



Four-year cycle 2005-2010

Greece

National report on the implementation of the Hague Convention of 1954
and its two Protocols (1954 and 1999)

I. The 1954 Hague Convention

1. Article 3 - Safeguarding of cultural property

Greece has drafted special emergency plans for the protection of cultural property in the event of armed conflict. These plans aim at protecting, safeguarding and safekeeping of national treasures against destruction and looting in the event of war. "National treasures" mean archaeological items, all kinds of relics -religious or not-, historical documents, books, paintings, works of folk art etc., which are kept in museums, galleries, monasteries, churches, archaeological sites, etc.

2. Article 7 - Military measures

The Hellenic Ministry of National Defence has already started the procedure of informing its military personnel on issues pertaining to the protection of cultural property in the event of armed conflict, under the responsibility of the Hellenic National Defence General Staff.

3. Chapter V - The distinctive emblem

Up to date there has not been any use of the emblem according to the relevant articles of the Convention, given that monuments or centres containing cultural property have not been placed under special or enhanced protection. The use of the emblem is one of the issues to be examined by the National Advisory Committee on the implementation of the Convention (see its composition and purpose of function below). The Committee will also elaborate the list of monuments under enhanced protection where it will be possible to place the emblem.

4. Article 25 - Dissemination of the Convention

The Hellenic Ministry of Culture and Tourism has carried out the translation of the information kit on the Hague Convention and its two Protocols. The objective of this translation is to disseminate the text of the Convention to individuals or bodies responsible for the protection of cultural property. Until now it has been distributed to regional services of the Ministry of Culture and Tourism, which are competent for the protection of cultural heritage, and to the members of the National Advisory Committee on the implementation of the Convention.

5. Article 26 (1)- Official translations

Greece carried out the official translation of all texts drafted within the framework of the Convention (1954 Convention, First Protocol and Resolutions I, II and III, Second Protocol) on the occasion of publishing the relevant ratification laws. These texts have been sent to the UNESCO Secretariat in the past, but also recently after its request.

6. Article 28 - Sanctions

The destruction, damage or alteration of the form of a monument is punished according to the penal provisions provided for in the Law 3028/02 "On the Protection of Antiquities and Cultural Heritage in general" (article 56), as well as the theft or embezzlement of monuments (articles 53 and 54 respectively) –see Annex.

7. 1954 (First) Protocol

The existing archaeological law (Law 3028/02) provides for the prohibition of exporting cultural property from the country (article 34) and includes penal sanctions for illegal export (article 63) and non return of cultural property pursuant to international conventions in force in Greece (article 65) –see Annex.

8. Resolution II of the Hague Conference

Greece has established a National Advisory Committee on the implementation of the Convention (Ministerial Decision No. YPPO/DIOIK/A1/59271/9.10.2002, Official Government Gazette B/1358/23.10.2002) in accordance with Resolution II to the Convention. The Committee is composed of 12 members whose competence and special knowledge is connected with issues covered by the Convention. More particularly, 9 of the members come from the Hellenic Ministry of Culture and Tourism, one from the Ministry of Foreign Affairs, one from the Ministry of National Defence and one from the Ministry of Citizen Protection. The Committee meets under the chairmanship of the Director General of Antiquities and Cultural Heritage of the Ministry of Culture and Tourism and its mission is to determine the measures to be taken by Greece in peacetime, according to article 5 of the Second Protocol to the Convention (create an inventory of monuments under enhanced protection, take emergency measures on the protection of cultural property in the event of fire or structural collapse, prepare the transport of cultural property or provide for its adequate in situ protection, determine the competent services for the safeguarding of cultural property), place the blue shield emblem on monuments of outstanding value which will be placed under enhanced protection, etc.

ANNEX

Article 34

Export of cultural objects

1. The export of monuments from Greek territory shall be prohibited, subject to the provisions of the following paragraphs.
2. The export of monuments may be allowed upon permit, provided that they are not of special significance to the cultural heritage of the country and the unity of important collections shall not be affected.
3. With respect to monuments, which are less than one hundred years old, an export permit may be granted, if their presence is not considered necessary for the cultural heritage of the country.
4. The export of cultural objects for which the procedure of classification has been initiated in accordance with the second section of article 20, paragraph 2, shall not be allowed before the expiration of the time period required for the issuance of the final decision on classification.
5. The export of monuments, which have been confirmed to have been imported temporarily in the country and are legally in the possession or ownership of the interested person, shall be allowed.
6. The export of monuments referred to in article 20, paragraphs 1(a), (b) and 6, which have been confirmed to have been imported legally into Greek territory before the last fifty years shall be allowed, provided that they had not been exported from it beforehand. The provisions of the second section of article 33, paragraph 3, apply *mutatis mutandis*.
7. The export permit shall be granted by a decision of the Minister of Culture, following an opinion of the Council. The decision shall be issued within a time period of four (4) months or in exceptional cases within six (6) months from date of the submission of the relevant application.
8. In case an export permit has not been granted, the provisions of article 28, paragraph 8 may apply.
9. An export permit for specific monuments may be granted to antique_dealers and merchants of recent movable monuments, which shall be valid for two (2) years.
10. The export of monuments, which belong to the State, shall be allowed only if the conditions of article 25 are fulfilled.
11. By a decision of the Minister of Culture, following an opinion of the Council, the temporary export of monuments may be allowed for the purpose of their exhibition in museums or similar institutions, provided that the necessary guarantees are provided for their safe transport, exhibition and return and after the significance of the exhibition for the enhancement of the cultural heritage of the country or eventual reciprocity has been assessed, or for conservation, educational or scientific purposes, provided that equivalent guarantees are offered and the relevant conservation work and study cannot take place in Greece. The same decision shall specify the terms of the temporary export and in particular its duration. The provisions of paragraph 4 shall also apply in case of temporary export.
12. The procedure for the export of cultural objects in accordance with the preceding paragraphs shall be determined by a joint decision of the Ministers of Economy and Finance, and Culture.

Article 53

Theft of monuments

1. Theft shall be punished by temporary term* not exceeding ten (10) years (article 372 of the Penal Code), if the stolen property is a monument of especially high value or a monument which has been removed from an immovable monument, an excavated site, a museum, storage places of antiquities or a place where a collection is kept.
2. If theft is committed by more than one person joined together for the purpose of committing thefts or armed robberies or for committing crimes provided for in the present law, temporary term shall be imposed. The same penalty shall be imposed if the offender commits thefts of monuments as a profession or habitually.

Article 54

Embezzlement of monuments

Embezzlement shall be punished by temporary term not exceeding ten (10) years (article 375 of Penal Code), if the property embezzled is a monument of especially high value or if the offender commits the act of embezzlement of monuments as a profession or habitually.

Article 56

Damage to a monument

1. Any person who destroys, damages, pollutes, renders impossible or obstructs the use of or disfigures a monument or a cultural object forming part of a museum collection or a cultural object which has been deposited in open-air or enclosed public, municipal or communal areas shall be punished by imprisonment for not less than two (2) years, if the act is not punished more severely pursuant to another provision.

If the monument belongs to the offender, imprisonment not exceeding three (3) years shall be imposed.

2. If it concerns a monument of especially high value and the act has been committed in the context of an organized criminal activity or by more than one person joined together for committing such an activity, temporary term not exceeding ten (10) years shall be imposed.

Article 63

Illegal export of cultural objects

1. Any person who exports or attempts to export from Greece in violation of the provisions of the present law, a monument or a cultural object with respect to which the classification procedure has been initiated in accordance with article 20, paragraph 2, second section, shall be punished by temporary term not exceeding ten (10) years. Acquisition of the monument in a punishable manner shall constitute an aggravating circumstance.
2. Any person who violates the terms of the decision with which a permit for the temporary export of a monument forming part of a museum collection has been granted and especially if he does not re-import it within the time-limit set, shall be punished by imprisonment. Nonetheless, if the violation of the terms is not substantial, the court may impose no penalty. The act of overdue re-importation shall not be punishable, if the offender voluntarily and prior to his questioning in any manner for this act by the authorities, re-imports the monument or the cultural object.

* *Translator's note:* Greek law distinguishes between the sentence of *temporary term* (five to twenty years) and *imprisonment* (ten days to five years).

3. The offender of the act of the first section of the preceding paragraph shall be punished by temporary term not exceeding ten (10) years, if the act has been committed with the intention of permanently removing the monument from the limits of Greek territory.
4. Any person who exports or attempts to export from Greece beyond the limits of the customs territory of the European Union in violation of the provisions of Regulations 3911/1992 of the Council and 752/1993 of the Commission of the European Union and their implementing presidential decrees as applicable each time, cultural objects under the terms of Regulation 3911/1992, shall be punished by imprisonment for not less than three (3) months, if the act is not punished more severely by another provision.
5. Article 3 of Presidential Decree 423/1995 (*Official Gazette A' 254*) shall be abrogated.

Article 65

Illegal non-return of cultural objects

Any person who does not comply with an enforceable judgment of a court or arbitral tribunal ordering the return of cultural objects which have been illegally removed from the territory of another State pursuant to international conventions approved and enforced in Greece or European Union legislation, shall be punished by imprisonment.

III. SECOND PROTOCOL TO THE 1954 HAGUE CONVENTION

1. Article 5. Safeguarding of cultural property

A. Recording of monuments.

All monuments, movable and immovable, are systematically recorded and documented in Greece, since according to the archaeological legislation (Law 3028/02 «On the Protection of Antiquities and the Cultural Heritage in general») it is obligatory to create an inventory of archaeological finds, which are discovered at systematic and rescue excavations, within specific deadlines (article 39, par. (3) and (4) of L.3028/02, see Annex).

The archives of excavations and archaeological research in general are kept by the regional and special regional services of the Hellenic Ministry of Culture and Tourism, which proceed to the inventory and electronic registration of the movable and immovable finds but also keep a record of all kinds of relevant documentation material. Moreover, the Organization Chart of the Ministry stipulates the functioning of special departments within the abovementioned services assigned with these competences.

At a central level, the archaeological legislation provides for the recording, documentation and registration of monuments at the National Archive of Monuments of the Hellenic Ministry of Culture and Tourism (article 4 of L.3028/02). According to the Organization Chart of the Hellenic Ministry of Culture and Tourism there is also a special service (Directorate of the National Archive of Monuments) competent, *inter alia*, for: a) keeping a standing inventory of archaeological sites, historical places and monuments, as well as for its publication, b) the electronic registration and digitalization of the archive of monuments and c) the coordination of the electronic registration, management, documentation and digitalization of the material related to the monuments.

The Directorate of the National Archive of Monuments has drafted the Standing List of Archaeological Sites and Monuments of Greece, which is a data base of the listed archaeological sites and monuments of Greece, where the monuments are classified per prefecture, province and municipality or community. This data base is available in two languages, Greek and English, accessible to the public through the website of the Hellenic Ministry of Culture and Tourism at the following address: <http://listedmonuments.culture.gr>.

At a central level, the Organization Chart of the Ministry also stipulates a special Department of the Directorate of Modern Culture, competent, *inter alia*, for registering the tangible testimony of historical, artistic or scientific value, as well as all evidence of pro-industrial, industrial and technical civilization.

B. Measures for safeguarding cultural properties against the foreseeable effects of an armed conflict.

Greece has drafted special emergency plans for the protection of cultural property in the event of armed conflict. These plans aim at protecting, safeguarding and safekeeping national treasures against destruction and looting in the event of war. "National treasures" mean archaeological items, all kinds of relics -religious or not-, historical documents, books, paintings, works of folk art etc., which are kept in museums, galleries, monasteries, churches, archaeological sites, etc. In case of emergency, this plan will be implemented through the collaboration between the central and local competent services, which are to play a specific and predetermined role to its success.

2. Chapter 3. Enhanced Protection

Drafting a list of monuments under enhanced protection is one of the objects of the National Advisory Committee, which has been established in accordance with the Resolution II of the Convention. The views and proposals of the regional and special services of the Hellenic Ministry of Culture and Tourism, responsible for the protection of monuments and museums of their area will play a key role to the selection of the monuments. Their proposals have been requested and the majority of them have already been collected. They will subsequently be elaborated by the National Advisory Committee.

3. Chapter 4. Criminal responsibility and jurisdiction

The adoption by our country of relevant internal legislation for the implementation of the articles of Chapter 4 of the Second Protocol shall be undertaken by an *ad hoc* legal committee. This committee will be established in order to make the relevant additions to the Greek Penal Code, by including to it new provisions that will render criminally punishable the violations mentioned in Chapter 4. This subject has been discussed within the framework of the National Advisory Committee.

Nevertheless, according to Law 3028/02, the destruction, damage or alteration of a monument as well as the theft or embezzlement of monuments are punishable (articles 56, 53 and 54 respectively, see Annex). The same law provides furthermore for the prohibition of exporting cultural property from the country (article 34) and includes penal sanctions for the illegal export (article 63) and the non return of cultural property pursuant to international conventions in force to which Greece is a Party (article 65, see Annex). The provisions of the aforementioned law are expected to be included, *inter alia*, in the new amendments and additions of our Penal Code.

4. Article 30. Dissemination

Awareness-raising

Awareness-raising is an important component of our country's policy on the protection of monuments. It is indicative that three of the seven points included in L. 3028/02 determining the content of the protection of cultural heritage are related to the awareness-raising and information of the public (article 3, see Annex). More particularly, the protection of cultural heritage consists, *inter alia*, in the following:

- a) facilitation of the public's access and communication with cultural heritage,
- b) enhancement and integration of heritage in modern social life and
- c) education and sensitization of the citizens concerning cultural heritage.

This policy is embodied in a series of measures, the most characteristic of which are the following:

- Planning and implementation of a great number of educational programmes in archaeological sites and museums. These programmes are addressed to pupils of primary and secondary education, groups of adults, as well as other special social groups (repatriated citizens, people with disabilities, minorities, and others) and they have great appeal. They aim at disseminating knowledge and education regarding our cultural heritage and at creating links between monuments and local communities, as well as integrating cultural heritage to modern life. In the Hellenic Ministry of Culture and Tourism there is a special Service, the Department of Educational Programmes and Communication, which falls under the competence of the Directorate of Museums, Exhibitions and Educational Programmes. The educational programmes that are organized by the Hellenic Ministry of Culture and Tourism and the relevant local Services are provided free of charge.
 - Provision of free passes or reduced tickets for special groups of citizens.
 - Special dates when museums, archaeological collections, monuments and archaeological sites are open to the public, such as Sundays between the 1st of November and the 31st of March, national holidays, the 18th of April (International Day of Monuments), the 18th of May (International Day of Museums), the 5th of June (World Environment Day), the European Heritage Days (last weekend of September) and others.
 - Organization of cultural events open to the public in museums, monuments, archaeological sites etc.

Dissemination of the Second Protocol

The Hellenic Ministry of National Defence has already started the procedure of informing its military personnel on issues pertaining to the protection of cultural property in the event of armed conflict, under the responsibility of the Hellenic National Defence General Staff.

The text of the law ratifying the Second Protocol to the Convention on behalf of our country has been forwarded to the Secretariat of UNESCO and has been uploaded to the data base on national legislations (www.unesco.org/natlaws/) -at the relevant link on Greek legislation-, while it has also been forwarded to the Secretariat after its recent request.

5. Article 37 – Translations and Reports

An official Greek translation of the Second Protocol has been published with the ratifying law (L.3317/2005, Official Government Gazette A/45/23.2.2005), which, as mentioned above, has already been forwarded to the Secretariat of UNESCO.

ANNEX

LAW No. 3028/2002

ON THE PROTECTION OF ANTIQUITIES AND THE CULTURAL HERITAGE IN GENERAL

Article 3

Content of protection

1. The protection of the cultural heritage of the country consists primarily in:
 - a) the location, research, recording, documentation and study of its elements;
 - b) its preservation and prevention of destruction, disfigurement or in general any kind of damage, direct or indirect, to it;
 - c) prevention of illegal excavations, theft and illegal export;
 - d) its conservation and, in appropriate circumstances, restoration;
 - e) facilitation of access to and communication of the public with it;
 - f) its enhancement and integration into contemporary social life, and
 - g) education, aesthetic enjoyment and public awareness of the cultural heritage.
2. The protection of monuments, archaeological and historical sites shall be included amongst the objectives at all stages of town and country planning, environmental and development plans or plans of equivalent effect or their substitutes.

Article 34

Export of cultural objects

13. The export of monuments from Greek territory shall be prohibited, subject to the provisions of the following paragraphs.
14. The export of monuments may be allowed upon permit, provided that they are not of special significance to the cultural heritage of the country and the unity of important collections shall not be affected.
15. With respect to monuments, which are less than one hundred years old, an export permit may be granted, if their presence is not considered necessary for the cultural heritage of the country.
16. The export of cultural objects for which the procedure of classification has been initiated in accordance with the second section of article 20, paragraph 2, shall not be allowed before the expiration of the time period required for the issuance of the final decision on classification.
17. The export of monuments, which have been confirmed to have been imported temporarily in the country and are legally in the possession or ownership of the interested person, shall be allowed.
18. The export of monuments referred to in article 20, paragraphs 1(a), (b) and 6, which have been confirmed to have been imported legally into Greek territory before the last fifty years shall be allowed, provided that they had not been exported from it

beforehand. The provisions of the second section of article 33, paragraph 3, apply *mutatis mutandis*.

19. The export permit shall be granted by a decision of the Minister of Culture, following an opinion of the Council. The decision shall be issued within a time period of four (4) months or in exceptional cases within six (6) months from date of the submission of the relevant application.
20. In case an export permit has not been granted, the provisions of article 28, paragraph 8 may apply.
21. An export permit for specific monuments may be granted to antique_dealers and merchants of recent movable monuments, which shall be valid for two (2) years.
22. The export of monuments, which belong to the State, shall be allowed only if the conditions of article 25 are fulfilled.
23. By a decision of the Minister of Culture, following an opinion of the Council, the temporary export of monuments may be allowed for the purpose of their exhibition in museums or similar institutions, provided that the necessary guarantees are provided for their safe transport, exhibition and return and after the significance of the exhibition for the enhancement of the cultural heritage of the country or eventual reciprocity has been assessed, or for conservation, educational or scientific purposes, provided that equivalent guarantees are offered and the relevant conservation work and study cannot take place in Greece. The same decision shall specify the terms of the temporary export and in particular its duration. The provisions of paragraph 4 shall also apply in case of temporary export.
24. The procedure for the export of cultural objects in accordance with the preceding paragraphs shall be determined by a joint decision of the Ministers of Economy and Finance, and Culture.

Article 39

Publication of the results of excavations and other archaeological research

1. The directors of systematic excavations or other archaeological research and those carrying out rescue excavations shall publish the results of their research within the time limits provided for below. Within these time limits, they shall have the exclusive right of publication.
2. The aforementioned persons shall submit to the Service annual scientific reports, at the latest until April of the following year, for their publication in a scientific journal or for their electronic registration.
3. The director of systematic excavation shall submit an initial presentation for publication within two (2) years from the beginning of the excavation, which shall contain a list of the movable finds and drawings of the immovables, and a final publication within five (5) years from the completion of the excavation. In long-term excavations, the director shall additionally submit for publication a presentation on the progress of excavation work every two (2) years commencing with the expiration of the time limit for submitting the initial presentation, while the final presentation with the signed contributions by the members of the research team shall be submitted within five (5) years from the completion of the excavation.
4. The person carrying out rescue excavation shall submit a final report, a list of the finds, photographs and drawings within nine (9) months from its completion. If he does not wish to undertake the final publication of the results

of the excavation he shall declare it in writing, in which case the Service shall care for the assignment of the publication. In the opposite case, the person who has carried out the excavation shall submit within six (6) years from its completion the final publication with the signed contributions by the members of the research team.

5. The director of surface or other archaeological research shall submit the final publication within two (2) years from its completion.
6. Finds from excavations or other research *in situ* or parts thereof may be the object of other special publications, following permission from the person who has the exclusive right of publication, within five (5) years from the date of granting the permit if it concerns a publication of a part of the excavation, and within two (2) years if it concerns a publication of an individual find.
7. The time limits mentioned in the preceding paragraphs shall be double with respect to underwater archaeological research.
8. Following the lapse of the time limits for the submission of the final publication referred to in paragraphs 3, 4, 5 and 7, the exclusive right of publication of the results of the excavation shall cease to exist. The person carrying out rescue excavation shall submit to the Service all the documentation material that he has in his possession, while the director of a systematic excavation or other archaeological research shall submit a copy of all the documentation material. The Service shall facilitate the access of interested researchers to the finds and the documentation material in its possession, provided that there is no danger of it being damaged. The bodies carrying out excavation or other archaeological research shall be under the same duty with respect to the material which they possess and which is not subject any more to an exclusive right of publication.
9. Matters pertaining to the submission and publication of the studies referred to in this article as well as every other necessary detail for its implementation shall be determined by a decision of the Minister of Culture. The same decision shall also determine issues relating to the electronic registration of the annual scientific reports or other elements.

Article 53

Theft of monuments

3. Theft shall be punished by temporary term* not exceeding ten (10) years (article 372 of the Penal Code), if the stolen property is a monument of especially high value or a monument which has been removed from an immovable monument, an excavated site, a museum, storage places of antiquities or a place where a collection is kept.
4. If theft is committed by more than one person joined together for the purpose of committing thefts or armed robberies or for committing crimes provided for in the present law, temporary term shall be imposed. The same penalty shall be imposed if the offender commits thefts of monuments as a profession or habitually.

Article 54

Embezzlement of monuments

Embezzlement shall be punished by temporary term not exceeding ten (10) years (article 375 of Penal Code), if the property embezzled is a monument of especially high value or if the offender commits the act of embezzlement of monuments as a profession or habitually.

* *Translator's note:* Greek law distinguishes between the sentence of *temporary term* (five to twenty years) and *imprisonment* (ten days to five years).

Article 56

Damage to a monument

3. Any person who destroys, damages, pollutes, renders impossible or obstructs the use of or disfigures a monument or a cultural object forming part of a museum collection or a cultural object which has been deposited in open-air or enclosed public, municipal or communal areas shall be punished by imprisonment for not less than two (2) years, if the act is not punished more severely pursuant to another provision.

If the monument belongs to the offender, imprisonment not exceeding three (3) years shall be imposed.

4. If it concerns a monument of especially high value and the act has been committed in the context of an organized criminal activity or by more than one person joined together for committing such an activity, temporary term not exceeding ten (10) years shall be imposed.

Article 63

Illegal export of cultural objects

6. Any person who exports or attempts to export from Greece in violation of the provisions of the present law, a monument or a cultural object with respect to which the classification procedure has been initiated in accordance with article 20, paragraph 2, second section, shall be punished by temporary term not exceeding ten (10) years. Acquisition of the monument in a punishable manner shall constitute an aggravating circumstance.
7. Any person who violates the terms of the decision with which a permit for the temporary export of a monument forming part of a museum collection has been granted and especially if he does not re-import it within the time-limit set, shall be punished by imprisonment. Nonetheless, if the violation of the terms is not substantial, the court may impose no penalty. The act of overdue re-importation shall not be punishable, if the offender voluntarily and prior to his questioning in any manner for this act by the authorities, re-imports the monument or the cultural object.
8. The offender of the act of the first section of the preceding paragraph shall be punished by temporary term not exceeding ten (10) years, if the act has been committed with the intention of permanently removing the monument from the limits of Greek territory.
9. Any person who exports or attempts to export from Greece beyond the limits of the customs territory of the European Union in violation of the provisions of Regulations 3911/1992 of the Council and 752/1993 of the Commission of the European Union and their implementing presidential decrees as applicable each time, cultural objects under the terms of Regulation 3911/1992, shall be punished by imprisonment for not less than three (3) months, if the act is not punished more severely by another provision.
10. Article 3 of Presidential Decree 423/1995 (*Official Gazette A' 254*) shall be abrogated.

Article 65

Illegal non-return of cultural objects

Any person who does not comply with an enforceable judgment of a court or arbitral tribunal ordering the return of cultural objects which have been illegally removed from the territory of another State pursuant to international conventions approved and enforced in Greece or European Union legislation, shall be punished by imprisonment.