



The Return of Cultural Objects within the European Union – Implementing the Directive 2014/60/EU

**21-22 March 2016, Institute of Art of the Polish
Academy of Sciences in Warsaw**

The conference, co-organized by the Research Team of the project *HEURIGHT* and Editorial Board of the *Santander Art and Culture Law Review*, aims to debate the foundations, implementing process and future functioning of the Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012. It also seeks to discuss this new EU instrument for the return of unlawfully exported cultural objects within the broader system of protection applicable to national treasures. In particular, it should explore the relation between the Directive 2014/60/EU and the EC Regulation 116/2009 *vis-à-vis* other legal instruments regulating the circulation of cultural objects in Europe, including the 1970 UNESCO Convention and the 1995 Unidroit Convention. In addition, the evolving EU regime will be discussed in the context of international trade in cultural material, by analyzing the approaches taken by cultural heritage law scholars, as well as art market specialists and policy and law enforcement experts. Hence, the conference is designed to clarify the reform of the EU system for the return of cultural objects unlawfully removed from the territory of a Member State and analyze it within the wider context of international trade and cultural heritage. Papers presented at the conference will be published in the *Santander Art & Culture Law Review* 2016 vol. 2, issue 2.

This conference is free to attend. If you wish to register please send your name and affiliation by 11 March 2016 at heuright@gmail.com.

Sponsors:

Ministry of Culture of National Heritage of the Republic of Poland
National Institute for Museums and Public Collections
European Commission (JPI Heritage Plus, Horizon2020)
Institute of Art the Polish Academy of Sciences
Kazimierz Wielki University in Bydgoszcz (Santander Universidades Programme)

PROGRAMME

21 March (Monday) – 22 March (Tuesday) 2016
Institute of Art of the Polish Academy of Sciences
Długa, 00-950 Warsaw, Poland
Great conference room, ground floor
phone +48 22 50 48 200, fax +48 22 831 31 49
<http://www.ispan.pl/en>

21 March 2016 (Monday)

- 01:30-02:00 pm – Registration
02:00-02:10 pm – Opening
02:10-02:25 pm – Welcome Addresses – *Andrzej Jakubowski*, on behalf of the HEURIGHT Research Team; *Anna Koziczak*, on behalf of the SAACLR Editorial Board
02:25-02:40 pm – Presentation of HEURIGHT – *Francesca Fiorentini*, *Kristin Hausler*,
02:40-03:10 pm – Keynote Address – Trading and Returning Cultural Objects under International Law
James A. R. Nafziger (Willamette College of Law, Salem OR, USA)
- I. Session – National Treasures and Common Market**
Moderator – Kristin Hausler (British Institute of International and Comparative Law, London, HEURIGHT)
03:10-03:35 pm – Directive 2014/60: A New Legal Framework for Ensuring the Return of Cultural Objects within the EU
Maciej Górka (European Commission, Brussels)
03:35-03:55 pm – The UNIDROIT 1995 Convention, an Indispensable Complement to the UNESCO 1970 Convention
Marina Schneider (UNIDROIT, Rome)
03:55-04:15 pm – Will the Revolution Eat Its Own Children? The Directive 2014/60 and Its Projected Impact on the EU Art Market and Its Participants
Wojciech Szafrński (Adam Mickiewicz University, Poznań, SAACLR)
*Alicja Jagielska-Burduk (University of Kazimierz Wielki, Bydgoszcz, SAACLR)***
04:15-04:35 pm – Discussion
04:35-04:55 pm – **Coffee break**
- II. Session – Implementing the Directive 2014/60/EU – National Experiences (Part I)**
Moderator – Francesca Fiorentini (University of Trieste, HEURIGHT)
04:55-05:15 pm – The Return of Illicitly Exported Cultural Objects - The French Example
Sophie Vigneron (Kent Law School, University of Kent, Canterbury)
05:15-05:35 pm – The Greek Law on the Return of Cultural Goods
Irini Stamatoudi (Hellenic Copyright Organisation (Greek Ministry of Culture and Sports), Visiting Professor at the International Hellenic University)
05:35-05:55 pm – The Implementation of the Directive, the Landscape and Cultural Heritage Code and the Problems of Compliance of the Italian Legislation with the International and EU law Provisions

- 05:55-06:15 pm – *Manlio Frigo (University of Milan)*
The Implementation of New EU Law and the UNESCO 1970 Convention: Recent Developments in Germany
Robert Peters (Federal Government Commission for Culture and Media (BKM), Berlin)
- 06:15-06:35 pm – Discussion
- 07:45 pm – **Conference dinner**

22 March 2016 (Tuesday)

III. Session – Implementing the Directive 2014/60/EU – National Experiences (Part II)

- Moderator* – *Katarzyna Zalasinska (University of Warsaw)*
- 09:10-09:30 am – The Implementation of Directive 2014/60/EU in the Netherlands
Marja van Heese (State Inspectorate for Cultural Heritage, The Hague)
- 09:30-09:50 am – The Implementation of Directive 2014/60/EU in the United Kingdom
Carl Schnackenberg (Department for Culture, Media and Sport, London)
- 09:50-10:10 am – The Lady or the Tiger? On Legal Pitfalls of Implementation of EU Cultural Goods Directive
Piotr Stec (University of Opole)
- 10:10-10:30 am – Discussion
- 10:30-11:00 am – **Coffee break**

IV. Session – Operating the Directive 2014/60/EU – Practical Aspects

- Moderator* – *Andrzej Jakubowski (Institute of Law Studies of the Polish Academy of Sciences, HEURIGHT, SAACLR)*
- 11:00-11:20 am – The return of illicitly exported cultural objects from Switzerland. Extraterritorial effect of the EU Directive?
Marc-André Renold (Centre of Art and Law, University of Geneva)
- 11:20-11:40 am – Ratification of the 1995 UNIDROIT Convention in the light of the Directive
2014/60/EU: Poland's Perspective"
Wojciech W. Kowalski (Ministry of Foreign Affairs of Poland, Warsaw)
- 11:40-12:00 am – Analysis of the Scale of the Crime Threat against Cultural Property in the Member States and the Selected Countries of the Eastern Partnership – as a Basis for Future EU Activities
Katarzyna Czaplicka (Polish National Police, Warsaw)
- 12:00-12:20 am – Illegal Export from and Import of Cultural Goods to Poland: Do Legal and Practical Changes Introduced in Connection with the Directive 2014/60/EU Contribute to Reducing the Problem?
Olgiard Jakubowski (National Institute for Museums and Public Collections, Warsaw)
Alicja Jagielska-Burduk (University of Kazimierz Wielki, Bydgoszcz, SAACLR)
- 12:20-12:40 am – Discussion
- 12:40-01:10 pm – Concluding Remarks – Andrzej Jakubowski, on behalf of the HEURIGHT Research Team; Alicja Jagielska-Burduk, on behalf of the SAACLR Editorial Board
- 01:30-02:30 pm – **Lunch**

ORGANIZERS

HEURIGHT

The Project HEURIGHT – *The Right to Cultural Heritage – Its Protection and Enforcement through Cooperation in the European Union* investigates how human rights guarantees in relation to cultural heritage are being understood and implemented in the EU and in its neighbouring countries. It focuses on Poland, the United Kingdom and Italy - countries representing different cultural, political and legal traditions - and their relations with other states and non-state cultural communities. Acknowledging the changing nature of the right to cultural heritage, the project will map how this right's evolving content affects the forms of protection, access to and governance of cultural heritage. The added value of the project consists in combining an analysis of the relevant laws, their implementation and enforcement. Firstly, it will provide a theoretical re-conceptualization of the right to cultural heritage, focusing not only on positive law and jurisprudence, but also on soft-law rules, diplomacy and cultural cooperation as possible alternative devices for fostering inter-cultural dialogue and understanding. Secondly, in its practical perspective, the project analyses how the technical tools used to manage and protect cultural heritage, in particular digitization processes with the development of databases, virtual museums, etc., are currently considered and how they could be further developed to strengthen the enforcement of the right to cultural heritage throughout the EU, including its external action. Thus, the project will contribute to the development of sustainable strategies for protecting and managing cultural heritage as a means to foster inter-national and inter-cultural dialogue within the European region. Its outcomes will be twofold: i) a path breaking contribution to an interdisciplinary scholarship in this area, disseminated through various publications (articles, reports, workshops and a monograph); ii) the elaboration of recommendations and guidelines – openly accessible via a new online platform – concerning best practices on the use of cultural heritage for the benefit of states and communities which all have an intrinsic interest in its protection and enjoyment.

This three-year project (August 2015-July 2018) is co-financed by the European Union within the programme JPI Heritage Plus – HORIZON2020.

The HEURIGHT Research Team is composed of three groups:

- The first research group (Poland) chaired by Dr. Andrzej Jakubowski as the Principal Investigator (PI) and the HEURIGHT Project Leader (PL), an Assistant Professor at the Institute of Law of the Polish Academy of Sciences, involves the participation of three different institutions forming a consortium. These comprise the University of Fine Arts in Poznan (an institutional leader of the consortium) and two research centres of the Polish Academy of Sciences in Warsaw: the Institute of Law Studies and the Institute of Art.
- The second research team (UK) is chaired by Kristin Hausler as Principal Investigator (PI), Dorset Senior Research Fellow in Public International Law at the British Institute of International and Comparative Law (BIICL) in London, United Kingdom.
- The third research team (Italy) is chaired by Prof. Dr. Francesca Fiorentini as Principal Investigator (PI) working at the Department of Legal Science, Language, Interpreting and Translation Studies of the University of Trieste.

See: <http://heuright.eu>

Santander Art & Culture Law Review

The *Santander Art and Culture Law Review (SAACLR)* is a new bi-annual journal. Its primary objective is to offer the readers a journal that is open to the papers submitted by domestic and foreign authors. The Editorial Board will ensure that each odd-numbered issue of the journal is published in Polish and each even-numbered issue in English. In order to internationalize the discussions, the papers published in the Polish issues should include the summary and key words written in English. In the future, two new sections will be added, i.e. doctoral students' debuts and an overview of judicial decisions.

The project *Creating and managing interdisciplinary legal journal dealing with culture- related issues* is implemented within individual grants offered by Santander Universidades. Santander Art and Culture Law Review conforms with the pro-cultural policy of the Santander Group as well as the Santander Universidades Programme. The journal as well as its panel of experts on cultural property law will promote the international transfer of expertise and actively contribute to the promotion of culture in the academic sphere in line with the aims of Santander Group.

See http://www.artandculturelaw.ukw.edu.pl/jednostka/art_and_culture

ABSTRACTS & BIO NOTES

KEYNOTE ADDRESS

Trading and Returning Cultural Objects under International Law

*James A. R. Nafziger (Willamette College of Law, Salem OR, USA)**

European Directive 2014/60 applies within a broader regime of international law applicable to claims for the return by states of cultural objects that have been unlawfully removed from the territory of other states. The foundation of this regime is international trade law, based on national import and export controls within a framework established by the 1994 General Agreement on Tariffs and Trade (GATT). Claims for the return (and restitution) of objects, after the fact of an international transfer, are based on national laws of cultural patrimony and provisions of international instruments, primarily the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects. International human rights law is also important. Article XI of the 1994 GATT, which prohibits quantitative restrictions on the import and export of goods, would appear to inhibit national controls over trade in cultural objects. But the prohibition is subject to an exception in Article XX for measures imposed on the protection of *national treasures* of artistic, historic or archaeological value. This exception is reiterated in Article 36 of the Treaty on the Functioning of the European Union and Directive 2014/60. Because the national treasures exception has never been the subject of a GATT or WTO dispute resolution finding, authoritative elaborations such as in the European Directive are especially important. Salient provisions of the 1970 UNESCO Convention include a system of export certifications with mutual enforcement, obligations to repatriate stolen objects, and an agreement to cooperate in responding to requests for prohibitions on the import of objects that form a cultural patrimony in jeopardy from pillage. The 1995 UNIDROIT Convention, which addresses instances of both restitution of stolen objects and return of illegal exported objects, was designed to supplement the 1970 UNESCO Convention. It provides detailed rules to govern claims for recovery of objects such as statutory limitations and rules of repose as well as provisions for fair and reasonable compensation to good-faith purchasers of recoverable objects. It will be apparent that private international law necessarily plays a significant role in governing the transnational movement and return of cultural objects. National export and import laws that pertain to cultural objects vary from

non-existent or neglected to highly restrictive and effective. The scope of national compliance with the international regime governing the restitution and return of objects and the requirements of the national administrative processes involved also vary widely. In all, legal pluralism flourishes--unsurprisingly, given the complexity of the international regime, inevitable discrepancies among its components, and the multiplicity of actors and political currents in the process of cooperation.

***James A.R. Nafziger** (B.A., M.A., University of Wisconsin; J.D., Harvard University) is the Thomas B. Stoel Professor of Law and Director of International Programs at the Willamette University College of Law (U.S.A.). He is also Honorary Professor at the East China University of Politics and Law. A former Administrative Director of the American Society of International Law, of which he is currently Secretary, he has been a Fulbright lecturer in Mexico and Mongolia as well as Scholar-in-Residence at the Rockefeller Foundation's Study Center in Bellagio, Italy. His numerous cutting-edge articles and five books on cultural heritage issues, include a volume of The Hague Academy of International Law where he served as Co-Director of Research in 2005. He chairs the Committee on Cultural Heritage Law of the International Law Association and is a member of its Executive Council, as well as Honorary Vice-President of the I.L.A.'s American Branch, having served as President and Chair of its Executive Committee. He is an elected member of the American Law Institute.

I. SESSION – NATIONAL TREASURES AND COMMON MARKET

1. Directive 2014/60: A New Legal Framework for Ensuring the Return of Cultural Objects within the EU

*Maciej Górka (European Commission, Brussels)**

The aim of the new Directive is to improve the efficiency of mechanisms to secure the return of cultural objects unlawfully removed from the territory of a Member State, on or after 1 January 1993, introduced initially by way of Directive 93/7/EEC. Over the years it had been concluded, that the application of Directive 93/7/EEC, due to variety of reasons, had a limited effect in terms of actual returns of cultural objects. The new Directive attempts addressing the deficiencies and introduces substantial changes to the 1993 Directive. In particular, it provides for the extension of the scope to all cultural objects classified or defined as national treasures. It introduces the use of the Internal Market Information System (IMI) for administrative cooperation and exchange of information within national authorities. It extends the time-limit to initiate return proceedings. Finally, it establishes that the burden of proof of due diligence lies with the possessor for the purpose of compensation. The new Directive had much support during the legislative procedure both in the European Parliament and in the Council. Adopted on 15th May 2014, the Directive was due to be transposed by the Member States by 18 December 2015. It is now to be seen whether the new rules are applied in practice and will bring the expected results.

***Maciej Górka** (Ph.D. Nicolaus Copernicus University in Toruń), from 1995 to 2005 employed in the Polish administration dealing with the European integration; from 2000 to 2012 employed as adiunct (Assistant Professor) at the Faculty of Law and Administration at the Kardynał Stefan Wyszyński University in Warsaw; since 2006 in the European Commission, first as Head of the unit in the Directorate General for Enterprise and Industry dealing with the free movement of goods; since October 2012 - Head of the unit managing, among others, the Directive on the return of cultural objects; since 2015 - in Directorate General for Internal Market, Industry, Entrepreneurship and SMEs.

2. The UNIDROIT 1995 Convention, an Indispensable Complement to the UNESCO 1970 Convention

*Marina Schneider (UNIDROIT, Rome)**

The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, which was adopted in Rome on 24 June 1995, is one instance of how States are attempting to put a stop to the illegal trade in cultural objects. Yet experience shows, for example with the UNESCO 1970 Convention, that it is one thing to adopt an international Convention and quite another to implement and enforce it. In legal terms, international efforts to protect and safeguard the national cultural heritage from such plunder can really only be described as co-operation "up to a point". The UNIDROIT Convention sets out to remedy this state of affairs, yet it continues to be the object of passionate debate. Although directed at the same problem,

and fully complementary, it is evident that there are differences between the 1970 and 1995 Conventions which are worth examining, so as the interrelation between them. Some instruments developed by UNIDROIT have provided real guidance in the areas of law they cover. This is particularly the case of the 1995 Convention. Beyond the number of States Parties to this instrument, its influence is evident, in particular the concept of due diligence, in national legislations, case law and in the recent recast at European level of the 1993 Directive.

***Marina Schneider** – Senior Legal Officer, UNIDROIT. She studied law in France and joined the UNIDROIT Secretariat in 1987 where she is working in different areas of law. She has been involved in the preparation of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects and is responsible for its promotion and follow-up since its adoption. She is also the author of the Explanatory Report and other articles on the Convention. July to December 2015: Ms Schneider was a consultant with UNESCO, working with the Secretariat of the 1970 UNESCO Convention. Ms Schneider is also responsible for the Depositary functions of five UNIDROIT Conventions.

3. Will the Revolution Eat Its Own Children? The Directive 2014/60 and Its Projected Impact on the EU Art Market and Its Participants

*Wojciech Szafrński (Adam Mickiewicz University, Poznań, SAACLR)**

*Alicja Jagielska-Burduk (University of Kazimierz Wielki, Bydgoszcz, SAACLR)***

Legal regulations of the international art market are mostly driven by the interests of national law-makers aimed at protecting of cultural heritage. Policy-makers, and consequently the legislature, rarely see the mutual relationships between the market and the protection of heritage, or sees only threats to heritage stemming from the functioning of the art market. In fact, the current art market in Europe is characterised by three elements: 1) cultural ignorance of buyers - referring to their disinterest in provenance of an object; 2) culture of self-defence of art dealers, that is, they ignore that they already possess instruments to eliminate unprovenanced or questionable objects from the market, thus effectively cleansing the market from its most burning pathologies; 3) culture of secrecy - the lack of public knowledge about the depth of the market, level of its turnover, about real participants, objects sold and their actual prices. The system of the new Directive 2014/60, based on the principle of 'due diligence and care', strengthens the position of the owner *vis-à-vis* the buyers. Will this new regime change the attitudes of the participants of the art market? The Directive 14/60, aimed to remedy the ineffectiveness of laws previously in force, in fact has thrown baby with the bathwater. By eliminating the Annex to the Directive, it has left the decision on the designation of categories of goods subject to restitution to individual Member States. These will ultimately widen the list of national treasures in belief that this is the only way they will be able to provide their broad protection. The legislature does not operate in a vacuum, it is difficult therefore to explain to their citizens the (potential voters), that it is appropriate to limit the list of national treasures, since the common belief is that the higher protection is needed, thus it is necessary to expand the list. In fact, this forces the state to increase its control over the art market, not only in the form of an obligation to notify commercial transactions but also by building a correlation between regulations, export and restitution, which ultimately will always ended with an increase, not a reduction in restrictions on the marketing and expanding the category of *res extra commercium*. The Directive will therefore be responsible for the gradual modification of national heritage protection laws, including their art market regulations. In other words, the new EU instrument may contribute to the proliferation of more restrictive national regimes on the protection of cultural heritage and increasing expansion of respective domestic catalogues of national treasures, thus limiting the rights of individual buyers and restricting 'licit' circulation of cultural objects within the EU Common Market.

***Wojciech Szafrński** (PhD, MBA) is Assistant Professor at the Faculty of Law and Administration, Adam Mickiewicz University, deputy editor-in-chief *Santander Art and Culture Law Review*. Author of a number of publications on cultural heritage law and art market. Art-law consultant to various private and public entities.

****Alicja Jagielska-Burduk** (PhD, MBA) - legal counsellor, head of Cultural Heritage Protection Law Lab at Kazimierz Wielki University in Bydgoszcz and chief editor *Santander Art and Culture Law Review*. Author of a number of publications on cultural heritage law and art law. During her research work and legal practice she has gained considerable expertise in the culture sector, member of Poznań Society of Friends of Sciences (www.ptpn.poznan.pl). In 2014, the government of Poland

nominated him as a mediator at the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation).

II. SESSION – IMPLEMENTING THE DIRECTIVE 2014/EU – NATIONAL EXPERIENCES (PART I)

4. The Return of Illicitly Exported Cultural Objects - The French Example

Sophie Vigneron (Kent Law School, University of Kent, Canterbury)

This paper will look at the implementation of Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State in France. The implementing act was adopted in February 2015 with general consensus amongst members of Parliament that it was necessary to improve the protection of cultural heritage within Europe (loi n° 2015-195 du 20 février 2015 portant diverses dispositions d'adaptation au droit de l'Union européenne dans les domaines de la propriété littéraire et artistique et du patrimoine culturel). By contrast, the relevant sections of the code that require implementing regulation, such as the use of the Internal Market Information System ('IMI') have not yet been adopted. The 2015 Act amended the relevant sections of the Cultural Heritage Code to include the new dispositions of the 2014 Directive, mostly word by word. Those sections, in their original drafting, implemented the 1993 Directive on the return of cultural objects unlawfully removed from the territory of a Member State which was inspired by both the 1970 UNESCO and 1995 UNIDROIT Conventions. This paper will successively examine three questions with the aim to assess the impact of the Directive on the protection of cultural objects in France. Firstly, this paper will examine to what extent the implementation of the Directive has improved the protection of French cultural objects, it will use as example the two successful restitution claims made by France since 1993, which were facilitated by the Directive. Secondly, it will present cases of restitution by France to other State Members as well as to States outside the European Union. Finally, it will assess the wider impact of the Directive on French civil law and cultural heritage law, in particular, the fundamental change caused by the requirement of due diligence (section L112-8 of the Cultural Heritage code) on the presumption of good faith in favour of a good faith purchaser (section 2274 of the Civil code).

Dr. Sophie Vigneron has been a lecturer at the University of Kent (UK) since 2002. She did a joint-PhD (Nancy, France and Kent University) on a comparative study of auction law which was awarded a prize by the University of Nancy and published in 2006. Dr. Vigneron's research lies at the intersection of law and heritage studies, with a particular interest in the regulation of the art market and cultural heritage law. Her research on cultural heritage law covers both the regulation and protection of cultural objects and the built heritage by national laws (French, English and the USA) and international conventions. Her earlier work focused on the regulation of cultural objects and the restitution of stolen and/or illegally exported cultural objects, in particular in the case of historic wrong (human remains, Nazi era looted objects). She is currently working on a theoretical approach of cultural heritage law as an emerging field of study. Her research aims to analyse the fragmentation of cultural heritage law between the different types of heritage that are protected in order to critically explore the reasons why there are distinctive rules for the protection and regulation of movable property, immovable property, tangible heritage and intangible heritage. Dr. Vigneron's research interest aims at assessing the efficiency of existing export restrictions of works of art and restitution laws at an international, European and national level and their core relationships with private law (property, criminal, conflict of laws) and public international law in order to propose a coherent art law framework. She is the principal investigator of the AHRC network on the protection of Cultural World Heritage Sites.

5. The Greek Law on the Return of Cultural Goods

*Irini Stamatoudi (Hellenic Copyright Organisation (Greek Ministry of Culture and Sports), Visiting Professor at the International Hellenic University)**

Greece takes a strong stance towards the protection of cultural heritage and the return of cultural goods to their country of origin. Several cases in recent years have taken place with regard to cultural goods that have been returned from third countries to Greece, and which have left the country in either an illegal or an ambiguous manner. Returns were effected either on the basis of legal proceedings or an amicable resolution. Greece's role in the EU and international fora has been important for the protection of cultural heritage. Greek law is one of the most comprehensive and protective laws in the area, especially by reason of the fact that the country has occasionally suffered from looting, is rich in cultural treasures and

does not always possess the means to protect effectively all treasures found in its soil and waters. This paper will examine the notion of a 'cultural object' under Greek law and what constitutes -according to this law- 'unlawful removal' from the country's territory. It will also examine how Greek courts understand the notion of 'due care and attention' (according to art. 10 of the Directive) and why it is important that -according to the Directive- in cases where return is ordered, the possessor is the one to demonstrate that he exercised due care and attention in acquiring the object in order for him to be compensated. Comments will be made as to changes that need to be introduced in Greek law by reason of implementing the Directive. At the end the Directive will be assessed and comments will be made as to how effective it may prove for the return of cultural goods to the territories from which they were unlawfully removed.

***Irina Stamatoudi** is currently the Director of the Hellenic Copyright Organization (Hellenic Ministry of Culture and Sports). She holds an LL.B. (University of Athens, Greece), an LL.M. and a Ph.D. (University of Leicester, UK). She worked as a lecturer at the University of Leicester until 2001 when she returned to Greece. She is currently teaching at the International Hellenic University in Thessaloniki and delivers lectures on various academic courses in Europe. She has published twelve books in Greece and abroad. One of them is on "Cultural Property Law and Restitution. A Commentary to International Conventions and European Union Law" (by Edward Elgar Publishing, 2011). She has also been involved as a lawyer in a number of cases of return of cultural treasures to Greece on behalf of the Greek Ministry of Culture.

6. The Implementation of the Directive, the Landscape and Cultural Heritage Code and the Problems of Compliance of the Italian Legislation with the International and EU law Provisions *Manlio Frigo (University of Milan)**

This paper explores the implementation of the Directive 2014/60 in Italy by Legislative Decree 7 January 2016, n. 2. It also explores the scope of application of the 1995 UNIDROIT Convention and of the Directive as well as the relationship between these two instruments within the Italian legal system for the protection of cultural heritage. In particular, it discusses the issue of the persistence of two different kind of restitution and return of cultural property in the Italian legislation. Finally, it deals with the relevance of unilateral declarations by a national statute *vis-à-vis* the EU legislation (the example of article 64-bis.3 of the Landscape and Cultural Heritage Code).

***Manlio Frigo** is Full Professor of International and European Law and of International Contracts and Arbitration Law at the Milan State University (*Università degli Studi di Milano*), Department of International, Juridical, Political and Historical Studies. He is a Member of the Steering Committee of the PhD in International Economic Law of the Bocconi University, Milan and a Member of the Committee on Cultural Heritage Law of the ILA (*International Law Association*). He also serves as a Vice-president of the *Société internationale pour la recherche en droit du patrimoine culturel et droit de l'art*. Prof. Frigo has been a Consultant of Unesco, Unidroit and the EU Commission. He is active as arbitrator in national and international commercial disputes; author of several publications concerning the contractual obligations, the international cooperation in the field of civil and commercial procedure, the applicable law and the linguistic factor in the circulation of arbitral awards, the protection of cultural property.

7. The Implementation of New EU Law and the UNESCO 1970 Convention: Recent Developments in Germany *Robert Peters (Federal Government Commission for Culture and Media (BKM), Berlin)**

With the new Directive 2014/60/EU of May 2014 on the return of cultural objects, a recast of the 1993 Directive, the EU sets new standards: Firstly, the Directive extends the scope of legislation to all cultural objects protected by EU Member States. Secondly, it extends the time limit for initiating return proceedings. Thirdly, the new Directive shifts the burden of proof with regard to the receipt of compensation and by doing so it establishes a new level of due diligence. By implementing the new EU Directive, Germany revises its national legislation on the protection of cultural property as well as the implementation of the 1970 UNESCO Convention.

The destruction, looting and the trafficking in cultural property, especially in Iraq and Syria, but also in other States and regions in political unrest have demonstrated the need for the EU to move beyond protections that only apply to the national cultural property of EU Member States. Thus, the adoption of Regulation 1210/2003 on Iraqi cultural property and of Regulation 1332/2013 on Syrian cultural property that ban the import, export and trade of these objects as well as the introduction of provisions that shift the burden of proof in both instruments, indicate that the EU is moving in the right direction in

combating trafficking in cultural property. It is, however, not only the crises in Syria and Iraq, but also the growing number of EU Member States ratifying the UNESCO 1970 Convention (Luxembourg and Austria, both in 2015) that illustrate the need for further action on EU level. Without additional legislation, EU Member States are not in a position to meet their legal obligation under the UNESCO Convention, since they ceded their competence on import controls to the EU through the creation of the Single European Market. The provision on due diligence of the new 2014 Directive provides hope that EU legislation can increase the standards in dealing with cultural property in the Single European Market and beyond. A simple equation is sufficient: illegally exported cultural property from one State should be considered as illegally imported into another State. This simple equation should be the basis for future legislation, be it on national, EU or international level.

***Robert Peters** (Ph.D.) works since 2009 as Legal Officer for the Federal Government Commissioner for Culture and the Media, Berlin, Germany, in the division “National and International Protection of Movable Cultural Property”. He studied International and European Law in Berlin, Bologna, Hamburg and Florence and obtained his doctoral degree in the field of International Cultural Heritage Law with a specific focus on restitution disputes at the European University Institute in Florence, Italy. Prior, he worked as Assistant Legal Officer in the Office of International Standards and Legal Affairs at UNESCO Headquarters in Paris.

III. SESSION – IMPLEMENTING THE DIRECTIVE 2014/EU – NATIONAL EXPERIENCES (PART II)

8. The Implementation of Directive 2014/60/EU in the Netherlands

*Marja van Heese (State Inspectorate for Cultural Heritage, The Hague)**

The Dutch Implementation Act of Directive 2014/60/EU on the return of cultural objects unlawfully removed from the territory of a Member State replaced the Implementation Act of 9 March 1995 of Directive 93/7 on the protection of cultural goods against unlawful export. In the 2015 Implementation Act amendments in the Cultural Heritage Preservation Act (1984), the Civil Code and in the Code of Civil Procedure are described. The amendments did not lead to major changes in Dutch legislation. Directive 2014/60/EU has been ratified for the entire Kingdom of the Netherlands, but is not yet in force in the Caribbean Netherlands (the islands Bonaire, Sint Eustatius and Saba). The Cultural Heritage Inspectorate is appointed as the competent authority for Directive 2014/60/EU; the decision was published in the Bulletin of Acts and Decrees on 16 December 2015. In the Netherlands Directive 2014/60/EU is included in the Cultural Heritage Preservation Act (CHPA, 1984), which has as main goal the prevention of objects and collections which are of special historical or scientific meaning, from being lost to Dutch cultural heritage. The CHPA will be merged into a new Cultural Heritage Act, which shall come into force early 2016. In this new Act all Dutch cultural legislation is combined, including European legislation and the implementation acts of the 1970 and 1954 UNESCO Conventions.

The recast of the Directive has increased the safeguarding of cultural heritage in the Netherlands, which is a combination of a generic and a specific protection regime. The new Directive offers more possibilities for the return of unlawfully removed cultural goods from the territory of the Netherlands, due to the removal of the Annex with the thresholds for age and value for 15 categories. Also the extension of the periods for return procedures, of the checking of a cultural object and of the reports by the member states to the Commission, contributes to a better functioning of the Directive. Much is expected from the enhanced cooperation and communication through a new administrative system that gives the authorities of the EU member states the possibility of a faster exchange of information. The content of Article 10 of Directive 2014/60/EU (the notion of the exercise of due diligence in acquiring cultural property and the account of all circumstances of the acquisition) was already implemented in the Netherlands in the 2009 Implementation Act of the 1970 UNESCO Convention. Greater awareness of the notion of due diligence and research on provenance is high on the Dutch agenda and is a.o. discussed with the art trade and heritage institutions. It is also taken into a procedure of delivering information in a standard way to the national authorities when applying for an export licence in order to check the legitimate export of cultural goods. As is expected that illicit trafficking of cultural goods shall increase, more activities could be undertaken in order to reach a concerted effort by customs administrations in close cooperation with heritage institutions in the recognition of cultural goods as well as in the reach of a level playing field regarding the control of the outside EU borders.

***Marja van Heese** is an art historian (graduated from Leiden University) and has been working a.o. as a senior cultural policy advisor at the Netherlands Ministry of Education, Culture and Science and at present as a senior inspector in the Cultural Heritage Inspectorate in The Hague. Within the Inspectorate, she coordinates matters regarding European and international legislation on cultural goods. A point of special interest is the protection and illicit trafficking of cultural goods on which subject she has written several articles. At present she is working on a PhD research on the protection of cultural heritage in war and conflict situations.

9. The Implementation of Directive 2014/60/EU in the United Kingdom

*Carl Schnackenberg (Department for Culture, Media and Sport, London)**

Directive 2014/60/EU was implemented in the UK with a relatively short piece of legislation: the Return of Cultural Objects (Amendment) Regulations 2015, which amended the law that had originally implemented Directive 93/7/EEC: the Return of Cultural Objects Regulations 1994. Given this approach in the United Kingdom, the presentation will look back to some of the original drafting challenges presented by Directive 93/7/EEC, the language of which was substantially unaltered in the recasting of the Directive. One such challenge was covering situations in which an unlawfully removed cultural object might be found in the United Kingdom, independently of any request from a Member State. Drafters needed to consider what obligations should be imposed and tools created to preserve the object, and how expenses should be dealt with. Another challenge was deciding how to deal with uncertainty as to whether an object is a cultural object or not. Article 5(2) of Directive 2014/60/EU imposes obligations where a “cultural object” is found, yet Article 5(3) then allows the requesting Member State to check whether the object is a cultural object or not. The paper will explain the difficulties that apparently technical drafting matters such as these can create in the United Kingdom context. The United Kingdom Government prefers a strict “copy out” approach to implementing EU legislation when possible – a position that was perhaps less strong when Directive 93/7/EEC was initially implemented. The paper will highlight the controversy generated by the original Directive, and by the powers of search and entry created by the implementing regulations, which powers were unprecedented in United Kingdom law. It will make observations on the apparent impact of the Directive since then. The paper will consider the changes to the previous regime brought about by Directive 2014/60/EU. It will make observations on whether those changes might have made a difference to past resolved and unresolved cases raised with the United Kingdom, by looking at some examples.

***Carl Schnackenberg** is a lawyer in the United Kingdom’s Government Legal Department (GLD), working within the Department for Culture, Media and Sport, and responsible for legal advice on cultural property, export licensing and museums. He drafts secondary legislation in these areas. His other roles with the GLD over the last eight years include advising on corruption in sport, and immigration and asylum litigation. Before that he worked in private law in his home country, New Zealand. Carl has a BA/LLB (Hons) conjoint degree from the University of Auckland and an LLM (Distinction) in public law from the London School of Economics.

10. The Lady or the Tiger? On Legal Pitfalls of Implementation of EU Cultural Goods Directive

*Piotr Stec (University of Opole)**

The process of implementation of the EU cultural goods directive is more complicated than it would seem *prima facie*. Member States have been given a large degree of freedom in defining their national treasures, ecclesiastical goods and public collections. This gives the Member States the opportunity of either narrowing these notions to most treasured cultural goods or to expand it to cover almost everything that can be classed as ‘heritage item’. Both extremities may lead to unexpected and potentially harmful results. Furthermore, it is the job of the Member States to define procedural rules of internal restitution proceedings, and to establish rules of representation for claims brought before foreign courts. Last but not least there will be a perennial problem of proper law to determine validity of ownership transfers of the returned object. The final effect of the implementation depends largely on the lawmakers’ ability to predict the future outcome of proposed solutions, but since law is not an exact science it all will finally be reduced to an old fashioned ‘the lady or the tiger’ dilemma. The purpose of this paper is to show possible ways of avoiding the tiger.

***Piotr Stec** (LLM, PhD & Habilitation University of Silesia Faculty of Law and Administration) is Professor extraordinarius at the Opole University Faculty of Law and Administration, since 2011 dean

of the faculty. Legal advisor and member of Katowice Chamber of Legal Advisors. Research interests: intellectual and cultural property law, domestic and comparative private law, problems at intersection between private and public law.

IV. SESSION – OPERATING THE DIRECTIVE 2014/60/EU – PRACTICAL ASPECTS

11. The return of illicitly exported cultural objects from Switzerland. Extraterritorial effect of the EU Directive?

*Marc-André Renold (Centre of Art and Law, University of Geneva)**

As a non member of the European Union, but geographically very closely connected to it, Switzerland offers an interesting field of investigation for the effect of the 2014 EU Directive on the Return of Cultural Objects. Also, as an important art market State, many objects transit through Switzerland, which means that the effect of EU regulations in Switzerland is bound to be a relevant question. Clearly, if an object has been illicitly exported from the EU to Switzerland, the Directive - or any national implementing legislations - will not as such be applicable to the restitution or return of that property from Switzerland. However, some specific means could bring courts to take such foreign European rules into consideration: 1) **Bilateral agreements**: Switzerland has recently entered into several bilateral agreements with European member-States (Italy, Greece, Cyprus). These agreements prohibit the export of antiquities to Switzerland if the national rules - including EU rules - are not respected. Thus, the EU Directive is indirectly implemented in Switzerland through the means of such bilateral agreements. 2) **Private international law**: Art. 19 of the Swiss Private International Law Act (1987) provides for the taking into consideration of foreign imperative rules when sufficient contacts exist with the foreign State and if the basic Swiss legal policy requests that. If a case relating to an object from the EU were to be decided by a Swiss court, it would not seem unreasonable to think that the court would not necessarily and automatically apply Swiss law (as the *lex rei sitae*) but take into consideration the foreign European rule prohibiting the export of the cultural object. In addition, from a substantive law perspective, it is interesting to note that the Swiss law on the international transfer of cultural objects of 2003 was adopted with the European standards in mind. Therefore, for example, the extended statute of limitation (30 years) applicable to cultural objects is clearly related to the 30 years rule contained in Art. 8 of the Directive.

***Marc-André Renold** (Dr. iur., LL.M. (Yale)) studied at the Universities of Geneva and Basel in Switzerland and at Yale University in the USA. He is Professor of art and cultural heritage law at the University of Geneva and the Director of its Art-Law Centre. As of March 2012 he holds the UNESCO Chair in the international protection of cultural heritage at the University of Geneva. He is the author or co-author of many publications in the field of international and comparative art and cultural heritage law. He has been, since its inception, an editor of the “Studies in Art Law” series (25 volumes published to date). Prof. Renold is also Attorney-at-law, Member of the Geneva Bar, and is of counsel to a major Swiss- German law firm; he practices in the fields of art and cultural heritage law, intellectual property and public and private international law. Prof. Renold has been Visiting Professor at the Faculté Jean Monnet of the University of Paris Sud (2006-2007) and at the University of Lausanne (2008-2009). He has also lectured at the Hague Academy of International Law (Spring 2008) and the Institute for Mediterranean Heritage in Slovenia (summers of 2009 and 2010). He has been guest lecturer at the University Jean Moulin in Lyon, the Graduate Institute of International Studies in Geneva, as well as the Duke-Geneva Institute in Transnational Law. He is the co-editor (with Peter Mosimann and Andrea Raschèr) and co-author of *Culture, Art and Law: Swiss and International Law* (2009), the leading Swiss handbook written in German on the law of art and culture. Marc-André Renold is married and the father of three children.

12. Ratification of the 1995 UNIDROIT Convention in the light of the Directive 2014/60/EU: Poland's Perspective”

*Wojciech W. Kowalski (Ministry of Foreign Affairs of Poland, Warsaw)**

This paper explores the relationship between the regime of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects and that of the Directive 2014/60/EU from the perspective of the Polish legal system. In fact, Poland is just about to ratify the 1995 UNIDROIT Convention. Consequently, there will be created a two-level system of the protection of movable cultural heritage - the 1995 UNIDROIT and the EU Directive 2014/60. The paper discusses how such a complex

system is going to be introduced in Polish law. Finally, it attempts to foresee how both regimes can operate together in practical terms.

***Wojciech W. Kowalski** graduated from the Jagiellonian University in Cracow. He is Full Professor in Civil Law at the University of Silesia, Katowice (since 1995) and head of the Department of Intellectual and Cultural Property Laws of this University. Visiting professor, University of Edinburgh, 1998-2000. Guest lecturer in London, Edinburgh, Minsk (Belarus), Heidelberg and Athens (Georgia, USA). Summer Course in the Hague Academy of International Law in 2001 (*Restitution of Works of Art pursuant to Private and Public International Law*. Hague Academy of International Law, Recueil des cours, Vol. 288. Matrinus Nijhoff 2002). Presented papers at numerous international conferences, among other places, in Madrid, Ostende, Paris, Moscow, London, Edinburgh, Warwick, Manchester, Sofia, Arnhem, Berlin, Tartu (Estonia), Vilnius (Lithuania), New York, Washington, Hague, Ottawa, Athens (Georgia, USA), Aberdeen, Plovdiv (Bulgaria), Barcelona, Nashville (Tennessee, USA), Brussels, Maastricht, Paris, Santiago da Compostella, Palermo, Istanbul. Author or co-author of 10 books (four of them in English) and author of over 100 articles published in Poland and abroad. Representative of Poland to the Council of Europe's Cultural Heritage Committee 1992-1994. Elected Deputy Chairman of Committee 1993-1994. One of the founders of the ICOMOS International Committee on Legal, Administrative and Financial Issues, deputy chairman 1998 - 2000. Member of State Council for the Protection of Monuments 1997 - 2000.

13. Analysis of the Scale of the Crime Threat against Cultural Property in the Member States and the Selected Countries of the Eastern Partnership – as a Basis for Future EU Activities

*Katarzyna Czaplicka (Polish National Police, Warsaw)**

The Polish Police initiative concerning crimes against cultural property was one of various topics developed during the Polish Presidency of the EU Council in 2011. It began from a detailed questionnaire made with a view to collect and analyze data from EU Member States. This allowed to prepare a description of the art crime situation in Europe. The results were very interesting because of similarity of data as well as the phenomenon itself. To be more efficient, the Polish Police research joined with a crucial initiative of the European Commission resulted in the *Report of the Commission's Study on preventing and combating illicit trafficking in cultural goods*. Finally, both of research projects gave a real and solid basis to prepare *Conclusions*, which were adopted by the JHA Council on 13th December 2011 (document no. 17541/11). *Conclusions* offer selected recommendations directly focused on strengthening the police cooperation with an aim to prevent and combat crime against cultural property. The most important - from a Police point of view - are proposals for further activities for EU Member States, the European Commission, Europol and Cepol in the field of combating crime against cultural property. According to the *Conclusions*, the EU Council especially recommends the Member States: 1) to develop, in cooperation with Interpol, the manual aimed at more effectively combating crime against cultural property; 2) to introduce - if possible - a uniform and transparent standards for the identification of cultural property based on the Object ID Standard; 3) to strengthen cooperation with Interpol in the scope of developing and implementing the method of urgent reporting on the most important events related to crimes against cultural property. After 5 years of implementation it can be said the document has brought a new light on the topic and has really helped to underline the importance of such criminality and undertake necessary steps by the Police and appropriate authorities.

***Lt Col Katarzyna Czaplicka**, police officer, Criminal Bureau/National Police Headquarters in Warsaw/Poland. Since 1999 she has engaged in fighting with art crime. In 2011, she was a leader of the Polish Police initiative concerning crime against cultural property. Currently, she serves a national contact point of informal EU network CULTNET for preventing and combating crime against cultural goods, a member of the prestigious Interpol Expert Group and national coordinator for all police activities undertaken in this field in Poland.

14. Illegal Export from and Import of Cultural Goods to Poland: Do Legal and Practical Changes Introduced in Connection with the Directive 2014/60/EU Contribute to Reducing the Problem?

*Olgiard Jakubowski (National Institute for Museums and Public Collections, Warsaw)**

*Alicja Jagielska-Burduk (University of Kazimierz Wielki, Bydgoszcz, SAACLR)***

Illicit trafficking and smuggling of cultural property is a major threat to the integrity of the cultural heritage in different European countries. In Poland we have observed a decline in the effectiveness of

existing tools to limit these problems over the last decade. Both statistics of border guards and customs services indicate that detection of crimes related to the illegal export of cultural goods is currently at a low level. Moreover, even if the perpetrators have been detected and identified, their final conviction in criminals trials is rare. Arguably, the restrictions on the control of goods related to the functioning of the Schengen zone have negatively affected the ability of border police operations. In this context, one may hope that the new tools introduced into the EU Member States' legal systems in connection with the implementation of the Directive 2014/60/EU may contribute to the emergence of a real opportunity to reduce the level of smuggling. IMI module dedicated to the search for and return of cultural goods illegally removed from the territory of a Member State, introduced by the Directive alongside other solutions regulated under national implementing laws, may constitute a novel efficient tool for the protection of cultural heritage against smuggling across the EU.

***Olgierd Jakubowski** is a lawyer-criminologist and Chief Expert in the Department of Criminal Analysis of the National Institute for Museums and Public Collections in Warsaw. In 2006-2010 he served as secretary of committee on the export of cultural objects. He is also a Member of the expert group of the European Commission on the implementation of the Directive 2014/60/EU and adaptation of the IMI application for the purposes of return of cultural goods. Mr. Jakubowski serves as a representative of the constant contact with the European Commission DG-TAKSUD-UNIT B1 in the works of the Committee on the Export and Return of Cultural Goods. As an expert he participated in the work of international institutions: the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation, the Commission on Crime Prevention and Criminal Justice operating within the United Nations system and Interpol.

****Alicja Jagielska-Burduk** (PhD, MBA) – see her bio note above.

MODERATORS:

Francesca Fiorentini is Associate Professor of Private Comparative Law at University of Trieste (Italy), Department of Legal Studies, Language, Interpreting and Translation Studies, and the Principal Investigator of the HEURIGHT project. She is also a member of the SIRD (Italian Society for the Research in Comparative Law – National Committee of the International Association of Legal Sciences). In 2004-2007 Prof. Fiorentini served as a Research Associate at the Max-Planck-Institut für ausländisches und internationales Privatrecht of Hamburg (Germany), within the network “Study Group on a European Civil Code” – Group on Personal and Proprietary Security Rights (directed by Prof. Dr. Ulrich Drobnig). She was also a Marie Curie Fellow at the Zentrum für Europäisches Rechtspolitik (ZERP) of the University of Bremen (Germany) (2006 – 2007). She authored a monograph *Le garanzie immobiliari in diritto europeo. Studio di diritto comparato* (Staempfli 2009) and co-edited (with Professor Luisa Antonioli, Trento) of a collective book *The Factual Assessment of the Draft Common Frame of Reference* (Sellier 2010). Her main fields of investigation comprise: comparative law, European private law, comparative property law, comparative secured transactions law and comparative cultural property law.

Kristin Hausler, Dorset Senior Fellow in Public International Law at the British Institute of International and Comparative Law (BIICL), is the Principal Investigator of the HEURIGHT project. Since joining BIICL in 2007, she has developed and led several projects advising governments, international organisations and non-governmental organisations. Her expertise lies primarily in international human rights law, international humanitarian law, international criminal law, as well as cultural heritage law. A member of the Cultural Heritage Committee of the International Law Association, she holds a Bachelor and Master of Law from the University of Fribourg (Switzerland) and an LL.M. from the University of British Columbia (Canada), where her thesis was on the resolution of cultural heritage disputes. She has a background in the cultural sector, having worked in museums and studied modern and contemporary art at Christie's in New York. Before joining the Institute, she worked for several years at the Museum of Anthropology in Vancouver on the 'Journey Home', a field project developed with Indigenous peoples, which focused on the return of Ancestral remains to their native communities. Recently, she published a chapter in the War Report 2013 on the protection of cultural heritage in armed conflict (OUP, 2014), as well as an article on the obligations of non-State armed groups with regard to cultural heritage in non-international armed conflicts in the *Santander Art & Culture Law Review* (2016).

Alicja Jagielska-Burduk (PhD, MBA) – see her bio note above.

Andrzej Jakubowski is Assistant Professor at the Institute of Law Studies of the Polish Academy of Sciences (Warsaw) and the Project Leader of the HEURIGHT project. He holds a PhD in International Law from the European University Institute (Florence, Italy) and MA in art history from the University of Warsaw. He is a current member of the ILA Committee on Cultural Heritage Law. In 2014, the government of Poland nominated him as a mediator at the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin or Its Restitution in Case of Illicit Appropriation. He is the author of *State Succession in Cultural Property* (OUP, 2015). He has also edited *Cultural Rights as Collective Rights – An International Law Perspective* (Brill-Nijhoff 2016), and co-edited (with Karolina Wierczyńska) of the volume *Fragmentation vs. the Constitutionalisation of International Law – A Practical Inquiry* (Routledge, 2016). He serves as a member of the editorial board of the *Polish Yearbook of International Law* and a theme editor of a new law journal *Santander Art & Culture Law Review*.

Anna Koziczak is Professor and Dean of the Administration and Social Sciences Faculty at Kazimierz Wielki University in Bydgoszcz. She specializes in criminalistics. She is expert in graphology also in art context. She has conducted a number of interdisciplinary legal research projects. Currently, she coordinates *Santander Art and Culture Law Review* project within the framework of the Santander Universidades Programme.

Katarzyna Zalasinska (Ph.D., University of Warsaw, Habilitation, University of Silesia) is lecturer at the Faculty of Law and Administration at the University of Warsaw. She also graduated from the Institute of Art & Law in UK. She is an expert in the field of cultural heritage, cooperating with several public institutions. Member of the following associations: Council for the Protection of Monuments and Sites, Polish National Committee of the International Council of Museums (ICOM), Polish National Committee of the International Council on Monuments and Sites (ICOMOS), Society for the Protection of Monuments and Sites, and Academic Council of the Association of Folk Artists. Author of numerous publications on the protection of monuments and sites, museums and the art market.