

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

LITHUANIA

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

1. Ratification of the Convention

Lithuania has ratified this Convention on 17 March 1998.

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.

- Law X-1682 on Protection of Movable Cultural Property
- Resolution N.1424 of 9 November 2004 of the Government of Lithuania on the approval of the Regulation for the export of movable cultural property and antiques from the Republic of Lithuania and the List of movable cultural property and antiques from the Republic of Lithuania
- Resolution N.1480 of 27 November 2003 of the Government of the Republic of Lithuania on the approval of the regulation of antiques trade
- Resolution N.393 of 27 March 1996 of the Government of Lithuania on the approval of arrangement regulations of auctions of movable cultural property, antiques and pieces of contemporary art
- Resolution N.1572 of 9 December 2003 of the Government of the Republic of Lithuania on the approval of the procedure to certificate (issue licence for) the antiques trade

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

Cultural objects shall be as follows:

- 1) archaeological discoveries;
- 2) material examples of ethnic culture;
- 3) the movable items related to most important historical events, history of society, culture, war, sports and religions and the lives of distinguished persons;
- 4) firearms and non-firing weapons;
- 5) fine and applied art works;
- 6) musical instruments;
- 7) manuscripts and incunabula, maps and scores, books and other publications;
- 8) the movable items holding numismatic, sphragistic, heraldic or philatelic value, phaleristics, orders and medals;
- 9) the movable items depicting the history of science, engineering and technology;
- 10) collections, selections, sets or other objects, as a whole, regardless of the value or types of individual parts; collections of palaeontological, ethnographic or numismatic interest;
- 11) parts of artistic, historical or religious objects;
- 12) photographs, films and negatives thereof;
- 13) the documents created on any base;
- 14) antiques.

(c) Specialized units

In Lithuanian Criminal Police Office since 2003 founded section of Investigation of cultural and art theft. Section of Investigation of cultural and art theft coordinate work of territorial police units in investigation of theft of cultural objects. This specialized unit cooperates with Department of Cultural Heritage under Ministry of Culture.

(d) Administrative coordination

National section of INTERPOL cooperate with Section of Investigation of cultural and art theft, other Police units, customs, units of State Border guard service and Department of Cultural Heritage under Ministry of Culture. Department of Cultural Heritage under Ministry of Culture also cooperates with Financial Crime Investigation Service

3. Inventories and identification

(a) Inventories

Information about cultural property stolen in Lithuania and another State Party is stored in an Internet database of Lithuanian Criminal Police Office (<http://www.policija.lt/lt/kuriniai>). Museums and other institutions have access to this data.

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

National treasures are inscribed by Department of Cultural Heritage on the Register of Cultural Property (<http://kvr.kpd.lt/heritage/>)

4. Archaeological excavations

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

The Department of Cultural Heritage protects the archaeological sites which are objects of immovable heritage according to the Law on the Protection of Immovable Cultural Heritage. Archaeological excavations are allowed only with licence issued by Department of Cultural Heritage. Excavations are monitored by officers of Department of Cultural Heritage.

(b) Illegal excavations

In Lithuania are recorded illegal excavations of ancient burial grounds. To combat illegal excavations, 2010 was amended Law on Protection of Movable Cultural Property. This amendment found control over use of ground detectors. Department of Cultural Heritage made steps to intensify cooperation with police units and intensify monitoring of archaeological objects.

Criminal Code of the Republic of Lithuania provides penalty for violation of Law on Protection of Movable Cultural Property and Law on the Protection of Immovable Cultural Heritage.

5. Monitoring of the export and import of cultural property

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

Export and import of cultural property monitored by Customs Department under the Ministry of Finance and State border guard service under the Ministry of Interior. Department of Cultural Heritage, in compliance with Resolution N.1424 of 9 November 2004 of the Government of Lithuania on the approval of the Regulation for the export of movable cultural property and antiques from the Republic of Lithuania and the List of movable cultural property and antiques from

the Republic of Lithuania and in compliance with Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods, issue cultural objects export licenses. These rules apply to the same categories of cultural objects covered by Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods. The cultural objects are covered by these rules without any financial thresholds.

During the reporting period has been issued about 990 permits for the export of the Republic of Lithuania. During the same period were 4 attempts to illegally export without a permit issued by the Department of Cultural Heritage and attempts to illegally (in the absence evidence of the acquisition or ownership) import 3521 cultural objects to Lithuania.

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).

In Lithuania are 49 licensed antique stores. In 2007-2010 held 17 auctions of art works. From 2583 auctioned cultural objects 419 were not allowed to export.

(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)

- Resolution N.1480 of 27 November 2003 of the Government of the Republic of Lithuania on the approval of the regulation of antiques trade
- Resolution N.393 of 27 March 1996 of the Government of Lithuania on the approval of arrangement regulations of auctions of movable cultural property, antiques and pieces of contemporary art
- Resolution N.1572 of 9 December 2003 of the Government of the Republic of Lithuania on the approval of the procedure to certificate (issue licence for) the antiques trade

(d) Existing legal system concerning ownership of cultural property:

Status of yet unfound cultural objects, of cultural items found by chance and archaeological artefacts found during legal or illegal excavations

In accordance with Law on Protection of Movable Cultural Property, all movable items of cultural value found on land, its surface, water, in buildings as well as structures or the parts thereof and indicated in Article 3 of this Law whose owner or manager cannot be established or has lost the right to such under the law shall be transferred to state ownership.

III. Cooperation with other international and regional agencies

Police

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

National section of INTERPOL cooperates with section of Investigation of cultural and art theft (Lithuanian Criminal Police), with other police units and customs, State border guard service and Department of cultural heritage.

(b) Check on the INTERPOL database on stolen objects when a cultural object is stolen. Transmission of information on the persons implicated in the theft of cultural property

National section of INTERPOL submits information regarding theft of cultural objects to the sections of INTERPOL in other countries and to General Secretariat of INTERPOL. Section of Investigation of cultural and art theft (Lithuanian Criminal Police) receive information from INTERPOL sections in other countries.

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

Criminal code provides penalty for theft related to cultural property.

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

Lithuanian Customs is a member of the World Customs Organization.

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

Customs officials do not participate in a specific training programme.

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

The UNESCO-WCO Model Export Certificate for Cultural Objects is not used. The export licenses under the Council Regulation (EC) No 116/2009 or under national legal acts are presented together with an export declaration when the customs formalities are carried out.

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

Directive 93/7/EEC of 15 March 1993 implemented by Resolution N. 1107 of 31 August 2004 of the Government of Lithuania (the Procedure of Return of Cultural Objects Unlawfully Removed from the Territory of a Member State of The European Union).

Procedure of Return of Cultural Objects Unlawfully Removed from the Territory of a Member State of the European Union

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

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

Lithuania has ratified 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects in 1997.

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

Lithuania is a state observer of this committee.

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

UNESCO Database of National Cultural Heritage Laws contains main legal acts of Republic of Lithuania regarding cultural heritage.