

Übersetzung durch den Sprachendienst des Bundesministeriums des Innern.

Translations provided by the Language Service of the Federal Ministry of the Interior.

Stand: Die Übersetzung berücksichtigt die Änderung(en) des Gesetzes durch Artikel 4 des Gesetzes vom 18.05.2007 (BGBl. I S. 757)

Version information: The translation includes the amendment(s) to the Act by Article 4 of the Act of 18.05.2007 (Federal Law Gazette I p. 757)

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Act implementing the Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict¹

Article 4 of the Act implementing the UNESCO Convention of 14 November 1970 on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property (Act Implementing the Cultural Property Convention)

Act implementing the Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict of 18 May 2007 (Federal Law Gazette [BGBl.] Part I p. 757)

Section 1

Obligation to return

(1) Cultural property within the meaning of Article 1 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954 (Federal Law Gazette 1967, Part II, p. 1233) from an occupied territory of a State Party shall be returned to the respective competent authorities of the previously occupied territory at the end of the hostilities if

1. it was removed from the territory of that State during an armed conflict and brought into the territory of the Federal Republic of Germany after 11 November 1967 and
2. a request for return is made to the Federal Foreign Office by the authorities of the State Party through diplomatic offices.

(2) Deposited cultural property within the meaning of Chapter II, number 5, of the Protocol to the Convention of 14 May 1954 (Federal Law Gazette 1967, Part II, pp. 1233, 1300) shall be returned at the end of the hostilities without the further conditions of subsection (1) having to be met.

(3) The costs of return shall be born by the requesting State.

(4) The person physically holding the cultural property on his own account or for a third party (the party obliged to return) shall be obliged to return it only upon payment of fair compensation. There shall be no obligation to pay compensation if the requesting State furnishes proof that at the time such party acquired the cultural property he was aware, or was unaware due to gross negligence, that the object had been removed from an occupied territory or deposited for purposes of protection.

(5) If the returnable cultural property was donated, bequeathed or left to the party obliged to return it, he shall bear the burden of the donor's or testator's breach of the duty to exercise due care.

Section 2

Prohibition of removal and seizure

(1) Any removal of cultural property in contravention of Chapter I, number 2, of the Protocol from an occupied territory of a State Party to the territory of the Federal Republic of Germany during an armed conflict shall be prohibited. This shall not apply to cultural property which, within the meaning of Chapter II, number 5, of the Protocol, is to be deposited in the territory of the Federal Republic of Germany for the purpose of protecting such property against the dangers of an armed conflict.

(2) The removal of cultural property pursuant to subsection (1) to the territory of the Federal Republic of Germany in direct trade with third countries shall be subject to supervision by the customs authorities.

(3) The Federal Ministry of Finance shall be authorised, in agreement with the Federal Government Commissioner for Culture and the Media, to regulate the details of the procedure indicated in subsection (2) by way of ordinances not requiring the consent of the Bundesrat; it can thereby also provide for obligations to notify, declare, furnish information and provide ancillary assistance as well as obligations to tolerate inspection of business papers and other documents and to tolerate examinations and the taking of samples and specimens without payment.

(4) If, within the framework of supervision by the customs authorities, doubts arise as to whether the object in question is cultural property from an occupied territory of a State Party, the competent customs office may, until such doubts are clarified, impound the object or have it impounded by a third party at the expense of the person by whom or in whose name the object is being brought into the territory of the Federal Republic of Germany (person with the right of disposal over the object). To clarify such doubts, the customs office may demand that the person with the right of disposal produce a certificate, issued by an independent expert institution or expert who has been recognized as such by the Federal Government Commissioner for Culture and the Media and in respect of whom corresponding notice has been published pursuant to section 17 subsection (4) of the Act on the Return of Cultural Property of 18 May 2007 (Federal Law Gazette, Part I, p. 757), confirming that the object in question is not cultural property from an occupied territory of a State Party.

(5) Cultural property which is directly removed from a third country to the territory of the Federal Republic of Germany in contravention of the prohibition set out in subsection (1) shall be subject to seizure by the competent customs offices. Such seizure shall be reported to the Federal Foreign Office or to the Federal Government Commissioner for Culture and the Media without delay.

(6) The Federal Foreign Office shall inform the authorities of the State Party of the seizure without delay.

(7) Seized objects shall, at the end of the hostilities, be returned to the person with the right of disposal over them if the State Party, when asked, declares that it will not seek return. The objects shall also be returned to the person with the right of disposal if the State Party does not respond within one year. The costs of storage after seizure shall be borne by the person with the right of disposal. The query and the decision on return shall be made by the Federal Foreign Office in agreement with the Federal Government Commissioner for Culture and the Media, which shall inform the competent customs office of the decision.

(8) Notice of the occupied territories of the States Parties shall be published by the Federal Foreign Office in the Federal Gazette.

Section 3

Procedure for effecting and securing return

(1) The Länder shall be responsible for the measures necessary to locate, secure and return returnable cultural property. The tasks associated with repatriation shall be carried out pursuant to section 12 of the Act on the Return of Cultural Property, mutatis mutandis, by the central authorities specified therein.

(2) The objects to be returned pursuant to section 1 which have not already been seized pursuant to section 2 subsection (5) shall be secured in accordance with Land legislation if there is reason to fear that their return to the requesting State may be hindered or that they may sustain damage. The costs of securing the objects shall be borne by the requesting State.

(3) Such securing shall be reported to the Federal Foreign Office or the Federal Government Commissioner for Culture and the Media without delay.

(4) The Länder shall also be responsible for the measures necessary to accept, store and return cultural property deposited pursuant to Chapter II, number 5, of the Protocol. The

tasks associated there with shall be carried out pursuant to sections 8 and 12 of the Act on the Return of Cultural Property, mutatis mutandis.