlawfully removed from the territory of a MS and amending Regulation EU 1024/2012-recast. To protect European cultural goods, it seeks to ensure that uniform controls are performed upon their export outside the customs territory of the EU with the help of export licenses. The Council Regulation EC 116/2009 on the export of cultural goods provides rules for the export of cultural goods with a view to their protection. It ensures that uniform controls are carried out on these exports at the EU's external borders. The categories of cultural objects to which the regulation applies are listed in Annex I. An export license must be presented when a cultural good is exported outside the customs territory of the EU. The exporter must request the license, issued by the competent EU country authority. It is valid throughout the EU. The export licence must be presented together with the export declaration at the competent customs office when the customs export formalities are being completed. Commission Implementing Regulation EU 1081/2012 lays down rules governing the drawing up, issuing and use of the export licenses provided for under EC 116/2009. According to provisions of EC 116/2009, integrated at the level of the European Commission by the TARIC database and automatically taken over into the database of the customs authorities in the EU Member States (in Romania: TARIC_RO), the procedure at the export of the goods subject of Annex I of this regulation is as follows: - for the cultural goods mentioned in EC 116/2009, the "export license" is presented, coded in the IT system "E012", issued by the competent authorities subordinated to the MCNI, according to the provisions of the EU Official Journal series C, No. 164 of 16.07.2009, chapter IV Information, where the "List of authorities authorized to issue export licenses for cultural goods, published in compliance with Article 3 par. (2) of EC 116/2009" was published. - for the goods classified under the same code in Annex I, but do not correspond to the provisions of such regulation, box 44 of the customs declaration shall be filled in with "Y903" - codification that means "the declared goods are not included on the list of cultural goods". The export is done according to the Regulation of the Union customs Code in force, with the observance of the provisions of EC 116/2009 and of Law 182/2000 on the protection of the mobile national cultural patrimony (amended by Law 123/2017). A project to modify the Government Decision 518/2004 approving the Methodological Norms concerning the outright or temporary exportation of the mobile cultural goods, provide the including the license forms in the national legislation, in order to be checked by customs, according to Regulation 116/2009.

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

X	Yes
	No

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

Romania accepted the Convention on 6 December, 1993 and adhered to it by Law no.79 of 11 November 1993. The 1970 Convention has been implemented in the national legal system and in the organization of services by: - Law No. 182/2000 on the protection of movable national heritage, republished; - Law No. 311/2003 on museums and public collections, republished; - Government Decision No. 518/2004 on the approval of the norms of temporary or permanent exportation of movable cultural goods, modified; - Government Decision No. 1420/2003 on the approval of the norms regarding trade in movable cultural goods, modified and completed; - Ordinance No. 43/2000 on the protection of archaeological heritage, republished.

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

□

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

X	Yes
	No

Please specify :

See 4)

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 :

To remove any movable cultural object from the country, an export certificate (permanent or temporary) is compulsory. Certain categories of objects also require an export license issued according to the provisions of the European Regulation, in case of their export from the EU territory. The status of the cultural good, with respect to its classification (confirmed or potential), might limit the duration and terms of its transfer from the national territory. The export is regulated by the national and European legislation and the international conventions that Romania is part of. Both the national export certificate and the EU-regulated export license/authorization comply with the UNESCO-WCO Model Export Certificate for Cultural Objects. The Romanian law forbids and sanctions the import, ownership, acquisition, use in exhibition, or any kind of act related to the circulation of cultural property that has unlawfully left the territory of another state. The regulations do not provide for special import documentation other than the custom declaration, therefore the import of cultural goods is not monitored as such.

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

X	Yes
	No

Please specify :

The main obstacles encountered in the restitution of cultural heritage are related to legal prescriptions and differences between the legal systems of the states. One of the common situations is related to the fact that the cultural goods subject to the restitution are archaeological goods stolen from archaeological sites and which could not be reported in the Interpol database. In these cases it is the court that can decide to return the property of the complaining state.

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.

The relevant Romanian authorities work together on the basis of cooperation protocols and according to their legal competences. Ministry of Culture and National Identity The Directorate for Cultural Heritage is the special department of the Ministry of Culture and National Identity having legal and administrative competence in the prevention of illicit trafficking as well as in initiating certain return procedures (under the E.U. legislation). The ministry' department coordinates relevant procedures and activities related to the protection of moveable cultural goods including the circulation of cultural goods and authorization of traders in cultural goods. 42 directorates for culture, de-concentrated services of the Ministry of Culture and National Identity work to the same end at local level; the culture directorates have competences in issuing adequate export documents, monitoring the condition of classified goods and verifying the activity of traders in cultural goods. A special department within the Institute for National Heritage, institution subordinated to the Ministry of Culture and National Identity, is responsible with updating and making available online the Inventory of the National Cultural Heritage (all classified goods are listed there). General Inspectorate of the Romanian Police Starting with 2001 the Specialized Unit for the Protection of National Cultural Heritage part of the Criminal Investigation Directorate is the structure for the protection of cultural heritage of the National Romanian Police. At local level, the County Inspectorates of Police are equipped with specialized personnel in cultural heritage. This structure, together with its specialised personnel, are competent to investigate the following types of issues: theft (from religious institutions, museums , public and private collections), illegal national and international trade (illegal traffic with moveable cultural goods), forgeries of classified cultural goods, destruction of cultural goods and/or historic monuments (including archaeological sites), illegal detections and excavations in archaeological sites, economical or job crimes related to moveable and immovable cultural heritage. General Directorate of Customs Following a process of re-organization, the former National Customs Authority became the General Directorate of Customs in June 2013. The topic of cultural goods and their circulation from the customs' perspective falls in the responsibility of the Antidrug and Protection of Intellectual Property Rights Service, part of the Surveillance and Custom Control Directorate of the General Directorate of Customs. This Service coordinates the activity of specific compartments (Compartments of surveillance and non fiscal customs control) organized within the relevant services of each of the eight Regional Customs Directorates (The Services of Surveillance and Customs Control). These regional compartments coordinate the activity of border and internal customs offices. All customs offices are empowered to handle export formalities.

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

	Magistrates and/or judges
X	Police, gendarmerie, and/or Department of Interior
	Public prosecutor
X	Customs

None
Other (please specify):

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

General Inspectorate of the Romanian Police Starting with 2001 the Specialized Unit for the Protection of National Cultural Heritage part of the Criminal Investigation Directorate is the structure for the protection of cultural heritage of the National Romanian Police. At local level, the County Inspectorates of Police are equipped with specialized personnel in cultural heritage. This structure, together with its specialised personnel, are competent to investigate the following types of issues: theft (from religious institutions, museums , public and private collections), illegal national and international trade (illegal traffic with moveable cultural goods), forgeries of classified cultural goods, destruction of cultural goods and/or historic monuments (including archaeological sites), illegal detections and excavations in archaeological sites, economical or job crimes related to moveable and immovable cultural heritage. General Directorate of Customs According to the national legislation, the cultural goods may be exported if they are accompanied by an export certificate (outright or temporary) issued by the deconcentrated bodies of the Ministry of Culture and National Integrity. In case there is no such certificate, the customs authority retains the good in question and the case is passed to the authority in charge with the territorial penal investigations (because the export operation without certificate of a cultural good is considered an offence, according to the national legislation and the customs authority does not have penal investigations competences). The export certificate must be presented at the customs and accompanies the export customs declaration. The physical control of the cultural goods that are the object of the export operations has the purpose to effectively identify the mobile cultural goods found in the goods compartments as the ones declared and mentioned in the export certificate, the list and photographs enclosed. In case there are inconsistencies between the data in the export certificate, the list and/or photographs enclosed and the actual examined goods during the physical control (for example: the goods differ from the ones mentioned in the export certificate and its enclosed list), the customs clearance shall be suspended, the goods shall remain under customs surveillance. In case the mobile cultural goods are not declared and are discovered during the customs control, the procedure is the same as in case the cultural goods are declared but not accompanied by the export certificate. In the case of exceptions from the obligation to produce the certificate of exportation, such as, among others, the works of contemporary artists, the customs authorities checks on the existence of one of the documents laid down in Law no. 182/2000 Art.15(2)a-f) and (3), for the export of this category of cultural goods. Taking into account the fact that the Romanian Customs has competences in the field of preventing and combating the illicit traffic of mobile cultural goods, the obligation to produce to customs the certificate of exportation, as laid down by the national law, or an export licence, as laid down by the Community Regulation, is an useful tool for the enforcement in the field of mobile cultural goods. The Romanian Customs is not an investigation body, its responsibility is to control the legal character of the customs operations, to identify the violations of the law and take the necessary measures, according to the customs legislation. As concerns the mobile cultural goods presented for customs clearance, customs does not conduct criminal inquiries and does not have a contract with any agency or organization for investigations able to lead to the detection of the origin of the cultural goods, except for a brief verification of the customs declaration and of the accompanying documents (export certificate in the case the goods are taken out of Romania) and a check whether the good is stolen or disappeared (in the specialized web pages of agencies involved in the prevention and combating the illegal traffic with cultural goods, such as: the National Police, the cultural authorities, that has the record of the goods classified in the national cultural patrimony and INTERPOL). The investigations concerning the cultural goods that do not comply with the requirements for exiting/entering the country, which are retained by the customs authority, are conducted by the police.

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

	Formal coordinating committee, working group, etc.
	Coordination lead by specialized service (as described in Article 5), antenna or focal point
X	Communication and meetings as necessary (i.e., for specific cases)
	Cross-trainings (i.e., trainings for police from Ministry of Culture staff)
	No Coordination
	Other (please specify) :

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

The relevant Romanian authorities work together on the basis of cooperation protocols and according to their legal competences. The Ministry of Culture - central authority for culture, General Directorate of Customs, the Romanian Police, and the Romanian Border Police signed protocols of cooperation in order to prevent and fight illicit trafficking of cultural goods in a coordinated manner. Protocols of cooperation were concluded among relevant institutions at county level, as well, sometimes including the cooperation with religious cults and museums. As previously stated, the cooperation is based on protocols (memoranda of understanding). Meetings take place whenever is necessary. Written communication is the channel regularly used by the relevant authorities. The Customs Administrations of the Member States play a crucial role in the fight against cross border criminality. Therefore it is of the utmost importance that there is a developed co-operation between both Member States and the Commission as well as between these parties and countries outside the European Union with emphasis on the Candidate Countries. For a number of years, successfully contributed to this co-operation by implementing Joint Customs Operations (JCO). These are carried out with the overall objective to encourage and improve the effectiveness of operational co-operation between Member States administrations engaged in combating infringements of Customs legislation. Joint Customs Operations (JCO) means operational, targeted measures of a limited duration for combating the smuggling of sensitive and other goods. On the basis of the strategic and tactical objectives, JCOs shall be in the format of business cases containing all details including all other agencies involved. This business case is implemented at national level considering the legal framework/competences for all involved authorities.

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.**

The Romanian Police cooperates with INTERPOL through its International Police Cooperation Centre. Heritage officials can address their enquiries to the specialized police officers from the Unit for the Protection of National Cultural Heritage part of the Criminal Investigation Directorate and from the County Police Inspectorates. The Interpol data base (PSY.C.HE, the new Interpol data base, operational from June 2018) is regularly consulted by the Romanian Police (which means that there are two valid answers to question 18) above). Data and images of stolen or illicitly exported cultural goods are recorded directly by the Romanian Police officers into the INTERPOL database. Any facts related to the persons implicated in the theft are also communicated to INTERPOL. The Romanian Police have a database of stolen cultural goods which conforms with the Object ID standard. This one is for police use and part of it, especially that related to photo documented cultural objects are reported on the Romanian Police web page (<https://politiaromana.ro/ro/obiecte-furate>). By Order of the Ministry of Culture and Religious Affairs nr. 2044 from 09.05.2001 was established the Register of cultural goods destroyed, stolen, missing or exported illegally, owned and / or managed by legal persons from public and private law and approving the methodology for registration in the Register of destroyed, stolen, missing cultural goods or illegally exported, owning and / or managing the management of legal entities governed by public and private law.

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.**

Registration of cultural goods in specific inventories is compulsory for museums, public collections, memorial houses, cultural centres and other similar organisations (Methodology described in the Order of the ministry of culture and religious affairs no.2035/2000 on the registry, administration and inventory of the cultural objects owned by museums, public collections, memorial houses, cultural centres and other institutions in the field). Digital registers are compulsory but they must be doubled, still, by physical records. The accuracy of the inventories of cultural heritage belonging to religious organisations remains a significant problem, although the religious organizations have taken measures, in order to enhance professional approach of the cultural heritage protection.

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 national definition of "cultural property" is more comprehensive than that established by international conventions. The relevant legal notions used in the Romanian legislation are the cultural good, the classified cultural good and the moveable national cultural heritage. The movable national cultural heritage is composed of goods of historical, archaeological, documentary, ethnological, artistic, scientific and technical, literary, cinematographic, numismatic, philatelic, heraldic, bibliographic, cartographic, and epigraphic value, representing material evidence for the evolution of the natural environment and for the relation of humans with it, the potential creativity of man and of the Romanian contribution, as well as that of the national minorities to the universal civilization. The Romanian law provisions a mechanism of classification for the moveable cultural goods, based on their cultural and scientific value. Both categories of classified moveable cultural goods, the Treasure (cultural goods of exceptional value) and the Fund (cultural goods of special value), benefit of special legal protection. The equivalent of national treasures, in the Romanian legislation are the classified or classifiable cultural goods. Classified objects are listed in the Inventory of the National Cultural Heritage (exhaustive list). The classified cultural goods are listed in the Inventory of the National Moveable Cultural Heritage, accessible on-line at: <http://clasate.cimec.ro/> (in Romanian) The protected archaeological sites are listed together with all classified historical monuments in the Historical Monuments List, which is periodically updated. <http://patrimoniul.gov.ro/ro/monumente-istorice/lista-monumentelor-istorice> Important archaeological sites are also highlighted in an online database (National Archaeological Repertory) <http://ran.cimec.ro/> (in Romanian) The inventories insure widespread knowledge of protected cultural heritage.

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.**

Law No. 182/2000 on the protection of movable national heritage, republished and Ordinance No. 43 regulate archaeological excavations. Research may be conducted by public and private bodies, alike, performed by specialized personnel licensed by Ministry of Culture and National Identity and included in the Archaeologists' Registry. Archaeological research can be performed only with the authorization of the Ministry of Culture and National Identity. Illegal excavations still occur on improperly monitored sites damaging them by use of metal detectors. This affects both the sites classified as historical monuments and those that are yet unknown. This phenomenon affected both looted artefacts and archaeological sites. Some of the artifacts were recovered by the state, but some were lost forever. Most often use method for looting is the utilization of metal detectors in archaeological area. The main areas where illegal excavations took place are: Orăștie Mountains, Alba County and Hunedoara County, and Dobrogea region. Most of the artefacts were coins, golden dacian bracelets, helmets, fibulae, shields and other artefacts from roman and medieval period. In order to combat this phenomenon Romanian public authorities adopted laws regarding the utilization of metal detectors in archaeological sites and funded archaeological research. Ministry of Culture and National Identity collaborates with the Ministry of Internal Affairs and other institutions to combat illegal excavations.

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.**

The answer at question 25) concerns more the field of education, than the public awareness campaigns: The Ministry of Culture and National Identity signed a cooperation protocol with the Ministry of National Education with the purpose of promoting cultural heritage education in school.

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

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

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

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

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

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

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

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

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

To a good extent, the resources needed to address cultural property crime are available to the Romanian Police. The relevant know-how is insured by the fact that 40 % of the human resources are externally recruited (specialised police officers, graduates of history, art, heritage studies). Regularly, the specialised police officers enhance their training by taking part in national courses and seminars. Inviting experts and representatives of other authorities (Ministry of Culture and National Identity, Public Ministry) at training events is common.

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

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

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

The General Directorate of Customs organizes general training programmes as well as continuous training courses for the customs personnel. The e-learning platform of the customs authority includes a distinct course module for the cultural goods. To a good extent, the resources needed to address cultural property crime are available to the customs officers. The level of knowledge necessary to exercise authority in matters related to cultural property crime is insured through regular training. The training the European judiciary and law enforcement officials on the fight against the illicit trafficking in cultural property », a joint initiative of UNESCO and the European Union, held at UNESCO Headquarters in the period 26-28 November 2018. The event was an opportunity to launch the publication of the Manual : « Fighting the Illicit Trafficking of Cultural Property; A Toolkit for European Judiciary and Law Enforcement.

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
	Most have adopted such a code of ethics
	Some have adopted such a code of ethics
X	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 ICOM Code is known and observed by most museums, especially those that are members of ICOM. There is no mechanism in place to observe their actual implementation. Many principles of the ICOM Code of Ethics for museums are incorporated, though, into the national legislation.

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.**

The extent to which dealers, merchants, and collectors observe the UNESCO International Code of Ethics for Dealers in Cultural Property is not known.

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

Trade in movable cultural goods was regulated by the Decision No. 1420 of December 4, 2003, for the approval of the Rules on the trade in movable cultural goods. These rules have established a system for registration of economic operators who are authorized to be registered with the Registry of Authorized Authorities with identification data. Economic operators are legally obliged to keep a register called and stamped, mentioning correctly and completely the name and address of the bidder, the description and the price of each good. Failure to do so is sanctioned by law. The employees, appointed by order of the Minister of Culture, have powers of control over the operation under conditions of legality of the economic operators. In the exercise of these duties, they shall cooperate with the competent territorial control bodies of the Ministry of the Interior. This facilitates control by patrimony police inspectors when it is suspected that economic operators have been involved in certain illicit trafficking in mobile cultural goods.

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?**

	Yes
X	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.**

The Romanian Police and the National Customs Authority cooperate, whenever is necessary, with similar structures at international level. 9 of the general bilateral cultural agreements concluded by the Romanian Government and another 10 bilateral agreements that are still in negotiation process contain references to the prevention of the theft of cultural goods, to the fighting against the illicit trafficking of cultural goods and their return and sometimes specifically to the UNESCO 1970 Convention. These agreements are not specifically oriented towards the topic of cultural goods protection; therefore, their provisions are rather general. Enhanced trilateral cooperation protocol on combating crime and especially cross-border crime between the Government of Romania, the Government of the Republic of Bulgaria and the Government of the Republic of Serbia of 29.09.2008 The treaty between Romania and the United States of America on Mutual Legal Assistance in Criminal Matters, ratified by our country in 2008.

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

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

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

Having regard to the provisions of the UNESCO 1970 Convention, Romania has obtained, during several criminal investigations into the theft and illicit trafficking in cultural goods, the return of artifacts in accordance with the provisions of COUNCIL FRAMEWORK DECISION 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence. Ex: in May 2015, 2 epigraphic monuments representing bronze tabulae containing laws of Troesmis municipality (Tulcea county), issued by Emperor Marcus Aurelius (161-180 AD) were repatriated from London, through international judicial cooperation with the authorities of the United Kingdom of Great Britain and Northern Ireland; in March 2018, 491 artifacts (473 ancient coins and 18 silver artifacts) stolen from archaeological sites from Dobroudja (SE of Romania), were repatriated from Salzburg, through international judicial cooperation with the Austrian authorities.

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

X	Yes
	No

If yes, please specify

The International Police Cooperation Centre, brings together the following channels of international police cooperation: INTERPOL, EUROPOL, the Schengen Information System / SIRENE, the operational link with the SELEC Center, as well as with internal affairs attachés and liaison officers, both Romanian accredited abroad and foreigners accredited in Romania.

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

The communication system between law enforcement agencies is submitted by the Law no. 302 from 28 June 2004 on International Judicial Cooperation in Criminal Matters, republished.

Overall

46. **Yearly statistics**

Thefts

1st Year reporting	311	Number of objects
Additional information : year 2015: 311 stolen cultural goods reported		
2nd Year reporting	150	Number of objects
Additional information : year 2016: 150 stolen cultural goods reported		
3rd Year reporting	48	Number of objects
Additional information : year 2017: 48 stolen cultural goods reported		
4nd Year reporting	38	Number of objects
Additional information : year 2018: 38 stolen cultural goods reported		

Illegal Excavations

1st Year reporting	58	Number of objects
Additional information : year 2015: 58 cases reported; 2940 objects recovered		
2nd Year reporting	53	Number of objects
Additional information : year 2016: 53 cases reported; 1347 objects recovered		
3rd Year reporting	26	Number of objects
Additional information : year 2017: 26 cases reported; 1348 objects recovered		
4nd Year reporting	1604	Number of objects
Additional information : In 2018, 1604 objects were recovered (paintings, icons, statues, books, liturgical items, archaeological artifacts, including coins, others) On 13.07.2018, as a result of the customs control carried out by the customs officers of BV Otopeni Calatori (at „Henri Coanda” International Airport, Bucharest-Otopeni), 5 old coins of a person who travel from Romania to Turkey were seized. The coins were detained and handed over to the Otopeni border police, for further research. On 22.12.2018, customs officers from the same Border Customs Office selected for the purpose of customs control, a foreign citizen traveling from Otopeni to China, via Doha. Following the customs check on the traveler's hand baggage, 11 paintings were suspected to be subject to Law 182 / 25.10.2000 on the protection of the national mobile cultural heritage. All the paintings, some of which were signed by Romanian famous painters - Grigorescu, Tonitza, Corneliu Baba - were purchased from a auction house in Bucharest at values ranging from 6000 to 39000 RON, but for wich there were no export authorizations, required by applicable law, issued. The case was referred to criminal investigation bodies within the General Border Police Inspectorate for further investigation.		

Seizures (cultural objects originating from own country)

1st Year reporting	15466	Number of objects
Additional information : In 2015, 15466 objects were recovered (paintings, icons, statues, books, liturgical items, archaeological artifacts, including coins, others). On 02.09.2015, as a result of customs control carried out by customs officers within BV Otopeni Calatori (at „Henri Coanda” International Airport, Bucharest-Otopeni) on the personal luggage of a foreign citizen traveling from Bucharest to Zürich, 347 pieces of old coins - without export certificate - were seized. The measure of retention of the coins was taken in view of the expertise and the establishment of the customs regime that can be applied. On 23.12.2015, following the customs control carried out by customs officers within the same BV Otopeni Calatori, 2 statuettes (yellow metal) were discovered on the personal luggage of an foreign citizen traveling from Bucharest to Tel Aviv, susceptible to be part of the national heritage. The goods were retained and handed over to the National History Museum for the patrimony section for expertise.		

2nd Year reporting	8121	Number of objects
Additional information : year 2016: 8121 objects recovered (paintings, icons, statues, books, liturgical items, archaeological artifacts, including coins, others)		
3rd Year reporting	6032	Number of objects
Additional information : year 2017: 6032 objects recovered (paintings, icons, statues, books, liturgical items, archaeological artifacts, including coins, others)		
4nd Year reporting	1604	Number of objects
Additional information : In 2018, 1604 objects were recovered (paintings, icons, statues, books, liturgical items, archaeological artifacts, including coins, others) On 13.07.2018, as a result of the customs control carried out by the customs officers of BV Otopeni Calatori (at „Henri Coanda” International Airport, Bucharest-Otopeni), 5 old coins of a person who travel from Romania to Turkey were seized. The coins were detained and handed over to the Otopeni border police, for further research. On 22.12.2018, customs officers from the same Border Customs Office selected for the purpose of customs control, a foreign citizen traveling from Otopeni to China, via Doha. Following the customs check on the traveler's hand baggage, 11 paintings were suspected to be subject to Law 182 / 25.10.2000 on the protection of the national mobile cultural heritage. All the paintings, some of which were signed by Romanian famous painters - Grigorescu, Tonitza, Corneliu Baba - were purchased from a auction house in Bucharest at values ranging from 6000 to 39000 RON, but for wich there were no export authorizations, required by applicable law, issued. The case was referred to criminal investigation bodies within the General Border Police Inspectorate for further investigation.		

Seizures (cultural objects originating from another country)

1st Year reporting	0	Number of objects
Additional information :		
2nd Year reporting	70	Number of objects
Additional information : year 2016: 70 ancient coins illicit trafficked from Turkey		
3nd Year reporting	0	Number of objects
Additional information :		
4nd Year reporting	380	Number of objects
Additional information : year 2018: 380 ancient coins illicit trafficked from Hungary		

Restitutions

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

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

	Not a challenge	Somewhat of a challenge	A considerable challenge	A major challenge
Gaps in national legislation to protect cultural property		X		
Lack of police capacity related to cultural property		X		
Lack of customs capacity related to cultural property		X		
Lack of coordination between relevant stakeholders		X		
Lack of inventories and databases in museums		X		
Inadequate security systems in museums and places of worship			X	
Inadequate security of archaeological sites				X
Lack of cooperation from the art market		X		
Lack of expertise/capacity in the legal field (lawyers, judges, prosecutors, etc.)		X		
Lack of regulation on the internet				X
Lack of public awareness				X
Other (please specify):				

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

1. The lack of human resources; 2. The lack of financial resources; 3. Poor exchange of information.

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.).**

The most frequent reasons are: - the differences between the legal systems of the states: the terms in which the provisions may apply and the quantum of the sanctions; - the exchange of operative data.

UNESCO Support for the Implementation of the 1970 Convention

General awareness raising and communication strategies

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

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

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

The inventory systems in place in the cultural network do not observe as such the Object ID standard. The object identification set of data commonly used comprises, among others, all the elements of the Object ID standard. The police data base of stolen cultural goods observes, in turn, the Object ID standard. The tools developed by UNESCO help the Romanian concerned authorities in the case of criminal prosecution, in the investigation process, when museums purchase cultural goods, and for legislative harmonization.

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

Yes

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

UNESCO could support the relevant authorities of Member States with periodic training courses, experience exchanges and information sharing.

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.**

Cross-border training course for authorities of the Republic of Moldova and Romania in the framework of a comprehensive cross-border training and cooperation program organized by UNESCO and Carabinieri within the Command on the Protection of Cultural Property in Rome, November 11-16, 2018, was an excellent opportunity to establish useful contacts for working relations, and to share experience, facilitating the international co-operation. The training "The European judiciary and law enforcement officials on the fight against the illicit trafficking in cultural property", a joint initiative of UNESCO and the European Union, was held at UNESCO Headquarters in the period 26-28 November 2018. This joint EU-UNESCO initiative aimed to train European judicial and law enforcement officials to fight against the illicit trafficking of cultural property, both within and beyond their borders. During the 3 days of the training that combined theory and practice, international experts and UNESCO partners intervened to inform participants about good practices, relevant tools and legislation, and obstacles encountered in the implementation of law and cooperation. The event was an opportunity to present the Manual: "Fighting the Illicit Trafficking of Cultural Property; A Toolkit for European Judiciary and Law Enforcement", an important tool in this field.

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				X

between countries (e.g., online or through a newsletter)				
Other (please specify):				

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

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

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

For Romania, the Operational Guidelines are of high importance, one of the relevant situation in this sense being the establishment of the good faith of the buyer of stolen cultural goods, when managing the requests submitted by concerned authorities of one State to other States Parties of the UNESCO 1970 Convention.

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

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