

Protection of Cultural Goods in Austria

Export of Cultural Goods – Return of Illegally Exported Cultural Goods

Ulrike EMBERGER, Federal Monuments Authority Austria, Austria

Keywords: *monument protection act—export of cultural goods—return of cultural goods*

CHNT Reference: add full reference here: Ulrike, Emberger. 'Protection of Cultural Goods in Austria', in CHNT Editorial board. *Proceedings of the 27th International Conference on Cultural Heritage and New Technologies, November 2022*. Heidelberg: Propylaeum.

Guidelines <Cultural Property Protection: Currents in Law and Law Enforcement>

Please follow these guidelines strictly to ensure a smooth and quick review and publication process.

General issues <Cultural Property Protection: Currents in Law and Law Enforcement>

The *Department of Moveable Cultural Objects* is the Austrian federal authority responsible for the legal export of cultural goods and the return of illegally exported objects. All cultural goods that require an export licence according to the national law and the regulations of the European Union are examined with regard to their artistic, historical and cultural importance. Our department deals with 1500 to 1800 export-licence applications covering more than 5000 objects every year. Objects that do not qualify to leave the country due to their importance have to be placed under national protection, thus being listed as national cultural goods. They are defined as “moveable monuments” and must be treated with special care similar to unmoveable monuments.

According to the „*Kulturgüterrückgabegesetz*“ – KGRG BGBl. I No 19/2016 (which refers to the Directive 2014/60/EU and UNESCO Convention 1970, BGBl. III No. 139/2015) objects that are defined as national cultural goods are to be returned within the European member states, if they were exported later than 1993. The *Federal Monuments Authority Austria (Bundesdenkmalamt)* is the unit responsible for protecting illegally exported goods found in Austria, and they support the restitution of objects belonging to their rightful owners. During the past 20 years more than 100 objects, mainly sculptures and inventories of churches as well as religious monuments of neighbouring countries were returned to other European countries by Austria. In collaboration with the legal department of the *Federal Monuments Authority Austria*, the *Department of Moveable Cultural Objects* also succeeds in bringing back illegally exported cultural goods to Austria.

‘Protection’ according to our legal framework means to save objects from destruction. We further prevent the separation of items belonging together in addition to foiling illegal export. ‘Protection’ also entails supporting the return of illegally exported objects from other countries. Thus, our responsibility covers foreign cultural goods as well and we offer international care to a certain degree.



Fig. 1. Auction catalogues of various Austrian auction houses (© Rosa Pum-Maderthner).



Fig. 2. Statue of Saint Sigismund, 18th century, Church of Saint Anne in Sudejov, District Kutna Hora, Czech Republic, stolen and illegally exported 1997, found in Innsbruck (Austria) 2020, returned to original place in March 2022. (© Ulrike Emberger).

Conflict of Interests Disclosure

The author is working for the Federal Monuments Authority Austria. Any data used in the text were given by the Federal Monuments Authority Austria.

References (3 - max. 5)

- Denkmalschutzgesetz – DMSG (Monument Protection Act). Available at: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10009184>
- Verordnung des Bundesministers für Unterricht und kulturelle Angelegenheiten, mit welcher Kategorien von Kulturgütern festgesetzt werden, die auf Grund der Bestimmungen des Denkmalschutzgesetzes für die Ausfuhr keiner Bewilligung bedürfen, BGBl. II Nr. 484/1999 (Regulation 494/1999). Available at: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20000259>.
- Verordnung (EG) Nr. 116/2009 des Rates vom 18. Dezember 2008 über die Ausfuhr von Kulturgütern (kodifizierte Fassung). Available at: <https://eur-lex.europa.eu/legal-content/DE/TXT/?uri=CELEX%3A32009R0116>
- Kulturgüterrückgabegesetz – KGRG (Return of Cultural Goods-Act 2016). Available at: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20009507>