

SLOVAKIA

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

2011 – 2015

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

SLOVAKIA

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

1. Ratification of the Convention

Slovakia ratified this Convention on 31 March, 1993 by succession.

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

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

The 1970 Convention is implemented by:

Decree of the Minister of Foreign Affairs No. 15/1980 Coll. on the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The entry into force of the Convention for the signatory state was enacted by this Decree. Moreover, the Convention is implemented by the through following national legislation:

Act No. 183/2000 Coll. on libraries, the amendment of Act No. 27/1987 Coll. on state care for memorials and the amendment of Act No. 68/1997 Coll. on the Matica Slovenská organisation, as amended.

Act No. 49/2002 Coll. on the protection of monuments, as amended by Act No. 479/2005 Coll.

Act No. 395/2002 Coll. on archives and registries and the amendment of certain acts, as amended

Act No. 416/2002 Coll. on the return of illegally exported cultural objects as amended by Act No. 149/2005 Coll.

Act No. 207/2009 Coll. on conditions for the export and importation of objects of cultural significance and the amendment of Act No. 652/2004 Coll. on state customs authorities and the amendment of certain acts, as amended.

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

“Cultural property” (National Cultural Heritage of the Slovak Republic) is composed of the following cultural objects:

- a) national cultural monuments, or parts thereof,
- b) archaeological founds and founds,
- c) collection items,
- d) historical library documents and historical library collections,
- e) archival documents,
- f) objects of cultural significance.

(c) Specialized units

Cultural sector: The competent authorities in Slovakia are the Ministry of Culture of the Slovak Republic and the Ministry of Interior of the Slovak Republic, the Monuments Board of the Slovak Republic;

Police sector: The Presidium of the Police Force coordinates international police activity;

Customs sector: The Ministry of Finance of the Slovak Republic – Financial Directorate, customs authorities carry out control on the external borders of the EU in case of the export of protected goods.

(d) Administrative coordination

The Ministry of Culture of the Slovak Republic, national police, border control, and customs and Finance Guard cooperate each other in this area. The Ministry of Interior of the Slovak Republic cooperates with the Ministry of the Culture of the Slovak Republic in an informal way in the field of consultations concerned the interpretation and implementation of European law on cultural heritage.

Cooperation between the different central authorities (police, customs and ministries) is organised occasional / ad hoc working meetings between central authorities, exchange of information, etc. The Ministry of Culture of the Slovak Republic is organisation authorized to issue export licenses on goods of cultural character, customs offices authorized to take care of formalities for export of goods of cultural character on the external borders of the EU. Presidium of the Police Force coordinates international police activity.

On the international division of cultural heritage protection cooperation from the foreign police through international police organization (Interpol, Europol). This cooperation concerns in particular the international quest for stolen cultural objects, respectively the search for the origin of the seized cultural objects of unknown origin.

(e) Working meetings

They are organized occasional.

3. Inventories and identification

(a) Inventories

The Central Register which is beyond other the register of movable cultural heritage monuments has been maintained by the the Monuments Board of the Slovak Republic. The special database of stolen and missing cultural goods has been maintained by the Presidium of the Police Force. IS DIELA is an automated information system of the Police Force, which has the status of a national inquiry of the stolen works of art and the origins of art objects of unknown provenance that were found and seized on suspicion that they are related to crime.

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

(see 2b)

To the “national treasures” belong the following items:

- national cultural monuments, or parts thereof,
- archaeological finds and founds, items of archaeological heritage (located in archaeological sites),
- items registered by museums and galleries, collection items,
- items registered by archives,
- items registered as document by libraries, historical library documents and historical library collections,
- objects of cultural significance.

(c) Reference to the Object ID standard

The use of the Object ID standard was considered for the database of stolen goods.

(d) Systems to combat theft and to train staff

No special units have been instituted. The museums, libraries and archives apply their own professional security guidelines in safeguarding their collections.

The Ministry of Culture of the Slovak Republic created the program in order to support projects in the fields of security and cultural heritage through technical, technological, electronic or mechanical equipment and facilities of buildings and premises in which they are permanently stored or temporarily stored items in collections of museums and galleries, historical library documents, historical library collections, old and rare prints, important and rare Slovak documents, rare manuscripts, historical monuments, objects but also other artistically and historically valuable movable objects and sacral art.

4. Archaeological excavations

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

The archaeological excavations are regulated by the Act No. 49/2002 Coll. Archaeological research can be performed only with the authorization of the Ministry of Culture of the Slovak Republic.

(b) Illegal excavations

Illegal excavations represent a real problem. The illegal excavations still occur on improperly monitored sites. To combat the issue, damaging sites classified as historical monuments and using metal detectors without prior authorization are sanctioned by the law. In addition, the majority of cases of looting of sites are coupled with the illegal export of these goods out of the country.

5. Monitoring of the export and import of cultural property

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

There are no estimates or statistics on the extent of illicit export or import of cultural objects. Such national statistics are not compiled. The police has data on thefts involving cultural objects. After May 2004 (date of the Slovak accession to the EU) the number of legal export license applications has been halved.

(b) Problem of the illicit export of cultural property

It is a real problem. Many types of cultural goods can be sold at higher prices on the international art market. Owners of cultural goods often neglect national legislation on the protection of cultural heritage. Since year 2004, there has not been customs control at the national borders, and the risk of getting caught is limited.

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

To remove any movable cultural object from the country, an export certificate/ license (permanent or temporary) is compulsory. Certain categories of objects also require an export license issued through the European Regulation for their removal from the EU.

The Regulation (EC) No 116/2009 on the export of cultural goods play an important role in the fight against trafficking in cultural goods.

In accordance with Council Regulation (EC) No. 116/2009, the Ministry of Culture issues only standard export licences for the temporary or permanent export of cultural goods from the customs territory of the EU subject to the conditions laid down in Act No. 207/2009 Coll. and, in the case of the export of items from the collections of collecting institutions, subject to the conditions laid down in Act No. 206/2009 Coll.

Main rules:

- An export license or Certificate for Cultural Goods is needed for the movement of all cultural goods which are more than 50 years old (either to other Member States or outside the EU).
- The permanent exportation of cultural goods belonging to the National Treasures is prohibited (according Act No. 49/2002 Coll.),
- They require a temporary export license with the conditions for return.

There are no special rules for importation of cultural goods (beyond the general customs regulations of the European Community).

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

The laws that provide for the acceptance of the 1970 Convention and the ratification of the 1995 UNIDROIT Convention regulate the restitution of illicitly imported cultural property, as does Act No. 419/2002 Coll. through its implementation of the European Directive 93/7/EEC (the new Directive 2014/60/EU).

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

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

Slovakia has no experiences in the field of return proceedings of cultural objects unlawfully removed from the territory of the Member State. Slovakia was not either requesting or requested country.

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

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

There is no statistical information available on the cultural goods market. In general, trade in cultural property is practiced by antique shops, auction houses and art galleries. Also individual dealers operate in the market and provide their service to a certain circle of clients.

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

There are no specific rules regulating trading in cultural properties. Only general rules of trade activities must be applied.

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

The acquisition of cultural property by museums, galleries, libraries, and archives is governed by national legislations (see 2b). There are no legal provisions obliging museums to follow a provenance verification procedure. Before cultural property is acquired, the national and international databases of stolen and missing cultural goods may be consulted.

(d) Existing legal system concerning ownership of cultural property

The principle of inalienability applies to publicly-owned cultural objects and those originating from heritage sites. Archaeological goods, objects found by chance, and artifacts found during legal and illegal excavations are property of the State.

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

There are no special rules.

7. Bilateral agreements

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

There are no bilateral agreements concluded with other countries on the import, export and return of cultural property.

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

The criteria are defined by international legal instruments (UNESCO 1970 Convention, UNIDROIT Convention).

The following legislation applies to possible requests for restitution of a cultural object:

- Council Directive 93/7/EEC on the Return of Cultural Objects Unlawfully Removed from the Territory of a Member State (the new Directive 2014/60/EU on the Return of Cultural Objects),
- the National Act on the Return of Cultural Objects Unlawfully Removed from the Territory of a Member State of the EU (No. 416/2002 Coll.),
- Decree of the Minister of Foreign Affairs No. 15/1980 Coll. on the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (No. 15/1980 Coll.).
- Decree of the Minister of Foreign Affairs on Adopting Certain Regulations of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects and the application of the Convention (No.416/2003 Coll.).

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

There are no special cooperation agreements. Cooperation of this nature is organized on the basis of personal contacts, using public communications information and by communicating online.

II. Code of ethics, awareness raising and education

1. Ethical standards

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

The ICOM Code of Ethics is well known and used among museum employees thanks to the activities of ICOM-Slovakia and the Department of Museums and Galleries of the Ministry of Culture of the Slovak Republic. The Code of Ethics is available to all museum specialists.

2. Awareness raising and education

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

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

The educational events are organized which draw the attention of the public on the value of cultural heritage. During European Heritage Days (Slovakia joined in 1993) opens to the public many historic buildings, monuments, areas which are normally closed to the public and museums and galleries organize special side events. The seminars are organized for specialists on issues of conservation cultural heritage. The EHD also provide the opportunity to exchange experience. Many publications take up the issues of cultural heritage protection are published in print and online. The Slovak National Museum edits a variety of publications with the aim of informing public about role and tasks of museums while preserving and presenting cultural heritage, publishes program bulletin with two specialized magazines – Pamiatky a múzeá (Sights and Museums), revue for cultural heritage and Múzeum (Museum).

III. Cooperation with other international and regional agencies

Police

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

The Cooperation with INTERPOL Head Office in Lyon is done through the Slovak national bureau of INTERPOL. The relevant central authorities in Slovakia cooperate with INTERPOL Head Office in Lyon and forward the informations about the thefts of cultural property through INTERPOL'S National Bureau in Slovakia.

(b) Check on the INTERPOL database on stolen objects when a cultural object is stolen.

Transmission of information about the theft of cultural property through INTERPOL'S National Bureau in Slovakia. The Criminal Police Office, which are responsible for offences in the field of the protection of cultural property, regularly call up information from the INTERPOL Database.

c) Specific training program for members of police services

There is no permanent training program in the area of cultural property. Special training courses are arranged from time to time on this subject.

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

The criminal law provisions allow for the punishment of fraud and theft related to cultural property.

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

Customs

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

There are irregular meetings with the custom, police and licensing authorities.

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

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

The Ministry of Culture of the Slovak republik does not apply the UNESCO-WCO Model Export Certificate for Cultural Objects, export licenses are issued by the responsible authorities as a form in keeping with Council Regulation (EC) No. 116/2009.

European Union

Application of the Council of the European Communities Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State

Yes. Act No. 416/2002 on the return of illegally exported cultural objects as amended by Act No. 149/2005 Coll.

IV. Emergency situations and heritage at risk

(a) Strategy in place to face emergency situations for heritage in case of natural disaster or conflict

(b) Measures to implement UNSC Resolution 2199 (paragraph 17, 12 February 2015) for the protection of Syrian and Iraqi cultural heritage

The Ministry of Culture of the Slovak Republic does not dispose of specific strategy for these cases but it cooperates with the international community and UNESCO through ratified culture conventions in order to protect cultural heritage that is particularly at risk.

V. Other legislative, legal and administrative measures taken by the State 1.

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

Slovakia ratified this Convention on 16 June, 2003.

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

Slovakia is not a Member of the Intergovernmental Committee (the responsible persons participate in meetings in position of observer).

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

Slovakia has submitted relevant national legislation to the UNESCO Database of National Cultural Heritage Laws. The Acts and Decrees have been amended several times since then. Revisions and new translations are currently being prepared in order to ensure that current information will available.