

ALBANIA

LEGAL BASIS

- 1. Is your State a party to international legal instruments guaranteeing the immunity of State owned cultural property on loan (including bilateral agreements) such as the *United Nations Convention on Jurisdictional Immunity of States and Their Property* (2004)?**

Albania is not a party to the UN Convention on Jurisdictional Immunity of States and Their Property (2004). Nevertheless it has signed the Declaration on Jurisdictional Immunities of State Owned Cultural Property.

In 2012 Albania concluded an agreement with Austria regarding the loan of objects belonging to their state movable cultural heritage for exhibitions on each other's territory. According to this agreement “Each Party shall protect and preserve, in accordance with highest international standards, the designated State movable cultural heritage of the other Party while located on its territory”. All disputes that could arise from the implementation of this agreement had to be referred to the International Court of Justice unless settled by mutual negotiations.

- 2. Does your State recognize the customary international law nature of Part IV of the *United Nations Convention on Jurisdictional Immunity of States and Their Property* (2004)? More specifically, does your State consider that, pursuant to a rule of customary international law, cultural property owned by a foreign State while on temporary loan is not considered as property specifically in use or intended for use by the State for other than government non-commercial purposes?**

Albania, as a signatory of the Declaration on Jurisdictional Immunities of State Owned Cultural Property, reaffirm its commitment to the rules of customary international law on State owned cultural property on loan intended for public display.

- 3. Has your State adopted a national legislation on immunity concerning:**
 - a. Specifically cultural objects of foreign States; or**
 - b. more generally, property of foreign States intended for official/public use;**

or

 - c. more generally, cultural objects either owned by foreign States or by private individuals?**

If so, please provide information concerning national legislations (in particular title, source and content; if possible, please provide official translations in French or in English and/or references to online sources).

There is no such legislation adopted in Albania.

- 4. Does your State consider that there are limitations to the rule of immunity of State owned cultural property on loan, in particular in the event of an armed conflict or when there are return obligations deriving from international or European law?**

This issue will be considered in the context of potential accession of Albania to the United Nations Convention on Jurisdictional Immunity of States and Their Property.

- 5. Does your State consider that the rule of immunity of cultural property extends to other categories of property other than those owned by a State, i.e. property in possession or control of a State (such as property belonging to a State museum)?**

This issue will be considered in the context of potential accession of Albania to the United Nations Convention on Jurisdictional Immunity of States and Their Property.

NATIONAL PRACTICE AND PROCEDURE

- 6. Is there national case-law in the field of immunity of State owned cultural property on loan? If so, please provide information on these decisions (date of the judgment, authority that issued the judgment, name of the parties, main points of law, French or English translation of the judgment or summary of the judgment in English or in French).**

There is no evidence on this matter.

- 7. Does your State resort to “letters of comfort” or other practice guaranteeing the recognition of the immunity from seizure of State owned cultural property on loan?**

There has been no such practice in place so far.

- 8. Is the immunity granted automatically to State owned cultural property on loan or is it subject to approval by a State authority?**

Any relevant immunity under bilateral agreements is granted upon the approval of relevant State authorities.