

GREECE

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)?

Greece is not a party to the 2004 *United Nations Convention on Jurisdictional Immunity of States and their Property*.

2. Does your State recognise 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?

Greece considers that, pursuant to a rule of customary international law, cultural property owned by a foreign State 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.

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).

Greece has not yet adopted a national legislation on immunity concerning specifically cultural objects of foreign States during their display or, in general, property of foreign States intended for official/public use or cultural objects either owned by foreign States or by private individuals.

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?

Greece, in general, does not consider that there are limitations to the rule of immunity of State owned cultural property on loan.

With respect to return obligations deriving from international law, Greece is a party to the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the 1995 UNIDROIT Convention on stolen or illegally exported cultural objects and to the 1954 UNESCO Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and to its Protocols. Greece also abides by the Directive (EU) 2014/60 of the European Parliament and 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) 1024/2012 (Recast)¹.

In cases where there is evidence that among the foreign State owned cultural objects on display there is an object (or objects) of uncontested Greek origin, illegally exported from Greece, Greece proceeds to the submission of an official claim for its return.

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)?

Greece considers that the rule of immunity of cultural property extends to property in possession or control of a State, when it is established that the said State or State Museum are the legitimate holders of the exposed cultural 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).

No.

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?

According to the Greek National Legislation on the protection of Antiquities and Cultural Heritage (Law 4858/2021, article 25), the loan of inventoried movable monuments², which belong to the State and are in its possession, to foreign museums or educational organizations for display or educational purposes may be allowed only in exceptional cases upon decision of the Minister of Culture. The loan to museums takes place only on a reciprocal basis. The loan is agreed for a definite period of time which does not exceed five years and may be renewed under the same procedure.

In accordance with established practice, the loan of inventoried movable monuments, which belong to the Greek State and are in its possession, to foreign States, State museums, museums or educational organizations for display or educational purposes is subject to a previous exchange of Letters, on an official level, between the Greek State and the foreign State or State museum or institution where the display will take place. The texts of the “immunity from seizure” letters³ often regulate at the same time issues such as safety and security of the items, insurance, liability etc.

In cases when State owned foreign cultural property is to be displayed in Greece, the Greek State reassures, in its “immunity from seizure” letter, the other State or museum that it will do

¹ It is noted that Directive 2014/60/EU does not provide for the immunity of State owned cultural property on loan.

² Namely cultural objects documented and registered in the National Inventory of Monuments.

³ Or “Letters of Comfort”.

everything that is legally within its power to ensure that the art objects on loan will not be encumbered upon at any time while located in Greece and that it will consider these items to be State property which, as such, will enjoy immunity from any measures of constraint.

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 immunities under customary international law apply automatically, however, at a practical level, with respect to State owned cultural property on loan for the purposes of an exhibition, the Minister of Culture or his/her duly authorized State representative signs the afore-mentioned "immunity from seizure" letter with respect to the list of cultural items that will be displayed.