

THE NATIONAL ASSEMBLY  
OF THE REPUBLIC OF SLOVENIA

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Ljubljana, Nov. 28, 2003

At the session held on November 28, 2003, The National Assembly of the Republic of Slovenia enacted the following text of The Law on the Return of Unlawfully Removed Objects of Cultural Heritage:

**The Law on the Return of Unlawfully Removed Objects of Cultural Heritage**

**CHAPTER I  
GENERAL PROVISIONS**

Article 1  
(Scope of the Law)

This Law regulates the return of movable objects of cultural heritage that have been unlawfully removed from the territory of the Republic of Slovenia and brought to the territory of any State that is a member of the European Communities that work within the European Union (hereinafter: the Member State), or brought from the territory of a Member State to the territory of the Republic of Slovenia.

Article 2  
(Central Authorities)

(1) The Ministry responsible for cultural heritage (hereinafter: Ministry of Culture) is the central authority in the Republic of Slovenia and is responsible for co-ordination, organisation, and supervision of tasks related to the return of unlawfully removed objects of cultural heritage. The Ministry of Culture must co-operate with those authorities of Member States that are responsible for the co-ordination of tasks relating to the return of unlawfully removed objects of cultural heritage in Member States (hereinafter: central authorities of the Member States).

(2) The Ministry of Culture shall notify other authorities and organisations in the Republic of Slovenia, responsible for the protection or search of the objects of cultural heritage, about activities related to the return of objects of cultural heritage.

## CHAPTER II:

### THE RETURN OF SLOVENIAN OBJECTS OF CULTURAL HERITAGE FROM MEMBER STATES

#### Article 3

(Objects whose Return may be Requested)

The Republic of Slovenia may request from a Member State the return of an unlawfully removed object of cultural heritage, if this object:

(a) belongs to one or both of the following categories of objects of cultural heritage:

- it is listed in the public collections of museums, archives, and libraries, or belongs to the inventories of ecclesiastical institutions,
- it belongs to one of the categories of objects of cultural heritage that are prescribed by the minister responsible for cultural heritage (hereinafter: Minister for Culture);

b) and has been classified, before or after the unlawful removal, among national treasures having artistic, historic, or archaeological value (hereinafter: national treasure).

(2) An object of cultural heritage is unlawfully removed when it has been removed from the territory of the Republic of Slovenia in breach of the rules regulating the export of objects of cultural heritage or in breach of The Council Regulation (EEC) No 3911/92 from 9/12/1992 on the export of cultural goods (hereinafter: The Council Regulation 3911/92). An object of cultural heritage shall also be considered as unlawfully removed when it has not been returned at the end of a period of lawful temporary removal, or where other conditions governing such temporary removal have been breached.

#### Article 4

(National Treasure)

(1) An object shall be considered a national treasure if it complies with one or more of the following conditions:

1. it has the status of a State cultural monument or a local cultural monument,
2. it is an archaeological object more than 100 years old that is the product of land or underwater excavations and finds, or of archaeological sites or archaeological collections,
3. it is an integral part of an artistic, historical, or religious monument that has been dismembered, and is more than 100 years old,
4. it is listed as part of a collection or equipment of ecclesiastical institutions,
5. or it has a cultural value for the Republic of Slovenia due to its historic, artistic, scientific, or general human importance.

(2) The Minister for Culture shall decide whether an object of cultural heritage has a cultural value according to Paragraph 1 Point 5. The Minister for Culture shall find that the object has a cultural value for the Republic of Slovenia if it complies with one or more of the following criteria:

1. the object is the work of an artist, designer, or other creator who is important in a specific cultural field in Slovenia,
2. the object is a product of domestic inventiveness or expertise,

3. the object is characteristic of the cultural heritage of the Republic of Slovenia or its regions,
4. the object is connected to a person, event, or occurrence that is important in Slovenian history and/or history within the territory of the Republic of Slovenia,
5. the object is linked to a cultural monument or to another important cultural context,
6. the object is rare, endangered, or will become rare within the territory of the Republic of Slovenia.

Article 5  
(Competent Authorities)

(1) The decision to instigate procedures for the return of an object of cultural heritage that has been unlawfully removed from the territory of the Republic of Slovenia shall be made by the Minister for Culture. The decision shall be forwarded to the Public Defender's Office.

(2) The Ministry of Culture shall forthwith inform the central authority of the Member State that a court procedure has been initiated for the return of an object of cultural heritage from that Member State.

(3) The other authorities in the Republic of Slovenia, responsible for the protection of or search for objects of cultural heritage, shall, in accordance with their competencies, do everything that is necessary for the return of the objects of cultural heritage that have been unlawfully removed from the territory of the Republic of Slovenia.

**Chapter III**

**RETURN OF OBJECTS OF CULTURAL HERITAGE FROM THE TERRITORY OF THE  
REPUBLIC OF SLOVENIA TO MEMBER STATES**

Article 6  
(Duty to Return Objects of Cultural Heritage)

(1) An object of cultural heritage that is situated in the territory of the Republic of Slovenia shall be returned to the Member state if it has been unlawfully removed from the territory of that Member State and has been, before or after the unlawful removal, classified as being among national treasures having artistic, historic, or archaeological value under the legislation of that Member State, and if it either:

- belongs to any public collection administered by museums, libraries, or archives in the Member State. A public collection is a collection that is the property of the Member State, or its regional or local authorities. A public collection shall also refer to collections that are owned by an institution, situated in the territory of the Member State, which is defined as a public institution according to the legislation of that Member State, and is the property of, or significantly financed by, that Member State or its regional or local authorities;
- belongs to the inventories of ecclesiastical institutions in the Member State,
- or belongs to one of the categories of cultural heritage defined by the Annex to the Council Directive 93/7/EEC of March 1993 on the Return of Cultural Objects Unlawfully Removed from the Territory of the Member State.

(2) "Unlawfully removed" shall mean that an object of cultural heritage has been removed from the territory of a Member State in breach of its rules on the protection of cultural heritage or in breach of the Council Regulation 3911/92, or that an object of cultural heritage has not been returned at the end of a period of lawful temporary removal, or that there has been a breach of the rules governing such temporary removal.

(3) The return of an object of cultural heritage shall be decided on by the Court upon the motion of a Member State.

Article 7  
(Search and Verification of Objects of Cultural Heritage)

(1) The Member State has a right to address to the Ministry of Culture an application for the search of a specific object of cultural heritage that has been unlawfully removed from its territory, and for an identification of the person possessing this object of cultural heritage. The application must include all information needed to facilitate the search, with particular reference to the actual or presumed location of the object.

(2) The Ministry of Culture must, upon receiving the application from Paragraph 1, inform those authorities and organisations that could provide assistance in locating the object or in identifying the person possessing the object. The Ministry of Culture shall also engage in other activities within its competence that are necessary for the return of the object of cultural heritage and for the identification of the person possessing the object.

(3) The Ministry of Culture shall notify a Member State, if an object of cultural heritage has been found in the territory of the Republic of Slovenia and there are reasonable grounds for believing that it has been unlawfully removed from the territory of that Member State.

(4) The Ministry of Culture shall within its competency enable the competent authorities of the Member State that received the notification from Paragraph 3 to verify within the territory of the Republic of Slovenia that the object in question is an object of cultural heritage, provided that the check is made within two months of the notification.

(5) The inspector who is responsible for supervising the implementation of cultural heritage legislation shall be authorized to search for objects of cultural heritage, to identify persons possessing these objects, and to assist the competent authorities of Member States in verifying that the object in question is an object of cultural heritage.

(6) The Ministry of Culture shall engage in facilitating a consensual agreement over the return of the object between the person possessing the object of cultural heritage and the Member State that has requested its return. Upon the formal approval of the Member State and the person possessing or holding the object, the Ministry of Culture shall act as an intermediary between the two parties during the negotiations.

Article 8  
(Responsibilities of Other Authorities)

(1) The authorities and organisations in the Republic of Slovenia responsible for the search or protection of objects of cultural heritage shall, in accordance with their respective competencies, cooperate with the Ministry of Culture, especially:

1. to inform the Ministry of Culture about searches for and locations of actually or presumably unlawfully removed objects of cultural heritage, and about other matters linked with the unlawful removals of the objects of cultural heritage;

2. upon the notice of the Ministry of Culture according to Article 7, Paragraph 2, to locate a specified object of cultural heritage that has been unlawfully removed from the territory of a Member State and to identify the person possessing the object.

(2) If an Authority from Paragraph 1 receives an application per Article 7, Paragraph 1 directly from the Member State, it must forward it to the Ministry of Culture.

Article 9  
(Motion for the Return of an Object of Cultural Heritage)

- (1) A Member State may file a motion before the competent Court for the return of an object of cultural heritage that has been unlawfully removed from its territory.
- (2) The Court will decide on the matter in a non-litigious civil procedure.
- (3) The motion must be accompanied by the following:
  1. a document describing the object of cultural heritage whose return is requested in the motion;
  2. a statement of the Member State that the object in question is an object of cultural heritage according to this Law;
  3. a document, which has been issued by the competent authority of the Member State, that declares that the object of cultural heritage has been unlawfully removed from its territory;
  4. the identification of the person that must return the requested object of cultural heritage (hereinafter: the opposing party). The opposing party is a person who in his or her own name possesses the object, or - if such a person does not exist, is not known or is unreachable - a person who possesses the object in someone else's name;
  5. evidence showing that the time-limits from Article 11 are observed.
- (4) When the object, whose return is requested by the Member State, belongs to one of the categories from Article 6, Paragraph 1, Point 3, its financial value shall be assessed upon the value of this object in the Republic of Slovenia at the time the motion has been filed.
- (5) The Ministry of Culture has a right to participate in the proceedings.

Article 10  
(Jurisdiction)

- (1) The jurisdiction over cases concerning the return of the objects of cultural heritage shall belong to the circuit court, within whose judicial circuit the permanent residence, the temporary residence, or the registered office of the opposing party is located.
- (2) If a territorial jurisdiction cannot be decided according to Paragraph 1, the territorial jurisdiction shall belong to the circuit court within whose judicial circuit the object of cultural heritage is located.

Article 11  
(Time Limits)

- (1) The motion for the return of an object of cultural heritage shall be filed no later than one year after the Member State has become aware of the location of the object and of the identity of the person responsible for the return of the object.
- (2) The motion shall be filed no later than 30 years after the object of cultural heritage has been unlawfully removed from the territory of the Member State. Exceptions to this rule are objects forming part of a collection, referred to in Article 6, Paragraph 1, Point 1, and ecclesiastical objects, referred to in Article 6, Paragraph 1, Point 2, if these objects are subject to special protection arrangements under the law of the Member State. In such cases the motion shall be filed no later than 75 years, except where a bilateral agreement with the Member State provides for a longer time limit for filing a motion.

Article 12  
(Notification of Initiation of the Procedure)

The Member State shall forthwith inform the Ministry of Culture that the motion for the return of the object of cultural heritage has been filed. The Ministry of Culture shall, upon receiving this information, inform all Central Authorities of other Member States about the initiated procedure.

Article 13  
(Court Decision)

(1) A hearing must be organised by the Court during the procedure for the return of an object of cultural heritage.

(2) The Court shall order the opposing party to return the object of cultural heritage to the party that filed the motion, if the following conditions are fulfilled:

1. the object is an object of cultural heritage according to Article 6, Paragraph 1;
2. the object has been unlawfully removed from the territory of the requesting Member State;
3. the motion has been filed within the time limits set in Article 11;
4. the object has been removed from the requesting Member State after the date specified in Article 19;
5. the opposing party held or possessed the object of cultural heritage at the time the motion was filed.

Article 14  
(Monetary Compensation)

(1) The opposing party that has held or possessed the object in his or her own name, shall have, until the end of the first hearing, the right to propose to the Court that a monetary compensation be awarded to him or her by the Member State upon the return of the object to that Member State.

(2) The Court shall decide on an appropriate monetary compensation by the order that grants the motion for the return.

(3) The Court shall award compensation if the opposing party from Paragraph 1 has exercised due care and attention in acquiring the object. The Court shall decide about the appropriate amount of compensation by taking into account all the circumstances of the case.

(4) If the opposing party from Paragraph 1 has acquired the object of cultural heritage as a donation or due to succession, he or she shall have the right to monetary compensation only if the person from whom he or she acquired it would also have had such a right.

Article 15  
(Expenses and Handing Over)

(1) The Member State that has requested the return of an object of cultural heritage shall cover the expenses incurred by the Court procedure, the expenses that will presumably arise during the return of the object, and the expenses of those interim measures that are necessary for the physical preservation of the object of cultural heritage.

(2) When granting the return of an object of cultural heritage and awarding monetary compensation, the Court shall order the Member State to deposit the compensation at the Court. The Court will deliver the compensation to the opposing party upon receiving notification from the Ministry of Culture that the object of cultural heritage has been handed over to the Member State.

(3) The opposing party must hand over the object of cultural heritage to the Member State within three days of the compensation being deposited at the Court. The handing over procedure shall take place at the Ministry of Culture. The Ministry shall make a protocol regarding the handing over and shall notify the Court about it.

Article 16  
(Relation to Other Procedures)

(1) The Court shall award an appropriate compensation according to Article 14 and decide about procedural expenses and implementation costs according to Article 15, without prejudice to the Member State's right to take action to recover these expenses and costs from those responsible for the unlawful removal of the object of cultural heritage from its territory.

(2) The fact that the Member State filed a motion for the return of an object of cultural heritage shall not preclude civil lawsuits for the return of the same object on the grounds of ownership. In the case of an ongoing civil procedure for the return of an object of cultural heritage on the grounds of ownership the Court may suspend the non-litigious civil procedure until the decision in the civil procedure is final.

(3) The decision in the non-litigious civil procedure according to this Law shall be without prejudice to other relationships under private law and to criminal responsibility and does not preclude a criminal procedure related to the unlawful removal of an object of cultural heritage.

(4) Ownership of the object of cultural heritage after its return shall be governed by the law of the Member State that requested the return.

**CHAPTER IV  
OTHER PROVISIONS**

Article 17  
(Other Legal Procedures)

The return procedures governed by this Law do not encroach on or interfere with the procedures aimed at investigating and prosecuting criminal acts committed in connection with unlawfully removed objects of cultural heritage.

Article 18  
(Report on the Implementation of the Law)

The Government shall at least once every three years adopt a report on the implementation of this Law. The draft of this report shall be prepared by the Ministry of Culture.

Article 19  
(Application of the Law)

This Law shall apply only to objects of cultural heritage unlawfully removed from the territory of Slovenia and/or Member States on or after 1 January 1993.

Article 20  
(Executive Rule)

The Minister responsible for cultural heritage shall adopt a Rule about the categories of objects from the Article 3, Paragraph 1, Point (a) of this Law within 15 days of the coming into force of this Law.

Article 21  
(Termination of Validity)

(1) On the effective date of this Law, Articles 34 and 35 of the Cultural Heritage Protection Act (Uradni list RS, št. 7/1999) shall cease to apply in those parts that regulate the return of objects of cultural heritage from the Member States to the Republic of Slovenia and from the Republic of Slovenia to Member States after 31.12.2003.

(2) Procedures already underway for the return of objects of cultural heritage, initiated by the Member States, shall be completed according to the law that applied before the effective date of this Law.

Article 22  
(Effective Date)

This Law shall come into effect on the day the Republic of Slovenia becomes a member of the European Communities that work within the European Union.