
1. Regulations on the return of stolen and unlawfully exported cultural objects.

Laid down by the Ministry of Culture on 4 October 2001 pursuant to section 23f of the Act of 9 June 1978 No. 50 on Cultural Heritage. Cf. Annex II, Chapter XXVIII, No. 1 of the EEA Agreement (Council Directive 93/7/EEC amended by Directive 96/100/EC and Directive 2001/38/EC). Amended by Regulations of 1 March 2002 No. 229 (entry into force), 14 May 2002 No. 467, and 10 January 2007 No. 39.

Section 1. For the purposes of these Regulations and of sections 23a to 23f of the Cultural Heritage Act, the following definitions shall apply:

a) *cultural object*,

- an object which is classified, before or after its unlawful removal from the territory of a state, among the “national treasures possessing archaeological, prehistoric, historic, literary, artistic or scientific value” under national legislation within the meaning of Article 36 of the Treaty establishing the European Community, and
- which belongs to one of the categories listed in section 2, first paragraph, of these Regulations, or which does not belong to one of these categories but forms an integral part of
- the inventories of ecclesiastical or other religious institutions or
- public collections listed in the catalogues of museums, archives or libraries’ conservation collection. ‘Public collections’ shall mean collections which are the property of a state in the European Economic Area (EEA), that is a party to the Unidroit Convention of 24 June 1995 No. 1 or to the UNESCO Convention of 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (hereinafter referred to as the UNESCO Convention of 1970), of a local or regional authority in such a state or an institution situated in the territory of such a state which is defined as public in accordance with the legislation of the state concerned, provided that such institution is the property of, or significantly financed by, that state or a local or regional authority. In states outside the European Economic Area, but which are parties to the Unidroit Convention of 24 June 1995 No. 1, ‘public collections’ will also cover collections that are the property of an institution established primarily for a cultural, educational or scientific purpose which is regarded in the State concerned as being in the public interest.

b) *unlawfully removed from the territory of a state in the European Economic Area (EEA), that is a party to the Unidroit Convention of 24 June 1995 No. 1 or the UNESCO Convention of 1970*, shall apply to any cultural object

- exported from the territory of a state in breach of that state’s legislation on the protection of national treasures or
- not returned at the end of a period of lawful temporary export, or any breach of another condition governing such temporary export,
- stolen from a party to the Unidroit Convention of 24 June 1995,

c) *the requesting State*

- the state from whose territory the cultural object has been unlawfully removed,
- d) *the requested State*
 - the state in whose territory a cultural object unlawfully removed from the territory of another State is located,
- e) *possessor*
 - the person physically holding the cultural object on his own account,
- f) *'holder'*,
 - the person physically holding the cultural object for a third party.

0 Amended by Regulations of 10 January 2007 No. 39.

Section 2. Categories referred to in the second indent of section 1 a are:

1. Archaeological objects more than 100 years old which are the products of:
 - land excavations or finds and marine archaeological excavations or finds, or
 - archaeological collections.
2. Elements of artistic, historical or religious monuments which formed an integral part of the monument, but have been removed.
3. Pictures and paintings, other than those in category 4 or category 6, executed entirely by hand, on any medium and in any material.
4. Water-colours, gouaches and pastels executed entirely by hand, on any medium and in any material.
5. Original artistic compositions and montages in any material.
6. Mosaics, other than those in category 1 or category 2, executed entirely by hand, on any medium and in any material, and drawings executed entirely by hand, on any medium and in any material.
7. Original engravings, prints, serigraphs and lithographs with their respective plates, and original posters.
8. Original works of statuary art and sculptures and copies produced by the same process as the original, other than those in category 1.
9. Photographs, films and negatives thereof.
10. Incunabula and manuscripts, including geographical maps and musical scores, singly or in collections.
11. Archives and any elements thereof, of any kind, on any medium, comprising elements more than 50 years old.
12. Objects relating to scientific, technological, military and social history, to the life of national leaders, thinkers, scientists and artists, and to events of national importance.
13.
 - a) Collections and specimens from zoological, botanical, mineralogical or anatomical collections,
 - b) collections of historical, palaeontological, ethnographic or numismatic interest.
14. Postage, revenue and similar stamps, singly or in collections.
15. Means of transport more than 75 years old.

16. Books more than 100 years old, singly or in collections.
17. Printed geographical maps more than 200 years old.
18. Any other antique item not included in the first paragraph, categories 1 - 17, and that are more than 50 years old.

Cultural objects included in the first paragraph, categories 2-13, shall be covered by these Regulations if they are more than 50 years old and do not belong to their maker.

In a State outside the European Economic Area that is party to the Unidroit Convention of 24 June 1995, cultural objects that have been made by members of a tribal or indigenous community for traditional or ritual use, and that are to be returned to this community, shall be covered, despite the fact that the object was exported within 50 years of its manufacture.

All cultural objects covered by the first and second paragraphs shall be covered by these Regulations if their value corresponds to, or exceeds, the financial thresholds specified in the fifth paragraph. Such financial thresholds shall not apply to cultural objects that have been illegally exported from a State outside the European Economic Area that is a party to the Unidroit Convention of 24 June 1995 No. 1 or the UNESCO Convention of 1970.

Financial thresholds applicable to certain categories, see first paragraph:

Whatever the value:

- No. 1 (Archaeological objects)
- No. 2 (Elements of monuments)
- No.10 (Incunabula and manuscripts)
- No.11 (Archives)

Value EUR 15,000:

- No. 6 (Mosaics and drawings)
- No. 7 (Engravings)
- No. 9 (Photographs)
- No. 10 (Printed geographical maps)
- No. 14 (Postage and revenue stamps)

Value EUR 30,000:

- No. 4 (Water-colours, gouaches and pastels)

Value EUR 50,000:

- No. 8 (Statuary)
- No. 16 (Books)
- No. 13 (Collections)
- No. 15 (Means of transport)
- Nos. 12 and 18 (Any other object)

Value EUR 150,000:

- No. 3 (Paintings)
- No. 5 (Artistic compositions and montages)

The assessment of whether the conditions with regard to financial value are satisfied shall be made at the time the return of the object is requested. The financial value shall be the value of the object in the requested State.

0 Amended by the Regulations of 14 May 2002 No. 467 and 10 January 2007 No. 39.

Section 3. The competent authority shall:

- a) upon application by the requesting State, seek a specified cultural object that has been unlawfully removed, and identify the possessor and/or the holder,
- b) notify the states concerned if cultural objects are found on Norwegian territory and there are reasonable grounds for believing that the said objects have been unlawfully removed from the territory of another State, and serve as the recipient of corresponding notification,
- c) enable the competent authorities of the requesting State to check that the object in question is a cultural object, and serve as such an authority in Norway,
- d) take any necessary measures for the physical preservation of the cultural object in cooperation with the State concerned,
- e) prevent, by the necessary interim measures, including an interim injunction, any action to evade the return procedure, even if a demand for restitution or request for the return of the object has been submitted to the courts or other competent authorities in another State,
- f) act as intermediary between the possessor and/or the holder and the requesting State with regard to return,
- g) notify the competent authority in the State in which the Norwegian State has instituted legal proceedings to secure the return of a cultural object, and serve as the recipient of corresponding notification,
- h) notify the competent authorities in other States that legal proceedings have been instituted in Norway, and serve as the recipient of corresponding notification,
- i) otherwise cooperate with and promote consultation between competent authorities in other States.

The check pursuant to the first paragraph, c, shall be made within two months of the notification mentioned under b. If the check is not made within the stipulated time limit, d and e shall not apply.

Section 4. The parties may agree to refer the dispute to another court or another competent authority, or for arbitration.

Section 5. The requesting State shall bear the expenses incurred in connection with the measures mentioned in section 3, first paragraph, d.

Section 6. These Regulations shall enter into force immediately as regards the provisions that apply to States in the European Economic Area (EEA), at which time the Regulations of 28 February 1997 No. 236 on the return of cultural objects that have been unlawfully removed from the territory of a State in the European Economic Area (EEA) and that are in Norway shall be repealed. The provisions that apply to

States that are party to the Unidroit Convention shall enter into force simultaneously with the Convention's entry into force for Norway.¹

1 1 March 2002 according to the Regulations of 1 March 2002 No. 229.

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