

Hungary

NATIONAL LEGISLATION FOR THE PROTECTION OF CULTURAL HERITAGE

1. National Regulations

- Act No.64 of 2001 on the protection of cultural heritage
- Decree 17/2001 on Restrictions to the Export of Cultural Objects

2. National cultural protection

2.1 Frame work of protection (nature and legal status of protected cultural goods)

The notion of ‘cultural goods’ (‘Cultural assets’) is defined by the Act as follows: “outstanding and typical objects, images, sound recordings and written memories and other proof of the origin and development of lifeless and live nature, mankind, the Hungarian nation and the history of Hungary, as well as pieces of arts”.

An export licence is needed for the movement of all cultural goods which are more than 50 years old (either to other Member States or outside the European Community).

Cultural goods have special protection by the force of the Act or by the declaration of the responsible authority (National Office of Cultural Heritage). The archaeological finds are protected by legal acts (they should be in State property), their placement into public collections is obligatory. Monuments with their movable accessories (furnishings, equipment) without respect of whoever owns them as well as objects of public collections are also protected. The National Office of Cultural Heritage shall declare protection for cultural goods, (not falling under the scope of the above categories) which are irreplaceable and of outstanding significance, shall register them and the owner of cultural assets for which protection has been declared shall be obliged to make arrangements for their safeguarding and scientific research. Permanent exportation of protected cultural goods or those for which protection has been declared is prohibited, they must require a temporary export licence – with the condition of return.

2.2 Protection of cultural goods (procedure, document for leaving the country, modalities to issue and use)

An export licence (permanent or temporary) according to Community or National legislation is required for all cultural goods of more than fifty years of age or for those which are protected as described above (See 2.1).

The issuance of an export licence depends on preliminary expert opinion of the public collection enacted by law. The National Office of Cultural Heritage, which is a central administration authority will issue the appropriate (Community or National) export licence based on the preliminary expert opinion. A temporary export licence may be used until the date assigned, a permanent export licence within a year from the issuance. In accordance with the provisions of the Act a cultural object which can be taken out of the country without permission (every cultural object under fifty years of age except cultural goods which are protected by the Act or by declaration of the National Office of Cultural Heritage) may require a certificate from the National Office of Cultural Heritage.

The declaration of protection of the cultural goods and the export licensing procedure are made in accordance with the general rules of the public administration. Decisions are always made on the basis of expert opinion and persons affected can lodge an appeal.

2.3 Authority for the national protection

The National Office of Cultural Heritage – Inspectorate of Cultural Goods (in Hungarian: Kulturális Örökségvédelmi Hivatal – Műtárgyfelügyeleti Iroda)

Dr. Péter Buzinkay, head of Inspectorate

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3. Protection of national treasure

3.1 Definition of national treasure

The notion „national treasure” which is used in Community legislation refers to all cultural goods of more than fifty years of age being in Hungary or those which are protected as described above (See 2.1). Categories belonging to “national treasure”:

- items of public collections (museums, libraries and archives)
- movable accessories of scheduled monuments (furnishings, equipment)
- archeological findings (from excavations)
- objects declared protected by the National Office of Cultural Heritage
- cultural goods (according to National legislation) older than 50 years

3.2 Nature of the protection (legal status, licence for exit or accompanying document, model)

See 2.1 and 2.2

4. Controls established to assure the protection of cultural national heritage :

The Customs Authority’s task is to ensure that no cultural goods older than 50 years should be taken out of Hungary without the necessary Community or/and National export licence issued by the National Office of Cultural Heritage. Anyone who violates the export or import regulations in connection with cultural goods commits a crime or a compound crime of

smuggling. During the control process, Customs Authority has the right to retain the goods for the necessary length of time with the aim of further research and in case of grounded suspicion propose an investigation or report anyone who violates the law, while at the same time seize the related cultural goods. Ultimately the court will determine whether to confiscate or return the goods.

4.1 Customs authority appointed for control of export (contact point):

Hungarian Customs and Finance Guard
Department for Border Control
Mr Ádám Vas field executive
1095 Budapest, Mester u. 7.
Phone: +36 1 456 8114
Fax: +36 1 456 8191
E-mail: vas.adam@mail.vpop.hu

4.2 Police authority appointed for the protection (contact point)

National Police Headquarters
National Office of Investigation
Art Treasure Unit
Dr. Gergely Hansághy major
1903 Budapest, Pf.: 314/15
Phone: +36 1 428 9257
Fax: +36 1 428 9269
E-mail: mukincs@orfk.adatpark.hu

4.3 Nature and legal basis for the control

The Hungarian Customs Authority has no special power in connection with cultural goods. Control process in connection with cultural goods are carried out according to the general rules. (Otherwise see 1 and 4.)

4.4 Modalities of control (particular powers)

see 2.1

5. Penalties relating to cultural goods and national treasures:

A person who exports a cultural object without the necessary licence or involving deviation from the licence shall be considered to be committing a crime (according to the Criminal Code). A person importing cultural goods in violation of the import regulations shall be subject to conviction for compound smuggling while unlawful export is considered „illegal use of cultural goods” and shall be subject to a sentence of at most 3 years imprisonment. Violating the provisions of the Act can also be punished with a heritage protection fine imposed by the National Office of Cultural Heritage.

6. Other national specific regulations

6.1 Existence of preemption right, condition of functioning:

The Hungarian State shall have a the right of pre-emptive purchase of cultural goods for which protection has been declared whether they are sold by private persons or art-dealers, carried out in shops or by auction. In the case of the export licencing procedure the State has no right to take advantage of pre-emptive purchase, however, it can forbid the exportation of the object while initiating the declaration of protection.

6.2 National taxation, particulars

The owner of cultural goods for which protection has been declared has no social security right to claim support. Certain duties (e. g. death duty) can be paid by selling the related cultural object if any public collection is willing to receive it.

Owners (managers) of protected assets of cultural heritage and items for which protection has been declared can claim some state support for restoration, conservation and safeguarding. These claims are individually judged.

6.3 Any other particulars

None

7. Sites (Internet or other) to access the previous information

www.koh.hu

www.vam.hu

www.b-m.hu

COMMUNITY LEGISLATION FOR THE PROTECTION OF CULTURAL HERITAGE

1. Directive No EEC/93/7 of the Council, of 15th March 1993, on the return of cultural objects unlawfully removed from the territory of a Member State

1.1 Text of transposition, references

Hungary has transposed the Council Directive 1993/7 (EEC) of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State into the national legislation by the „Act No.80 of 2001 on the return of cultural objects unlawfully removed”.

This Act entered into force on the day of the accession of Hungary to the European Union (1st May 2004).

1.2 Central authority appointed in connection with the return of cultural goods

The National Office of Cultural Heritage – Inspectorate of Cultural Goods (in Hungarian: Kulturális Örökségvédelmi Hivatal – Műtárgyfelügyeleti Iroda)

Dr. Péter Buzinkay office manager, head of Inspectorate

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2. Regulation No EEC/3911/92 of the Council, of 9 December 1992, on the export of cultural goods

The Council Regulation (EEC) n° 3911/92 on the export of cultural goods is directly applied in line with the abovementioned national regulations on the export of cultural goods.

2.1 Competent authority for issuing the export licenses of cultural goods:

The National Office of Cultural Heritage – Inspectorate of Cultural Goods (in Hungarian: Kulturális Örökségvédelmi Hivatal – Műtárgyfelügyeleti Iroda)

Dr. Péter Buzinkay office manager, head of Inspectorate

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2.2 Nature of the control

The Hungarian Customs Authority has no special power in connection with cultural goods .

Control process in connection with cultural goods are carried out according to the general rules. (Otherwise see National Legislation for the protection of Cultural Heritage 1 and 4.)

2.3 Penalties

See National Legislation for the protection of Cultural Heritage 5.

2.4 List of customs offices empowered to handle formalities for the export of cultural goods

Member State	Name of office	Region (if applicable)
Hungary	South-Pest Regional Main Customs Office	Budapest
	Regional Main Customs Office	County Pest
	Private Traffic Main Customs Office	non-commercial traffic
	Letenye	Croatian bordersection
	Murakersztúr	Croatian bordersection
	Röszke	Serbian bordersection
	Kelebia	Serbian bordersection
	Záhony	Ukrainian bordersection
	Cargo Customs Office Ferihegy Airport [Budapest]	air traffic
	County Main Customs Office Győr	Győr-Moson-Sopron
	County Main Customs Office Szombathely	Vas
	County Main Customs Office Zalaegerszeg	Zala
	County Main Customs Office Veszprém	Veszprém
	County Main Customs Office Tatabánya	Komárom-Esztergom
	County Main Customs Office Székesfehérvár	Fejér
	County Main Customs Office Szekszárd	Tolna
	County Main Customs Office Kaposvár	Somogy
	County Main Customs Office Pécs	Baranya
	County Main Customs Office Salgótarján	Nógrád
	County Main Customs Office Eger	Heves
	County Main Customs Office Miskolc	Borsod-Abaúj-Zemplén
	County Main Customs Office Nyíregyháza	Szabolcs-Szatmár-Bereg
	County Main Customs Office Debrecen	Hajdú-Bihar
County Main Customs Office Szolnok	Jász-Nagykun-Szolnok	
County Main Customs Office Békéscsaba	Békés	
County Main Customs Office Szeged	Csongrád	
County Main Customs Office Kecskemét	Bács-Kiskun	

2.5 Competent authority to implement controls (contact point)

See National Legislation for the protection of Cultural Heritage 4.1.

2.6 Sites (Internet or others) to access previous information

www.koh.hu

www.vam.hu

INTERNATIONAL CONVENTIONS

1. Accession to International Conventions

Hungary has signed and ratified all major International Conventions on the protection of cultural heritage (the 1954 Hague Convention [applicable since 1956], the 1970 Unesco Convention [applicable since 1979] as well as the Unidroit Convention [applicable since 1998]).

2. Responsible authority appointed for the implementation of conventions (contact point)

The National Office of Cultural Heritage – Inspectorate of Cultural Goods (in Hungarian:

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3. Framework of the UNESCO Convention, in case of accession

See above.

4. Other international conventions

1992 Malta convention on the protection of archeological heritage [applicable since 1995]

5. Sites to access previous information:

www.koh.hu

6. Other specific national regulations

None