Cultural goods have been recovered in connection with a settlement with the holder. There have been instances of utilizing the customs regulations of the USA dealing with the import of goods to recover an object of regulation.

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

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

In Poland, there are no special regulations relating to the functioning of the art market. According to a report commissioned by the Ministry of Culture and National Heritage, as one of the Reports on the State of Culture, on Polish territory there are more than 600 business entities that trade in monuments and works of art. According to a report by the Association of Polish Antiquarians (Polski rynek sztuki w 2013 roku [Polish Art Market in 2013]) "the sale at public auction, including the categories of: painting, graphics, sculpture and artistic photography, in Poland amounted to just over 50 million PLN, of which 90.8% of turnover was spent on pictures. This was followed by sculptures (4.6% market share), artistic photography (2.7%) and graphic arts (1.9%). In terms of the number of sold objects, after paintings (68%) there was graphic art (16.4%), photographs (10.5%) and sculptures (5.1%). The market recorded a 6% increase in sales at auctions, and the average value of a sold object rose, thought not by much, from the average value of the object sold in 2012 of 10,730 PLN to 10,960 PLN in 2013."

(b) What are the main rules governing trade in cultural goods? Are control measures in place for such trade (maintenance of a police register), in particular through the Internet (for example, reference to the basic measures proposed by UNESCO, INTERPOL and ICOM)?

Traders involved in selling antiques operate on a general basis like other companies. Museum institutions have a right of pre-emption and priority purchase in relation to cultural goods offered at auctions and in antique shops.

(c) Do measures exist to control the acquisition of cultural property (for example, mechanisms to prevent museums and similar institutions from acquiring cultural property exported illegally from another State)?

Museums possess purchasing committees, which prior to the acquisition of objects should check the objects in the database by looking at the legality of their origin.

(d) Specify the existing legal system concerning ownership of cultural property:
• Is the principle of inalienability applied to cultural items in national collections and objects originating in heritage sites?

State museums and museums of local municipalities can undertake the exchange, sale or donation of museum artifacts, with the permission of the minister responsible for culture and national heritage protection. Permission to exchange, sell or donate the artifacts may be granted only in justified cases. The funds obtained from the sale of artifacts can only be used to supplement the museum's collection.

• What is the status of yet unfound cultural objects, of cultural items found by chance and archaeological artifacts found during legal or illegal excavations?

They are the property of the State Treasury.

• Are there any due diligence requirements in place?

The ‘Act of February 20, 2015 on found objects’ include, among others, procedures for dealing with the objects found that are of historical, scientific or artistic value. Analogous rules for dealing with found archaeological sites were included in the ‘Act of July 23, 2003 on the protection and guardianship of monuments.’

• What are the rules governing the search of provenance?

In the case when museum institutions apply to the Ministry of Culture and National Heritage for funds for the purchase of artifacts, it is examined whether the cultural property to be acquired is not listed, among other things, on the national list of monuments that have been stolen or exported illegally.

(e) Are there special rules on the transfer of title deeds in respect of cultural property? If so, please summarize their content.

According to the regulations in force since June 2015 that amended the Act of July 23, 2003 on the protection and guardianship of monuments’, a national register of lost cultural property is to be created, which will operate independently from the present national list of monuments that have been stolen or illicitly exported. The register will contain information about monuments listed in the register of monuments, about museum artifacts, about library materials from the national library collection and about archive materials, lost by the owners as a result of an offense. Cultural property registered in this database will not be subject to the
provisions of the Civil Code relating to the acquisitive prescription of movable property and the purchase such things from unauthorized entities.

7. **Bilateral agreements**

(a) List the bilateral agreements concluded with other countries on the import, export and return of cultural property and comment briefly on their results.

(b) What conditions are set by the importing country with regard to the admissibility of requests for restitution from a country of origin?

(c) Apart from these agreements, is there administrative aid or any other type of cooperation with neighboring countries, particularly in respect of police and customs services?

Poland has of yet not entered into any bilateral agreement concerning the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property.

In 2009, the Chinese presented a draft agreement between the Government of the People's Republic of China and the Government of the Republic of Poland concerning measures to prevent theft, illegal excavations and the illicit import and export of cultural goods. In 2010, Peru presented a draft agreement between the Republic of Peru and the Republic of Poland concerning the protection, conservation, recovery and return of cultural and paleontological goods that were stolen, illegally exported or transported. Also, a proposal to sign such an agreement was made by Mexico in 2010 during a meeting of the Polish-Mexico Joint Commission, during which the Third Executive Program to the Agreement on cooperation in the field of education and culture between the Government of the Republic of Poland and the Government of the United Mexican States for the years 2010-2014 was agreed. Poland did not decide on the conclusion of these agreements recognizing that in practice they would be asymmetrical.

II. **Code of ethics, awareness raising and education**

Ethical standards
(a) Are the UNESCO International Code of Ethics for Dealers in Cultural Property and that of ICOM for museums known to the professionals concerned (in particular, curators, antique dealers, merchants and collectors)? How is their observance checked?

The Polish ICOM National Committee promotes a code of ethics for curators. The reference to the code of ethics is in the Act of November 21, 1996 on museums.

Awareness raising and education

(b) Are the “One hundred missing objects” series and the ICOM Red Lists disseminated and read?

Such information is transmitted during training courses organized both for the police and customs officials as well as for border guards, museum curators and antique dealers. This information is also given on the websites of the institutions involved in heritage protection.

(c) Briefly describe 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?

Conferences organized by the Ministry of Culture and National Heritage, or under its auspices in agreement with police, customs and border guards, are held on the protection of cultural property. At universities, classes are held aimed at making students aware of the scale of the risks to national heritage (e.g. the program: the Legal Protection of Cultural Heritage in Poland has for five years now been carried out by universities in Lublin, Opole, Gdańsk, Poznań, Wroclaw).

There are specialized magazines, such as quarterly Cenne, Bezceenne / Utracone [Precious, Priceless / Lost] devoted entirely to the issue of stolen and lost cultural treasures and the annual publication Muzealnictwo [Museology] that shapes the rules of conduct of museum curators that is published by the National Institute for Museums and Public Collections [NIMÖZ]. The institute on its website also promotes issues related to the protection of national heritage. Of similar importance for the protection of cultural heritage is the magazine Ochrona zabytków [Preservation of Monuments] published by the National Heritage Board of Poland [NID].
In the publishing market and in the Internet numerous publications appear that deal with the issues brought forward by the UNESCO Convention and thus analyzing various aspects of the protection of cultural heritage in the world. This also occurs both in the aforementioned periodicals as well as, for example, in the journal Spotkanie z Zabytami [Meeting with Monuments].

III. Cooperation with other international and regional agencies

Police

(a) What is the state of national cooperation with INTERPOL? What specialized police services can heritage officials call on for enquiries, legal proceedings and punitive measures?

National police cooperation with INTERPOL is very close and very effective. The police also very closely cooperate with heritage institutions in Poland. Since there is not a specialized police unit in Poland responsible for cooperation with heritage institutions, cooperation is mainly provided by the Criminal Service Bureau located at the National Police Headquarters in Warsaw / Poland. Cooperation is also active on a lower level – by regional police units.

(b) If a cultural object is stolen, is the INTERPOL database on stolen objects checked? Is information on the persons implicated in the theft of cultural property transmitted to INTERPOL?

We use the IPSG Works of Art database as needed, we use it not only to register stolen items but also to check a work of art when we receive any kind of information that the item is going to be sold on the illicit market. The Works of Art database is mainly dedicated to registering stolen works of art, not persons. This possibility is provided by a European solution – AWF FP Furtum - to where we send a description of the case along with personal data (in the situations of cases with international significance).

(c) Do members of police services follow a specific training programme?

Every regional police has its own coordinator in the field, we have trainings approximately once a year; it is also possible to take part in international trainings organized by CEPOL.
(d) Do criminal law provisions allow for the punishment of fraud and theft related to cultural property? Are judges specialized in this field?

We have criminal law provisions for the punishment of fraud and theft related to cultural property. According to our knowledge judges are not specialized in this matter.

(e) Does cooperation exist with the United Nations Office on Drugs and Crime (UNODC)?

Police do not cooperate directly with the UNODC, but we meet systematically at various meetings (e.g. the Interpol Expert Group, conferences) where we can exchange information.

The UNODC meetings involve experts of the National Institute for Museums and Public Collections and the Ministry of Culture and National Heritage.

Customs

(f) What is the status of cooperation with the World Customs Organization and which specialized customs services can assist heritage officials in preventing the illicit export of cultural property?

The Polish Customs Service actively participates in the work of the World Customs Organization on both global and regional levels. Representatives of the Customs Service participate in the work of the WCO Council and on the Policy Committee, and the Standing Technical Committee. Furthermore, on a regional level we support WCO Europe Region initiatives through the organization and participation in conferences, workshops and other events taking place under the auspices of the WCO, lately in the Conference of States of the European Region of the World Customs Organization (WCO Europe Region) organized on April 23-24, 2015 in Wroclaw.

Cooperation with the WCO within the framework of the RILO

One of the channels of cooperation with the WCO is realized via the Regional Intelligence Liaison Office for Eastern and Central Europe (RILO ECE). RILOs in general are regional centers - acting under the umbrella of the World Customs Organization - for collecting,
analyzing and supplementing data as well as for disseminating information on trends, modus operandi, routes and significant cases of fraud.

There are 11 RILO offices worldwide unified in the RILO Global network supported by the Customs Enforcement Database CEN.

The CEN database is a global database of offenses and Customs seizures. It has been operational since 2011. It is managed by the WCO Secretariat. Every Customs officer can have an access to the CEN at the global level if he or she is authorized by his/her relevant DG. The CEN contains non-nominal information divided into 13 categories. Cultural heritage offences are reported under the category: “other restrictions and prohibitions”. The CEN offers a predefined structure to facilitate data input. There is minimum mandatory data required to ensure the quality of analysis. The CEN also contains a very rich concealment database of pictures. There is a user-friendly search function applied to the system. It is available in English, French, Spanish and Portuguese.

The RILO ECE is established within the Polish Customs Service structure. Therefore it can assist officials dealing in national heritage protection in preventing the illicit movement of cultural heritage within its region of responsibility and can also facilitate the exchange of information with the RILO global network and with the WCO Secretariat.

**Protection of Cultural Property Coordinators**

The topic concerning the protection of cultural property is very complex. Therefore, professional coordinators for cultural property protection have been appointed in the individual customs houses. The main task of these coordinators is to help customs officers on issues related to cultural goods, analyzing legislation, organizing and conducting training, gathering information and statistical data, cooperation with other competent authorities in the field of cultural goods, etc.

(g) Do members of the customs administration follow a specific training programme?
In order for the Customs Service to effectively enforce the laws for the protection of monuments from illicit export, the coordinators for the protection of cultural property from all the customs houses are involved in periodically organized specialized training. They are held in the form of lectures and practical classes, usually in the halls and workshops of museums and in the training centers of the Ministry of Finance with the participation of experts from museums and other cultural institutions (such as NIMÓZ, NID). During the training, participants learn about the issues concerning the art market and the identification, evaluation and financial assessment (valuation) of monument-type objects, as well as about laws and documents issued by entities specialized in the trading of monuments and works of art (examples of invoices, valuations, insurance documents, etc.).

(h) **Is the UNESCO-WCO Model Export Certificate for Cultural Objects used?**

The WCO export license forms are not used due to the introduction by the European Union of its own export licenses.

**European Union**

Have particular measures been adopted to apply 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. We are currently working on the implementation into the Polish legal system of new changes introduced by the ‘Directive 2014/60 / EU of the European Parliament and Council of May 15, 2014 on the return of cultural objects unlawfully removed from the territory of a member state’ that amends Regulation (EU) No. 1024 / 2012 (altered version).

**IV. Emergency situations and heritage at risk**

(a) What is the strategy in place in your country to face emergency situations for heritage in case of natural disaster or conflict?

In Poland the principles of protection of cultural property in the event of armed conflict and crisis situations are regulated in the ‘Act of July 23 2003 on the protection and guardianship of monuments’ (Dz. U. No 162, item. 1568, as amended). On the basis of the Act, the
Minister of Culture issued on August 25, 2004 a regulation on the organization and manner of protecting monuments in the event of armed conflict and crisis (Dz. U. No. 2012 pos. 2153). The main objective of this regulation is to ensure the efficient and effective functioning of the national heritage protection system in time of armed conflict or of a crisis situation and in the period after the cessation of armed conflict or crisis. The entire protection system is divided into subsystems: organizational, which encompasses all of the entities that are directly or indirectly organizing the protection of cultural assets as well as entities that support and promote the protection of cultural assets and also a subsystem for legal matters (Convention, Protocol II, national law).

The basis for organizational activities in Poland is to ensure the proper protection of cultural property in the event of armed conflict and crisis situations through the activities of the owners and managers of cultural assets. All preparatory work should be done immediately in case of an emergency. The process of planning and organizing and training is carried out in peacetime. Preparation costs in the event of armed conflict and crisis situations are included by owners of cultural assets in their own business plans. The following priority is assumed in the planning, organization, conduct and financing of preparatory work for the protection of cultural heritage in the event of armed conflict and crisis situations: 1. Facilities / objects inscribed on UNESCO's World Cultural and Natural Heritage list, 2. Monuments recognized by the President of the Republic of Poland as historical monuments. 3. Monuments inscribed on the 'Memory of the World' list, 4. Cultural assets not included in categories I-III for which the governing body is the Minister of Culture and National Heritage, 5. Cultural assets of other organizers not included in categories I-III. The owner or user of a cultural asset conducts in the framework of its preparatory work the periodic training of persons who were allocated the tasks related to the protection of cultural property in the event of armed conflict and emergencies. The basis for the realization of tasks in this area is the execution (by the owners or users of cultural goods) and which is annually updated of 'PLANS FOR THE PROTECTION OF MONUMENTS IN THE EVENT OF ARMED CONFLICT AND CRISIS SITUATIONS.' Such plans are made at the levels of institutions possessing monuments as well as at municipal, county and provincial levels. At a national level the Minister of Culture and National Heritage creates and updates the 'National Plan for the Protection of Monuments in the event of armed conflict and crisis.' The coordinating body at the country level in the field of protection of cultural property in the event of armed conflict and crisis is the General
Conservator of Monuments, the State Secretary at the Ministry of Culture and National Heritage, who is also chairman of the crisis management team in the Ministry.

(b) More particularly, what are the measures undertaken to implement UNSC Resolution 2199 (paragraph 17, 12 February 2015) for the protection of Syrian and Iraqi cultural heritage?

In the opinion of the Ministry of Foreign Affairs, as of yet there does not exist in Poland the problem of the import of objects from illegal excavations in Syria and Iraq. The Ministry based this statement on a report of the Border Guard that did not record, in its activities, of any cases of the import of movable monuments from Syria and Iraq, on that from the Customs Service that there have not been cases of its detention of cultural goods illegally imported from Syria and Iraq (and that there have not been problems with the practical application of the provisions of Regulation no. 1210/2003 of July 7, 2003 of the Council (EC) concerning certain specific restrictions on economic and financial relations with Iraq and Regulation no. 1332/2013 of December 13, 2013 amending Regulation (EU) no. 36/2012 on restrictive measures in view of the situation in Syria) and on statements by the public prosecutor that it has not conducted, or is currently involved in, proceedings involving the illegal trafficking of cultural objects from the territory of these countries.

The Ministry of Foreign Affairs has placed on its website a warning against purchasing monuments that could originate from the territory of Iraq and Syria.

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

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

(a) Has this Convention been ratified, in addition to that of 1970?

(b) If not, please indicate, where applicable:

- the stage of the ratification process reached by the State concerned (close to ratification, **under way**, actively under preparation, not considering ratification in the short, medium or long term);

- obstacles or difficulties encountered in completing the ratification process (whether legal, political or practical) and the means of overcoming them;

- the extent to which UNESCO can assist in completing the process.
Poland is in the process of ratifying the UNIDROIT Convention (under way).

2. Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation Describe the extent to which the State concerned is following the work of the UNESCO Intergovernmental Committee (observer, member, State concerned by a case under discussion, etc.).

Poland is an observer in this Committee.

3. UNESCO Database of National Cultural Heritage Laws

Indicate action taken to organize the contribution to the UNESCO Database of National Cultural Heritage Laws and to check whether it contains all historical and existing laws and regulations, including successive amendments.

Poland is updating the UNESCO database concerning legislation on national cultural heritage by transmitting laws that have been translated into English.