UNIVERSITY OF MISKOLC

FACULTY OF LAW
DEÁK FERENC DOCTORAL SCHOOL OF LAW

dr. Lili Orsolya Sztermen

THE ROLE OF PRIVATE LAW AND SOFT LAW IN THE INTERNATIONAL MOBILITY OF MUSEUM COLLECTIONS: INTERNATIONAL LOAN TRANSACTIONS

Phd dissertation theses

Miskolc

2026

Table of Contents

Table of Contents 1
I. Subject, Scope and Research Objectives of the Dissertation 2
II. The Structure and Content of the Dissertation 5
III. Methodology of the research 8
IV. Summarization of the research findings 10
V. Publications in connection to my dissertation and research 21

I. SUBJECT, SCOPE AND RESEARCH OBJECTIVES OF THE DISSERTATION

The central subject of my research is the lending of cultural objects, works of art, artistic creations, and collection items that have been acquired or are held on deposit or on loan, as organized by and between museum institutions. My primary focus has been on international rather than domestic loans. Accordingly, I have examined the legal, professional, and administrative conditions associated with the cross-border movement of collection items, including the professional participants involved, the responsibilities and changing role of museums, the relevant legal background and regulatory framework, and the related activities of international organizations.

Alongside the strengthening of European Union initiatives aimed at promoting collection mobility in the period preceding the turn of the millennium, the number of exhibitions in Hungary based on international and domestic loans also increased significantly from the early 2000s onwards. One of the early milestones in this process was the exhibition entitled *Europas Mitte um 1000*, organized by the Hungarian National Museum in 2000, which already clearly demonstrated the growing importance of international loans. Another significant milestone was the 2004 exhibition *Monet and Friends* at the Museum of Fine Arts, Budapest, which virtually every art enthusiast and museum visitor has good reason to remember. As a result of the efforts of the Hungarian organizers, thirty-three European and American collections provided works of art for the exhibition.

In parallel with the development of international lending practices, it became necessary to establish legal and financial safeguards that would permit the secure movement of high-value cultural objects. Of particular importance was the introduction of the exhibition indemnity scheme as a form of state involvement. This has contributed to the organization of major international exhibitions in Hungary, including the Van Gogh exhibition in Budapest and *Genghis Khan and His Legacy*, as well as numerous other temporary exhibitions, held predominantly in Budapest and, to a lesser extent, in other parts of the country, involving international loan transactions. Since its establishment, the state indemnity scheme has become one of the principal instruments supporting international art loans and has significantly reduced the costs associated with collection mobility.

Following Hungary's accession to the European Union, the increasingly active international participation of Hungarian museums resulted in a rise in both incoming and outgoing loans. The mobility of cultural objects, or museum collection mobility, has now become a

fundamental element of cooperation between museums, supported by a complex legal, insurance, and administrative framework. Legal instruments facilitating loans, particularly exhibition indemnity and immunity from seizure, play a decisive role in this framework by contributing to the security and legal predictability of the international movement of cultural objects. According to an article written by Beatrix Basics and published in *MúzeumCafé*, mobility is not merely a matter of personal or professional choice. Rather, from the perspective of the museum profession, collecting, collection management, and the performance of museums' legally defined responsibilities, it has become a prerequisite for the survival of the profession itself.

A distinctive feature of the doctoral dissertation is that it is connected simultaneously to the worlds of science and art, while also encompassing a legally complex field of inquiry. Although the research focuses on private law, primarily civil law, the particular nature of cultural objects also necessitates an examination of the rules governing several other areas of law. Within this context, the provisions of administrative law relating to cultural objects are of particular significance, since the state appears in this field not only as an authority responsible for applying the law, but also as an actor performing regulatory and protective functions.

A substantial proportion of the rules governing objects forming part of the cultural heritage, from their creation, registration, and protection to their circulation, export, lending, and preservation, are established by public law. Consequently, a comprehensive analysis of the legal status of cultural objects cannot be limited to an examination of private-law relationships. It must necessarily include an analysis of the instruments of state intervention and the system of cultural heritage protection legislation.

In my research, the subject of examination comprises the legal, institutional, and professional processes associated with the mobility of cultural objects, placing the research on an interdisciplinary foundation. At its centre are the mechanisms that facilitate the public appreciation, scholarly study, exhibition, and international or domestic accessibility of cultural objects, together with the legal and professional frameworks governing these mechanisms. By its very nature, the subject is interdisciplinary, as it touches simultaneously upon the fields of legal scholarship, museology, art history, cultural heritage protection, and cultural management.

The mobility of cultural objects is not merely a legal matter, but also a cultural and social phenomenon. The works of art and collections involved in mobility form part of the artistic and

cultural heritage. Their interpretation therefore requires consideration of the particular characteristics of works of art, visual culture, and museum practice. At the same time, the movement, lending, exhibition, and insurance of works of art create legal relationships that engage the instruments of private law, administrative law, international law, and copyright law.

The interdisciplinary nature of the research is further reinforced by the fact that the majority of museums playing a decisive role in international loan transactions operate as institutions performing public functions. Their activities are shaped simultaneously by national legislation, European Union law, international conventions, and the professional standards and soft law instruments developed by the museum profession. In addition, professional customs and business practices established in the fields of art lending, transportation, insurance, and collections care play an important role in everyday practice.

The doctoral dissertation is situated primarily within legal scholarship and, more specifically, within the field of private law, since its principal objective is to explore the system of contractual and other legal relationships underpinning the mobility of cultural objects. However, the subject cannot be examined exclusively from a legal perspective. The work of art, as the indirect object of the legal relationship, also makes it necessary to introduce certain fundamental concepts and relationships relating to art, visual culture, museology, and cultural heritage protection.

The research therefore approaches the mobility of cultural objects as a complex phenomenon in which legal regulation, museum operations, the protection of cultural heritage, the communication of artistic values, and international professional cooperation form an inseparable whole. This justifies the application of an interdisciplinary approach and the combined examination of several academic disciplines.

II. THE STRUCTURE AND CONTENT OF THE DISSERTATION

The structure of the dissertation has been developed in accordance with the above objectives. It is organized into four major substantive parts, progressing from general theoretical and conceptual foundations through a detailed legal analysis of the mobility of cultural objects, and ultimately towards the examination of practical and comparative legal issues. The fifth part contains the concluding remarks and the findings of the research**.**

Chapter I

Chapter I provides the theoretical foundation of the research. It defines the research topic, the research questions, and the objectives of the study, while also presenting the structure and methodology of the dissertation.

- Particular attention is devoted to the interdisciplinary nature of the research, highlighting the points of connection between legal scholarship, art theory, museology, and cultural heritage protection.
- Within this framework, the chapter examines the relationship between cultural identity and constitutional identity, the challenges associated with defining artistic character, and the role of museums as both creators of cultural canons and institutional gatekeepers.

Chapter II

Chapter II explores the multi-layered legal framework governing the mobility of cultural objects.

- The analysis begins with the conceptual definition of cultural objects, presented through a comparative examination of Hungarian law, international law, and European Union law.
- This is followed by an analysis of the regulatory environment of cultural object mobility, with particular emphasis on the relationship between soft law and hard law instruments, constitutional foundations, and the relevant administrative, financial, and budgetary law aspects.

- The chapter subsequently reviews the relevant areas of private law regulation, including property law, the law of obligations, and copyright law, before examining the role of criminal law in the protection of cultural objects.
- International and European Union protection mechanisms, as essential elements of the soft law framework, are likewise discussed prior to the presentation of the Hungarian regulatory system.

Chapter III

Like Chapter II, Chapter III forms a central part of the dissertation; however, it focuses on a distinct and particularly significant area directly related to the core subject of the research. This chapter provides a detailed examination of the changing role of museums, introducing the institution and its practices in the field of international mobility.

- First, the concept of the mobility of cultural objects is defined, followed by an overview of the actors involved in mobility and the prominent role of museum institutions.
- The chapter reviews the historical development of the museum as a public institution, the changing functions of museum institutions, and the relationship between Hungarian museum collections and international mobility.
- It then analyses the contractual framework governing the international movement of collection items, the specific characteristics of the temporary nature of mobility, its historical development, and its international significance.
- A separate section is devoted to the subjects of mobility, including owners and institutional actors, intermediary organizations, and the specific features of traditional and digital exhibition spaces.
- The chapter further examines digital artworks, NFTs, online marketplaces, and the increasingly significant role of online platforms, whose presence has become almost unavoidable in the life cycle of exhibition materials, as well as their functions and impact on museum activities.

Chapter IV

Chapter IV addresses the contractual framework of the temporary mobility of cultural objects.

- It provides a detailed examination of the loan for use agreement (*commodatum*) as the primary legal basis, under the law of obligations, for collection mobility, presenting its doctrinal position, parties, subject matter, content, and operation.
- This is followed by an analysis of secondary legal obligations designed to ensure the security of art object mobility, with particular attention to art insurance contracts, exhibition indemnity and counter-indemnity schemes, systems of state guarantees, and the institution of immunity from seizure.
- The chapter concludes with an examination of digital artworks and the impact of digitalisation on the mobility of cultural objects.

Chapter V

The concluding Chapter V summarises the results of the research and sets out the *de lege ferenda* proposals formulated during the course of the study, which may contribute to a more effective legal framework governing the mobility of cultural objects.

III. METHODOLOGY OF THE RESEARCH

The doctoral research was conducted in accordance with generally accepted methodological requirements of academic research, including the prior formulation of research questions, the systematic processing of relevant legal sources, scholarly literature, and practical experience, and the presentation of findings in a manner that is both scientifically rigorous and practically applicable.

The study of art object mobility, art lending, and the art market necessarily requires an interdisciplinary approach. The subject matter simultaneously relates to the fields of private law, administrative law, criminal law, and international law, while also being closely connected to museology, art history, the art market, and cultural policy. The primary objective of the research was to examine these phenomena from a legal perspective while taking into account the practical experience of museum institutions.

The principal research methods applied were as follows:

a) Doctrinal and Normative Analysis

The foundation of the research was the systematic examination of Hungarian, international, and European Union legal sources. The analysis extended to both hard law and soft law norms affecting the mobility of cultural objects, with particular attention to documents issued by UNESCO, UNIDROIT, ICOM, and NEMO. The purpose of the analysis was to identify and evaluate the relevant legal institutions, contractual frameworks, liability rules, and regulatory gaps.

b) Legal Interpretation

In analysing the applicable legal framework, grammatical, systematic, historical, and teleological methods of interpretation were employed. The objective was to determine the legislative purposes underlying the rules governing art object mobility and to examine how these purposes are reflected in legal practice.

c) Historical Method

As a complementary component of the research, the historical development of the regulation of art object mobility was examined, including the emergence of the relevant legal institutions and the social, cultural, and economic factors that have shaped the current regulatory environment.

d) Comparative Legal Method

Given the inherently international nature of art object mobility, the Hungarian regulatory framework was compared with international models and selected European regulatory approaches. The purpose of the analysis was to compare different regulatory solutions, liability systems, and state indemnity schemes, and to identify best practices.

The presentation of European Union legislation cannot be regarded as comparative law in the strict sense, since compliance with and implementation of EU law constitute obligations of Member States. Consequently, the comparative analysis focused primarily on national regulatory solutions and international models operating alongside the supranational legal framework of the European Union.

e) Empirical Research

The experiences of museum professionals, insurance experts, and cultural heritage specialists were examined through interviews, questionnaires, and professional consultations. The purpose of the empirical research was not to achieve statistical representativeness but rather to identify practical challenges, interpretations, and solutions emerging in professional practice.

f) Document Analysis

My research included the analysis of loan agreements, insurance policies and conditions, and other related documents in order to gain insight into the actual contractual and institutional operation of art object mobility.

Overall Methodological Approaches

Overall, my doctoral research was based on the combined application of multiple research methods. Doctrinal and normative analysis was complemented by methods of legal interpretation, historical inquiry, comparative legal analysis, empirical research, and document analysis, thereby enabling a comprehensive examination of both the legal framework and the practical operation of art object mobility.

IV. SUMMARIZATION OF THE RESEARCH FINDINGS

I summarized the subject of my research in the introductory subsection of the dissertation entitled *1.2. Research Questions and Hypotheses* as follows:

The central objective of the research is to explore the extent to which Hungarian private law, particularly the provisions governing loan for use agreements and property law, is capable of providing an appropriate legal framework for international museum lending practice. The dissertation examines the degree to which binding Hungarian legal rules are consistent with international museum practice and reflect the principles set out in international soft law instruments and professional recommendations. It also analyses the practices of Hungarian museums and professional organisations, as well as the role of European Union legislation and policy instruments in facilitating the mobility of cultural objects and regulating museum loans.

One of the fundamental questions addressed by the dissertation is whether museum lending should be treated as a distinct type of contract or whether the international movement of cultural objects is, in fact, based on complex legal relationships involving several areas of law. Accordingly, the research examines not only the relevant contractual framework but also the rules governing the protection of ownership and liability, considerations relating to the protection of national assets, copyright aspects, and the relevant administrative law and private international law implications.

The ultimate objective of the research is to determine whether the exceptional value, irreplaceability, and vulnerability of cultural objects necessitate the development of specific legal solutions or whether the general instruments of private law, administrative law, criminal law, and private international law provide adequate protection for these distinctive legal objects in the course of international lending practice.

1. Based on the findings of the research, it may be concluded that the international mobility of collections of outstanding cultural value cannot be interpreted exclusively within the traditional categories of property and ownership. Although cultural objects constitute things and may be objects of ownership within the meaning of private law, their mobility serves cultural, scientific, and public-interest functions that justify the application of a specific, *sui generis* approach.

The research has demonstrated that collections are not merely assets with economic value, but also repositories of national heritage values. Consequently, the requirements of preservation,

accessibility, availability for scholarly research, and international cultural cooperation must all be taken into account in relation to such collections.

2. On the basis of the conceptual analysis, I concluded that the concepts of cultural heritage, cultural objects, and works of art are closely interconnected, yet it is not necessarily appropriate to use them interchangeably as synonyms. Cultural heritage may be regarded as the broadest category, encompassing movable and immovable heritage and, under modern international regulation, elements of intangible cultural heritage as well. By comparison, the category of cultural objects is narrower and, under Hungarian law, essentially refers to movable elements of cultural heritage.

During my research, however, I found that the terms ‘cultural objects’, ‘cultural property’, ‘works of art’, and ‘art treasures’ are frequently and rather loosely used interchangeably in the academic literature and, in particular, in everyday language. The term ‘work of art’ is undoubtedly easier to understand and is naturally used in museum practice; from a legal perspective, however, it is not the most precise umbrella term. Hungarian cultural heritage law primarily and consistently uses the terminology of cultural objects. As a general rule, I have therefore also used the term ‘cultural objects’ in my doctoral dissertation when defining the subject of the research in legal terms.

I have not, however, entirely dispensed with the term ‘work of art’. I use it in contexts relating to museum practice, artistic creations, and the practical aspects of international lending. This is also because not every cultural object is a work of art and, conversely, the legal classification of an object treated as a work of art always depends on the applicable regulatory context.

The starting point for the Hungarian legal definition is Section 7(10) of Act LXIV of 2001 on the Protection of Cultural Heritage (hereinafter Cultural Heritage Protection Act), which defines cultural objects, with the exception of immovable property, as outstanding and characteristic material, pictorial, audio-recorded, and written records and other evidence of nature, humanity, the Hungarian nation, and the history of Hungary, as well as works of art. In addition to the Cultural Heritage Protection Act, Act CXL of 1997 on Museum Institutions, Public Library Services and Public Education (hereinafter Culture Act) also follows the terminology of cultural objects.

My examination of international law demonstrated that no single, universally applicable definition of cultural property exists. The 1954 Hague Convention, for example, protects both movable and immovable cultural property, but specifically in the event of armed conflict. By

contrast, the 1970 UNESCO Convention focuses on preventing the illicit import, export, and transfer of ownership of cultural property and proceeds from the category of movable cultural property. The 1995 UNIDROIT Convention approaches the same set of issues more explicitly from a private-law perspective, particularly from the perspective of restitution and return.

I reached a similar conclusion when examining European Union law. The European Union has not created a single definition of cultural objects applicable across all fields of law; instead, it adjusts the concept to the specific regulatory objective concerned. Council Regulation (EC) No 116/2009 regulates the export of cultural goods, Regulation (EU) 2019/880 governs their import, while Directive 2014/60/EU focuses on the return of cultural objects unlawfully removed from the territory of a Member State. The latter does not rely exclusively on age or value thresholds but also considers whether the object concerned has been classified by a Member State as a national treasure or as forming part of its national heritage on account of its artistic, historical, or archaeological value.

From this, I conclude that conceptual differences do not necessarily indicate legislative inconsistency. Rather, they arise partly from the different objectives pursued by the respective regulatory regimes. Different conceptual frameworks are required for protection during armed conflict, the illicit trafficking of cultural objects, export, import, and restitution.

For the purposes of the dissertation, I therefore do not consider it appropriate to formulate a new definition intended to apply across all areas of law. Instead, it is necessary to establish clearly which legal source and conceptual framework form the basis of each legal relationship under examination. Accordingly, I consistently use “cultural objects” as the general legal term, while the concept of a ‘work of art’ is used primarily in the context of museum, artistic, and lending practices.

This distinction is particularly important when examining art object mobility, since the legal conditions governing the movement, export, import, or restitution of an object are ultimately determined not by its designation in everyday language, but by its classification under the applicable legislation.

3. In the course of my research, I also briefly examined the relationship between digital works of art and art object mobility. Digitalisation has changed not only the ways in which works of art are created and presented, but also the ways in which they are increasingly traded and collected in the digital sphere.

The concept of digital art is particularly broad. It encompasses numerous types of works, ranging from digitally created works and interactive installations to works based on virtual and augmented reality. In this context, I also examined the fundamental concepts and operation of NFTs and blockchain technology. An NFT is a unique digital certificate recorded on a blockchain, one of the principal functions of which is to ensure the traceability of provenance, the chain of ownership, and transactions. Smart contracts are also relevant in this context, as they enable the automatic execution of predetermined conditions.

Due to their intangible nature, however, digital works of art raise numerous questions concerning ownership and property law. This also requires a new approach to art object mobility, since mobility in the digital environment does not necessarily entail a physical change of location. My research examines this field primarily by way of an overview intended to demonstrate that digitalisation is continually transforming the traditional concepts of both the work of art and its mobility.

My research also examined the concepts of a collection and a public collection, the definition of which is particularly important for the study of collection mobility. Under Section 7(10) of the Cultural Heritage Protection Act, a collection is a group of cultural objects created through deliberate collecting activity and possessing outstanding value due to its rarity, distinctive character, or cultural significance.

I consider it important to emphasize that the value of a collection is not merely the aggregate value of its individual objects. It also resides in the relationships between those objects and in their shared cultural context, which I regard as a value-enhancing factor.

By contrast, the concept of a public collection under Section 7(15) of the Cultural Heritage Protection Act is primarily an institutional category. It encompasses libraries, archives, museum institutions, and image and sound archives operating under specified forms of institutional maintenance or ownership.

Compared with the normative approach adopted under Hungarian law, ICOM and NEMO follow a more functional perspective. They treat a collection not merely as a group of objects, but as a documented, researched, preserved, and publicly accessible unit of cultural heritage. This is relevant to art object mobility because lending and collection mobility involve not only the movement of individual objects, but also the cultural, historical, and scientific contexts embodied by those objects.

4. I subsequently examined the concept of the museum and the transformation of its social role, since an understanding of art object mobility requires the institutional environment in which it takes place to be defined. I addressed the historical development of museums only briefly. For the purposes of the research, the statutory definition of a museum, the expansion of its functions, and changing approaches to access to collections were of primary relevance.

Under Hungarian law, the museum forms part of the system of museum institutions, the operation of which is regulated primarily by the Culture Act. The collection, registration, preservation, scholarly study, and presentation of cultural objects lie at the heart of museum activities. Increasing emphasis is also being placed on making collections accessible, communicating knowledge, facilitating social participation, and promoting cooperation between museums.

At the same time, collection mobility has acquired greater significance. Through art loans and travelling exhibitions, cultural objects can be made accessible to a wider public. I therefore consider art object mobility not merely as the physical movement of artworks, but also as an instrument through which modern museums perform their functions. Collection mobility may simultaneously promote access to cultural objects, professional cooperation between institutions, and audience development, while its implementation raises complex questions concerning law, liability, insurance, and cultural heritage protection.

5. In the course of my research, I also examined the concepts of ‘collection’ and ‘public collection’, the definitions of which are particularly important for the study of collection mobility. According to Section 7 (10) of the Cultural Heritage Protection Act, a collection is a body of cultural assets created as a result of deliberate collecting activity and representing exceptional value due to its rarity, unique character, or cultural significance. I consider it essential to note that the value of a collection is not simply the sum of the values of its individual objects, but also lies in their interrelationships and cultural context, which I regard as a value-enhancing factor. In contrast, the concept of a public collection, as defined in Section 7(15) of the Cultural Heritage Protection Act, is primarily an institutional category that encompasses libraries, archives, museums, and image and sound archives operating under specific funding arrangements. Compared to the normative approach of Hungarian law, ICOM and NEMO adopt a more functional perspective: they treat a collection not merely as a collection of objects, but as a unit of cultural heritage that is documented, researched, preserved, and accessible to the public. This is significant from the perspective of the mobility

of works of art because, during loans and the mobility of collections, it is not only individual objects that move, but also the cultural, historical, and scientific context they embody.

6. In the doctoral dissertation, I interpreted art object mobility more broadly than it is usually understood in museum practice, distinguishing between temporary mobility, including loans and deposits, and permanent mobility, including sale, donation, and testamentary disposition involving the transfer of ownership.

The research nevertheless focuses specifically on the legal and contractual relationships underlying temporary art object mobility. In professional terminology, the movement of an object for a period exceeding five years is referred to as long-term mobility. Consequently, permanent mobility involving the transfer of ownership is not examined in detail.

During temporary mobility, ownership remains unchanged, while the possessor and physical location of the work of art may change for a specified period. The most common form of this is the art loan. I examined how such mobility takes place through the combined application of private-law and public-law rules. Within this framework, I distinguished the principal agreements establishing the legal basis for mobility from the ancillary agreements that facilitate their performance, particularly legal relationships concerning insurance, transportation, and logistics.

One of the fundamental findings of the research is therefore that art object mobility is not based on a single contract. Rather, it constitutes a complex system of interconnected contractual relationships and public-law elements.

7. I also reviewed the principal contractual arrangements underlying the temporary mobility of works of art. It may be concluded that loan for use and museum deposit arrangements are the most significant in museum practice. Their common characteristic is that they enable cultural objects to be transferred to another institution without the transfer of ownership.

A loan for use is primarily a legal relationship intended to permit the use of an object and is typically connected to the organisation of a temporary exhibition. By contrast, a museum deposit focuses on the longer-term professional custody, management, and registration of cultural objects.

In practice, however, a museum deposit may extend beyond a purely custodial function. A deposited work of art may become part of a museum collection without ownership being

transferred to the museum and may be integrated into its professional, research, and exhibition activities over the longer term. One practical consideration underlying a deposit may be the museum's subsequent permanent acquisition of the work. In contemporary art practice, museum display may also facilitate a subsequent sale. These possibilities are not, however, legal purposes inherent in the deposit relationship itself, but additional opportunities associated with it.

For an artist or owner, a longer-term presence in a museum may represent significant value in itself. In a certain sense, a work entering a museum becomes 'immortal': it enters a documented, researchable, and culturally recognised environment, which may enhance both the professional visibility and the cultural position of the work and its creator. It may therefore be attractive to artists and private collectors for a work to be associated with a museum's collection for an extended period. Consequently, deposited objects generally develop a closer relationship with the receiving museum than works accepted for a single exhibition.

This is particularly interesting from the perspective of collection mobility, as works placed in a museum environment for a longer period may subsequently form part of further exhibitions and inter-institutional cooperation. In practice, this may create a form of 'lending chain': a work becomes associated with one collection and may subsequently travel from that collection to other exhibitions, touring exhibitions, or institutions. Art object mobility does not therefore necessarily involve a single movement between two institutions. It may also constitute a system of interconnected, long-term institutional and contractual relationships.

8. The distinctive characteristic of international mobility is that its regulation requires the simultaneous and complementary application of several areas of law. The legal fields examined do not operate separately from one another. Rather, they are functionally interconnected and together form a unified regulatory system.

A single international loan or exhibition project may simultaneously involve the constitutional objective of providing access to cultural objects, the exercise of ownership and contractual rights, state control for the protection of cultural heritage, the management of financial risks, and criminal-law protection against unlawful conduct.

Hungarian constitutional law provides the basis for the legitimacy of mobility. The right of access to education and culture, freedom of artistic expression, and the state's obligation to protect cultural heritage justify the participation of cultural objects in international exhibitions,

research collaborations, and loans. At the same time, administrative law ensures that mobility does not endanger the continued existence and preservation of cultural heritage. Systems of protected status, export licences, registers, and heritage protection inspections constitute state control mechanisms designed to safeguard the public interest.

Hungarian private law provides the private-law framework for mobility. The rules governing ownership and contracts enable loans, deposits, sales, and other forms of transfer of ownership to be carried out lawfully. The research has nevertheless demonstrated that private law alone cannot adequately address specific considerations relating to cultural objects, such as the integrity of collections, provenance, and cultural heritage protection interests. Private-law regulation is therefore a necessary but insufficient condition for lawful mobility.

Copyright constitutes an additional, distinctive regulatory layer, since physical possession of a cultural object is not equivalent to the ownership or exercise of copyright in the work. In the context of international exhibitions, reproduction rights, digital access, image use, attribution, and the integrity of the work become particularly important. Physical and digital mobility are therefore inextricably linked.

The role of Hungarian financial and budgetary law is manifested primarily in risk management. The transportation, insurance, and display of works of exceptionally high value would frequently exceed the financial capacity of individual institutions. State indemnity schemes therefore make it possible to implement international cooperation projects that could not be financed exclusively through commercial insurance arrangements.

Finally, criminal law fulfils a protective and safeguarding function within the system governing the movement of cultural objects. It does not establish the conditions of mobility but provides protection against breaches of those conditions. By imposing sanctions for unlawful conduct involving cultural objects, particularly illicit export, unauthorised disposal, damage, and the handling of stolen goods, criminal law operates as the ultimate safeguard of the regulatory system as a whole.

9. An important conclusion is that both private law, which in this context forms part of the applicable hard law framework, and soft law instruments are indispensable in the field of collection mobility. Legislation establishes mandatory minimum requirements and ensures enforceability, while professional standards such as the ICOM Code of Ethics, best practices, and institutional protocols provide the detailed rules and frameworks of professional trust

required for everyday operations. Issues such as provenance research, collections care requirements, transportation, packaging, and climate control are typically governed by these professional standards.

The legal basis for short-term loans is provided by a contract, which creates the framework for the agreement reached between institutions, professionals, and, in some cases, states. In certain circumstances, public-law rules may make the international movement of objects more difficult or may even prevent it entirely, particularly in the case of cultural heritage objects forming part of state-owned public property whose transferability is restricted.

Where an agreement has been reached between exhibitors, the owners responsible for the inventory of the heritage objects, and the institutions concerned, and the applicable public-law framework does not present an obstacle to practical implementation, the institutions proceed on the basis of their own standard loan agreements. From the lender's perspective, the lending institution acts as the party exercising primary control over the matter. Institutions frequently publish these agreements and the related documentation on their websites and use them as the basis for concluding agreements with the other party.

Compliance with national law is an essential prerequisite of the agreement, but institution-specific additional rules, requirements, and contractual clauses are also incorporated. The dissertation discusses in detail the loan for use agreement as the legal institution under the law of obligations that provides the basis for mobility and presents the individual elements of this contractual form.

10. The dissertation also demonstrates that, in addition to the principal agreement, the implementation of temporary art object mobility involves numerous secondary and ancillary obligations and protective mechanisms intended to ensure the physical and legal security of the work of art.

Within this context, I examined insurance, transportation, and logistics relationships, as well as obligations relating to the custody, handling, documentation, and security of works of art. I provided a detailed account of the specific characteristics of art insurance, including 'all risks' and 'nail-to-nail' insurance arrangements, together with the difficulties involved in determining the appropriate insured value.

I also demonstrated that differences between the cultural, artistic, and market value of works of art make underinsurance, over-insurance, and the determination of the appropriate sum insured particularly challenging in the context of museum loans.

As an alternative to the high cost of commercial insurance, I examined state exhibition indemnity and counter-indemnity schemes, which play a significant role in facilitating the mobility of high-value works of art. In relation to international loans, I also discussed the institution of immunity from seizure, which is intended to protect borrowed cultural objects against seizure and other coercive legal measures.

On this basis, I interpret art object mobility as a complex system comprising interconnected principal agreements, secondary obligations, and protective legal mechanisms.

11. Overall, the research has confirmed that international collection mobility is indeed a *sui generis* phenomenon. This distinctive character does not imply the existence of a new and independent branch of law. Rather, it means that the international movement of cultural objects can be regulated effectively only through the combined application of several areas of law and systems of professional standards.

Throughout the entire life cycle of mobility, from provenance research and the lending decision through authorisation, insurance, transportation, and use to the return of the object, constitutional law, administrative law, private law, copyright law, financial law, criminal law, and international professional standards together ensure the protection of cultural heritage and the lawful mobility of cultural objects.

This complex, multi-level regulatory system distinguishes cultural objects from ordinary assets and justifies their treatment through a distinct, *sui generis* approach.

12. In the course of my research, I concluded that the Hungarian regulatory framework governing art object mobility is highly fragmented and operates at multiple levels. The relevant provisions are contained in various acts and implementing regulations. The private-law basis is established primarily by the contractual rules of the Hungarian Civil Code, while separate legal provisions and detailed rules govern the operation of museum institutions, the protection, export, and import of cultural objects, state indemnities, and other public-law requirements.

This framework is supplemented by European Union law and by the soft law recommendations and professional standards of international organisations, particularly ICOM and NEMO, which further specify the practical and professional requirements applicable to lending. In a

potential international legal dispute, these standards may also serve as relevant points of reference when determining the content of the required standard of professional care.

In my view, the fragmented nature of the current Hungarian regulatory framework justifies its simplification and consolidation. I consider it appropriate for the private-law foundations of art object mobility, particularly the rules governing loan for use and deposit agreements, to remain within the system of the Hungarian Civil Code.

By contrast, the public-law and procedural rules governing the mobility of cultural objects should be organised into a more unified regulatory framework, thereby reducing the current fragmentation across statutory and regulatory levels. In particular, I consider it appropriate to establish a unified regulatory framework governing the export and import of protected cultural objects. Such a framework should bring together the related authorisation requirements, protective mechanisms, procedural provisions, and implementing rules within a clear and coherent system.

In my view, this would not only enhance regulatory transparency, but also reinforce legal certainty and promote more predictable application of the law by institutions involved in the international mobility of cultural objects.

V. PUBLICATIONS IN CONNECTION TO MY DISSERTATION AND RESEARCH

1. Orsolya Lili Sztermen: Legal Aspects of Collection Mobility and Object Loans, in: Studia Iurisprudentiae Doctorandorum Miskolciensum – Legal Studies of Doctoral Students of Miskolc, Issue 2021/2, pp. 95–100.
2. Orsolya Lili Sztermen**:** Public Law Aspects of Cultural Heritage Protection, in: Béla P. Szabó (ed.), Scientia Nobilitat, Faculty of Law, University of Debrecen, Debrecen, 2022, pp. 93–101.
3. Orsolya Lili Sztermen: An Introduction to the Mobility of Cultural Heritage and Its Protected Legal Subject Matter, in: Dániel Molnár – Dóra Molnár – Dr. Adrián Szilárd Nagy (eds.), Proceedings of the 25th Spring Wind Conference, Volume I, National Association of Doctoral Students, Budapest, 2022, pp. 132–146.
4. Orsolya Lili Sztermen: The Regulatory Framework of Cultural Property Mobility. Presentation of the Gratuitous Loan Agreement, in: Publicationes Universitatis Miskolcinensis, Sectio Iuridica et Politica, Issue 2022/2, pp. 418–429.
5. Orsolya Lili Sztermen**:** Issues of the Appearance of Digital Artworks I. – Terminological Problems, in: Miskolci Jogtudó, Issue 2022/3, pp. 70–83.
6. Orsolya Lili Sztermen: Blockchain-Based Technologies and the Appearance of NFT Digital Artworks on Online Platforms: Terminological and Legal Determination, International Journal of Law in Changing World.
7. Orsolya Lili Sztermen – Kata Zsófia Prém – Dávid Attila Tóth**:** Report on the 27th National Meeting of Civil Law Teachers (Miskolc, 23 September 2022), in: Miskolci Jogtudó, Issue 2022/2, pp. 99–108.
8. Orsolya Lili Sztermen**:** Issues of the Appearance of Digital Artworks II. – Property Law Questions, in: Miskolci Jogtudó, Issue 2023/1, pp. 72–82.
9. Orsolya Lili Sztermen**:** Distribution of Digital Artworks on DLT Technology-Based Online Platforms: Smart Contracting for NFT Artworks, in: Digital Society and Law, Szeged.
10. Orsolya Lili Sztermen: Insurance Types for Temporary Exhibitions in Hungarian and German Museum Practice: A Perspective on the Possibility of State Indemnity, in: The Peculiarities of Legal Science (online journal of SzIE), Issue 2024/1.
11. Orsolya Lili Sztermen: Insurance Types in the Life of Museum Institutions with a Glimpse into German Insurance Practice, in: Róbert Bartkó (ed.), Doctoral Workshop Studies, Universitas, Győr, 2024, pp. 462–473.
12. Orsolya Lili Sztermen – Ágnes Juhász: Transferring Digital Artworks on Online Market Platforms, in: Public Governance, Administration and Finances Law Review, Issue 2024/1, pp. 59–73.

13. *Orsolya Lili Sztermen: Recognition by the Court of the Legal Effect of a Written Contract on the Transfer of Real Estate*, in: *Central European Academy Law Review*, Issue 2024/2, pp. 263–280.