

**European experts group on mobility of collections
Sub-working group on the Prevention of thefts and
Illicit trafficking of cultural goods**

IMPLEMENTATION OF DUE DILIGENCE - QUESTIONNAIRE

Please return this questionnaire by email to:

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and

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by 15 February 2010

A. For Museums (State or Private)
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1. Are there provisions in a national law concerning acquisitions by museums, libraries and archives?

YES

NO

If yes, please describe the relevant provisions

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2. Is there a control by a national authority of the acquisition procedures by a museum, library, archive?

YES

NO

If yes, what are the relevant provisions?

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3. Have the provisions of ICOM's Code of Ethics concerning acquisition been embodied in a national law?

YES

NO

4. Are the museums made aware by the national authority or body about the 1970 Unesco provisions concerning acquisitions, export authorisation and obligation of dealers (art. 6, 7, 10)?

YES

NO

a) If yes, please specify in which way (i.e. seminars, circulars, guidelines, etc.)

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b) Please state the level of application of these articles (6, 7, 10) and the tools for adhering to the Convention. Please give examples

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5. Are the museums made aware by the national authority or body of the Unidroit provisions, on due diligence (article 4)? (Note: for member states that have ratified or accepted the Convention)

YES NO

a) If yes, please specify in which way (i.e. seminars, circulars, guidelines, etc.)

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b) Please state the level of application of this article and which the tools for adhering to the Convention. Please give examples

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6. Do museums seek attestation from Interpol's or other national and/or international databases (i.e. ICOM's Red List) for stolen objects before proceeding with acquiring an object?

YES NO

Please provide specific examples

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7. Do the museums, libraries or/and archives have access to national databases for stolen objects?

YES NO

8. What documentation is requested before acquiring an object? (e.g. import/export certificate, previous owners or possessors, inheritance or bequest documents, provenance).

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9. If there is suspicion that an object promoted for sale, bequest or donation to a museum, archive or library is a product of illicit trafficking, what procedure is followed?

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10. In case it is proved that is a tainted object, what procedure is followed?

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11. In the above case (No. 10), does the museum, library or archive inform the national authority responsible for the implementation of Directive 93/7/EEC on the Return of Cultural property that has been illicitly removed from the territory of a member state?

YES

NO

12. In case the tainted object has illicitly been removed from a third country, what procedure is followed?

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13. Are there any penal or administrative sanctions in case a museum, library or archive acquires a tainted object?

YES

NO

If yes, what are these sanctions?

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14. Do museums, libraries or archives proceed with a search for the provenance of an object before borrowing it on loan for a temporary exhibition?

YES

NO

If yes, specify the type of search?

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15. Do museums, libraries or archives request information about the participating institutions and the objects involved before sending on loan a cultural object for a temporary exhibition?

YES

NO

If yes, specify the type of search?

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16. If it is found that dubious collections or objects are participating in temporary exhibitions in other member states, what are the further steps that museums, libraries, archives follow?

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B. For Collectors-Possessors (Private or legal entities)

17. Are there provisions in a national law concerning collectors and/or possessors?

YES NO

If yes, please describe the relevant provisions

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18. Are private collections controlled by a national authority or other body?

YES NO

If yes, has the national authority or body the competence of controlling the acquisitions by collectors and what are the relevant provisions?

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19. What documentation is requested before acquiring an object? (e.g. import/export certificate, previous owners or possessors, inheritance or bequest documents, provenance).

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20. In case it is proved that it is a tainted object, what procedure is followed?

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21. When it is proved it is a tainted object, does the authority or body controlling the acquisitions by collectors inform the national authority responsible

for the implementation of Directive 93/7/EEC on the Return of Cultural property that has been illicitly removed from the territory of a member state?

YES

NO

22. In case the tainted object has illicitly been removed from a third country, what procedure is followed?

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23. Are there any penal or administrative sanctions in case a collector acquires a tainted object?

YES

NO

If yes, what are these sanctions?

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24. Do the collectors have access to national databases for stolen objects?

YES

NO

C. For Art Dealers and Auction Houses*

25. Are there any provisions in a national law concerning the art dealers and auction houses?

YES

NO

If yes, please describe the relevant provisions

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26. Are art dealers and auction houses informed of the provisions of Unidroit Convention concerning "due diligence" (article 4) (Note: For member states that have ratified or accepted the Convention)?

YES

NO

27. Are dealers and auction houses supervised and/or controlled by a national authority or other body?

YES

NO

If yes, please provide the relevant provisions

* Both are mentioned both, because in some countries like Greece they are two different entities

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28. Are antique dealers obliged to maintain a register recording the origin of each item of cultural property, names and addresses of the supplier, description and price of each item sold, and to inform the purchaser of the cultural property of the export prohibition to which such property may be subject as it is provided for by article 10b of the 1970 Unesco Convention (Note: Twenty two (22) member states are contracting members of the Convention)

YES NO

29. Are antique dealers subject to penal or administrative sanctions if they do not maintain a register as provided for in article 10b of 1970 Unesco Convention?

YES NO

If yes, please provide the relevant provisions

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30. If there is suspicion by dealers/auction houses that a tainted object is promoted for sale, what procedures are followed?

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31. If a tainted object is offered for sale, what procedures are followed?

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32. Are there any penal or administrative sanctions if a tainted object is offered for sale?

YES NO

If yes, what are these sanctions?

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33. Do art dealers/auction houses have access to national databases for stolen objects?

YES NO

