

# MINISTRY OF CULTURE

Pursuant to Article 68, paragraph 5 of the Act on the Protection and Preservation of Cultural Objects (OG 69/99), the Minister of Culture passes the

## ORDINANCE

### ON THE CONDITIONS FOR ISSUING LICENCES FOR THE EXPORT AND MOVEMENT OF CULTURAL OBJECTS FROM THE REPUBLIC OF CROATIA

#### 1. GENERAL PROVISIONS

##### Article 1

This Ordinance lays down conditions for issuing licences for temporary export of cultural objects to third countries, and for issuing licences for temporary movement of cultural objects to the Member States of the European Union, as well as conditions for issuing export certificates for export/movement of objects other than cultural objects, including requirements for keeping records of issued licences and certificates.

##### Article 2

The competent authority, within the meaning of this Ordinance, shall be the Conservation Department of the Ministry of Culture in the area where the cultural good in question is located, and for the area of the City of Zagreb it shall be the Zagreb City Institute for the Protection of Cultural and Natural Monuments.

At the request of an interested natural or legal person, licences for export/movement of cultural objects shall be issued by the competent authority.

If an object is not a cultural good, the competent authority shall issue a certificate stating that the object concerned is not a cultural good and that no obstacles exist for its export/movement from the Republic of Croatia.

The competent authority shall submit to the relevant division of the Ministry of Culture and the competent authorities of the Ministry of the Interior and the Ministry of Finance – Customs Directorate a copy of the licence granted for the export/movement of a cultural good as well as a certificate confirming that the cultural good being exported/moved does not have the characteristics of a cultural good.

The competent authority shall keep records of the applications and certificates as well as records of cultural objects returned within a specified time. The competent division of the Ministry of Culture shall keep central records for the territory of the Republic of Croatia

##### Article 3

The competent authority shall issue a licence for the export/movement of:

- Cultural objects legally and permanently located in the territory of the Republic of Croatia on 1 January 1993, or

- Cultural objects located in the territory of the Republic of Croatia since 1 January 1993 and legally and permanently brought in from EU Member States, or imported from third countries, or re-imported from third countries after their legal shipment from Member States to these countries.

The provisions of paragraph 1 of this Article shall apply as of the date of Croatia's accession to the European Union.

#### Article 4

The Ministry of Culture shall be the central authority for contacting the competent authorities of the Member States and the European Commission regarding procedures covered by this Ordinance.

#### Article 5

The application for a licence for temporary movement/export of a cultural good shall be submitted to the competent authority by completing a form in accordance with this Ordinance. The forms shall be printed in the Croatian and English languages.

#### Article 6

The competent authority may refuse to issue a licence for the export/movement of a cultural good if the respective cultural good is covered by laws protecting the national heritage of artistic, historical or archaeological value in the EU Member State involved.

In case of refusal to issue a licence for the export/movement of a cultural good from the Republic of Croatia, a notification thereof shall be distributed to all competent authorities in accordance with the Act on the Protection and Preservation of Cultural Objects, as well as to the competent authorities of the Ministry of the Interior and the Ministry of Finance - Customs Directorate.

In a case referred to in paragraph 1 of this Article, the competent authority shall contact the competent authorities of the Member States from which the cultural good has arrived and in particular the competent authorities responsible for the return of cultural objects in accordance with the Act on the Protection and Preservation of cultural objects.

The provisions of paragraph 3 of this Article shall apply as of the date of Croatia's accession to the European Union.

#### Article 7

The types of licences for temporary exportation of cultural objects to third countries shall be as follows:

1. Standard licence for temporary export of cultural objects,
2. Specific open licence for temporary export of cultural objects
3. General open licence for temporary export of cultural objects

The export licences referred to in paragraph 1 of this Article shall be issued for cultural objects designated as such under the Act on the Protection and

Preservation of Cultural Objects and cultural objects listed in Annex A1 which is a constituent part of this Ordinance.

As an exception to paragraph 1 of this Article, pending the accession of the Republic of Croatia to the European Union, licences referred to in Article 7, paragraph 1 of this Ordinance shall be issued solely for cultural objects as defined in the Act on the Protection and Preservation of Cultural Objects.

#### Article 8

The types of licences for temporary movement of cultural objects from the Republic of Croatia to the EU Member States shall be as follows:

1. Standard licence for temporary movement of cultural objects
2. Specific open licence for temporary movement of cultural objects
3. General open licence for temporary movement of cultural objects

Licences for the movement of cultural objects referred to in paragraph 1 of this Article shall be issued for the cultural objects designated as such under the Act on the Protection and Preservation of Cultural Objects and the cultural objects listed in Annex A1 which is a constituent part of this Ordinance.

As an exception to paragraphs 1 and 2 of this Article, pending the accession of the Republic of Croatia to the European Union, export licences referred to in Article 7, paragraph 1 of this Ordinance shall be issued for any type of movement of cultural objects from the country, or exclusively for cultural objects designated as such in accordance with the Act on the Protection and Preservation of Cultural Objects.

#### Article 9

For a licence referred to in Article 7, paragraph 1, item 1, the person exporting the cultural good shall present a form - the Standard licence for temporary export of the cultural good, completed in accordance with this Ordinance.

For a licence referred to in Article 7, paragraph 1, item 2, the person exporting the cultural good shall present a form - the Specific open licence for temporary export of the cultural good, completed in accordance with this Ordinance.

For a licence referred to in Article 7, paragraph 1, item 3, the person exporting the cultural good shall present a form - the General open licence for temporary export of the cultural good, completed in accordance with this Ordinance.

For a licence referred to in Article 8, paragraph 1, item 1, the person removing the cultural good shall present a form - the Standard licence for temporarily movement of the cultural good, completed in accordance with this Ordinance.

For a licence referred to in Article 8, paragraph 1, item 2, the person moving the cultural good shall present a form - the specific licence for the temporary movement of the cultural good, completed in accordance with this Ordinance.

For a licence referred to in Article 8, paragraph 1, item 3 the person removing the cultural good shall present a form - the General open licence for the temporary movement of the cultural good, completed in accordance with this Ordinance.

The certificate referred to in Article 2, paragraph 3 of this Ordinance shall be issued by the competent authority on its headed paper and shall contain:

- Personal data on the applicant or the owner of the good in question
- Name, description and photograph of the good being moved from the country,
- A statement that the good does not qualify as a cultural good and is hence not subject to the ban on the export/movement from the Republic of Croatia;
- Two photographs of the cultural good certified by the competent authority.

The certificate shall bear the stamp of the competent authority.

## II. STANDARD LICENCE FOR THE TEMPORARY EXPORT OF CULTURAL OBJECTS

### Article 10

A standard licence for temporarily export of cultural objects shall be issued on a form printed on white paper free of mechanical pulp dressed for writing purposes and weighing not more than 55 grams per square metre.

The form shall measure 210 x 297 mm.

The form shall be provided in paper or electronic format and completed in the Croatian Latin script. The competent authority of a Member State may request its translation into one of the official languages of that Member State. In that case, the translation costs shall be met by the applicant.

The Ministry of Culture shall ensure that:

- the form bears the printer's name "Narodne novine" (Official Gazette), as well as its address and identification mark;
- required measures are taken to prevent forging.

The means of identification adopted by the competent authority for this purpose shall be communicated to the European Commission for further notification of the competent authorities of the Member States.

The application form shall be as a rule completed mechanically or electronically. It may also be completed legibly by hand, in ink and in capitals. At any case, the form shall not contain any erasures, corrections or other alterations.

### Article 11

Without prejudice to paragraph 3, a separate export licence shall be issued for each consignment of cultural objects.

For the purposes of paragraph 1 a consignment shall mean either a single cultural object or a number of cultural objects.

Where a consignment contains a number of cultural objects, the competent authority shall be authorised to determine whether one or more export licences are to be issued for such a consignment.

### Article 12

The form shall contain three sheets:

- sheet marked No 1, containing the application,
- sheet marked No 2, for the applicant to keep,
- sheet marked No 3, to be returned to the issuing authority.

Sheet one shall be retained by the issuing authority, and in case of additional sheets, the number of copies thereof required for use. The competent authority shall decide on whether one or more export licences are to be issued.

Sheet two shall be presented by the licence holder to the customs office authorised for accepting and certifying such export declarations.

Sheet three of the licence form being returned to the issuing authority shall accompany the consignment to the customs office at the point of exit from the country. The customs office shall affix its stamp in box 26 of that sheet and return it to the issuing authority.

Any unused box in the form must be crossed out so that no additions can be made.

The sheets of the form shall be numbered and marked with their intended use in the left-hand margin.

### Article 13

In case of refusal by the competent authority to issue a licence for the export or movement of a cultural good, the first sheet of the form shall be retained by the competent authority, while the other two sheets shall be returned to the applicant.

### Article 14

The applicant shall complete boxes 1, 3, 6 through 21, 24 and, if appropriate, 25 of the application form and, exceptionally, also the other sheets with the approval of the competent authority.

The competent authority may stipulate that only the application form should be completed (sheet No 1).

### Article 15

The Standard licence form for temporary export of cultural objects shall be accompanied by:

- documents containing all relevant information on the cultural good and its legal status (ownership and otherwise) at the time of the submittal of the application, together with any supporting documents (invoices, expert appraisals, etc.) where appropriate;

- a clearly and legibly authenticated photograph of the cultural object or, where appropriate, at the discretion of the competent authority, more black-and-white or colour photographs, sized at least 8x12cm. The photographs must show the entire cultural good in a recognizable manner.

- documents in evidence of guarantees provided in the event of damage, destruction or illegal alienation of the cultural good in accordance with the Act on the Protection and Preservation of Cultural Objects.

The attachments referred to in paragraph 1, item 2 of this Article may be replaced, where appropriate and at the discretion of the competent authority, by a detailed list of cultural objects.

The competent authority may require, for the purposes of issuing an export licence, the physical presentation of the cultural objects for which an export licence is requested.

Any costs incurred as a result of procedures described in paragraphs 1, 2 and 3 shall be met by the applicant.

The export licence may be granted by virtue of a duly completed form being submitted to the competent authority. Provided that the authority has granted the export licence, the first sheet shall be retained by that authority and the remaining sheets shall be returned to the successful applicant or his or her authorised agent.

#### Customs procedure

##### Article 16

The licence holder shall present to the competent customs office the export declaration plus the following attachments:

- The second sheet of the application form marked as Copy No 2
- The third sheet of the application form marked as Copy No 3 which shall be returned to the issuing authority.

##### Article 17

The customs office authorised to accept the export declaration shall ensure that data entered in the export declaration, or if applicable, the ATA carnet, are in conformity with those given on the export licence and that reference is made to that licence in box 44 of the export declaration or on the counterfoil of the ATA carnet.

The customs office referred to in paragraph 1 of this Article shall take appropriate measures for identification of the cultural good. The measures may consist in affixing a seal or stamp of the customs office. The export licence form, a copy of which is attached to sheet 3 of the customs declaration, shall be returned by the customs office to the issuing authority.

After completing box 23 in sheets 2 and 3 of the export licence, the customs office authorised to accept the export declaration shall return sheet No. 2 to the holder or his authorised agent, whom it is intended for.

The third sheet of the licence form to be returned to the issuing authority must accompany the consignment to the customs office at the point of exit from the country. This customs office shall certify with its stamp box 26 of the form and return it to the issuing authority.

##### Article 18

The period of validity of the Standard licence for temporary export of a cultural good shall not exceed 12 months from the date of issue. In case of temporary exportation the competent authority may specify the time limit within which the cultural good must be returned to the Republic of Croatia.

Where an export licence has not been used by the date set by the competent authority, it shall cease to be valid and its holder shall return it without delay to the issuing authority.

### III. SPECIFIC OPEN LICENCES FOR TEMPORAY EXPORT OF CULTURAL OBJECTS

##### Article 19

A specific open licence may be issued for a specific cultural good which is repeatedly and on a temporary and regular basis exported for use and/or exhibition in third countries. The cultural good must be owned or legally possessed by a natural or legal person or an establishment using and/or exhibiting it.

A licence may only be issued provided that the competent authority has found that the applicant referred to in paragraph 1 of this Article can produce all required guarantees for the return of the cultural good in good condition and that the cultural good is so described or marked that there will be no doubt at the moment of temporary export that the good being exported is the one described in the specific open licence.

The period of validity of a specific open licence shall not exceed 5 years.

#### Article 20

The licence referred to in Article 19 of this Ordinance shall be presented in support of a written export declaration or be available for production with the cultural objects for examination upon request

The competent authorities of the Member State where the export licence is presented may request its translation into the language or one of the official languages of that Member State. In this case, the translation costs shall be met by the licence holder.

#### Customs procedure

#### Article 21

The customs office authorised to accept export declarations shall ensure that the cultural good presented is the one described in the export licence and that a reference to that licence is made in box 44 of the export declaration if a written declaration is required.

If a written declaration is required, the licence must be attached to sheet 3 of the customs declaration and accompany the good to the customs office at the point of exit from the country.

Where sheet 3 of the customs declaration is made available to the exporter or his agent, the export licence shall also be made available to him for use on another occasion.

### IV. GENERAL OPEN LICENCES FOR TEMPORARY EXPORT OF CULTURAL OBJECTS

#### Article 22

A general open licence for temporary export of cultural objects may be issued to museums and other institutions for the purpose of regular multiple temporary exports of objects constituting their permanent collections for exhibition in third countries.

A licence may be issued only under the condition that the competent authority is convinced that the applicant offers all the guarantees considered necessary for the good to be returned in good condition. The licence may be used to cover a series of different combinations of objects either concurrently or consecutively.



The period of validity of a general open licence shall not exceed 5 years.

#### Article 23

The licence referred to in Article 22 of this Ordinance shall be presented in support of the export declaration.

The competent authorities of the Member State in which the licence is presented may request its translation into the language or one of the official languages of that Member State. In this case, the translation costs shall be met by the licence holder.

#### Customs procedure

#### Article 24

The customs office authorised to accept the export declaration shall ensure that the licence referred to in Article 22 of this Ordinance is presented together with a list of the objects being exported and described in the export declaration.

The list shall be provided on the headed paper of the institution concerned and signed on each page by one of the persons from the institution named on the licence. Each page shall also be stamped with the official stamp of the institution identical to that affixed on the licence. A reference to the licence must be made in box 44 of the export declaration.

The licence shall be attached to sheet 3 of the customs declaration and shall accompany the consignment to the customs office at the point of exit from the country. Where sheet 3 of the customs declaration is made available to the exporter or his representative, the licence shall also be made available to him for use on a subsequent occasion.

### V. FORMS FOR SPECIFIC OPEN LICENCES AND GENERAL OPEN LICENCES

#### Export of cultural objects

#### Article 25

A specific open licence for temporary export shall be issued on a form which is a constituent part of this Ordinance.

A general open licence for temporary export shall be issued on a form which is a constituent part of this Ordinance.

The said form shall be available in printed or electronic form in the Croatian and English languages.

The licence form shall measure 210 x 297 mm. A tolerance of up to minus 5 mm or plus 8 mm in the length shall be allowed. The paper used shall be white, free of mechanical pulp, dressed for writing purposes and weigh at least 55 g/m<sup>2</sup>. The form shall have a printed guilloche pattern background in light blue such as to reveal any falsification by mechanical or chemical means.

The first sheet of the licence referred to in paragraphs 1 and 2 of this Article shall be issued on a form corresponding to the first sheet of the form for the standard licence for temporary export of cultural objects, referred to in Article 12, paragraph 1, item 1 of this Ordinance.

The second sheet of the licence without a guilloche pattern background is for the exporter's own use or records only.

#### Article 26



The licence form shall be available in printed or electronic format and completed in one of the official languages of the Community designated by the competent authority of the Member State issuing the licence form. The competent authority of the Member State may request its translation into one of the official languages of that Member State. In that case, the translation costs shall be met by the applicant.

The Ministry of Culture shall ensure that:

- the form bears the printer's name "Narodne novine" (Official Gazette), as well as its address and identification mark (printed or stamped serial number)
- required measures are taken to prevent forging. The means of identification adopted by the competent authority for this purpose shall be communicated to the European Commission for further notification of the competent authorities of the other Member States.

Forms shall be made out by mechanical or electronic means. They may also be made out legibly by hand, in ink and in block capitals. At any case, they shall not contain any erasures, overwritten words or other alterations.

#### Movement of cultural objects

##### Article 27

A standard licence for temporary movement of cultural objects to EU Member States shall be issued on a form corresponding to the form referred to in Article 10 of this Ordinance, so that boxes 2 and 13 of the form for movement of cultural objects should contain the words "Licence for movement of cultural objects" (box 2) "Purpose of movement of cultural good(s)/ reason for applying for the licence (box 13), whereas sheets 2 and 3 do not contain boxes 23 and 26 relating to customs formalities.

Specific and general open licences for temporary movement of cultural objects shall be issued on the forms referred to in Articles 19 and 22 of this Ordinance, with the words in the right-hand margin "Movement of cultural objects to EU Member States" and the word "Applicant" in box 1. In the textual part of a general open licence for temporary movement of cultural objects, the word "export" shall be substituted by the word "movement".

The first sheet of the application form shall be issued on the form referred to in Article 19 of this Ordinance, so that box 2 should contain the words "Licence for movement" and box 13 should contain the words "Purpose of movement of cultural good(s)/ reason for applying for the licence".

The forms referred to in paragraphs 1 and 2 of this Article are a constituent part of this Ordinance.

##### Article 28

The provisions of this Ordinance relating to the printing, type of paper, forgery protection and completion of the licence forms for export of cultural objects shall also apply to licences for movement of cultural objects.

## VI. TRANSITIONAL AND FINAL PROVISIONS

##### Article 29

Pending Croatia's accession to the European Union, all licence forms required under this Ordinance shall have the words "Republic of Croatia" and after its

entry into the European Union, the words "European Community" printed in their upper left-hand margin.

#### Article 30

On the day of Croatia's accession to the European Union, all licences for export/movement of cultural objects governed by this Ordinance shall apply in the entire area of the European Union.

#### Article 31

If the Republic of Croatia restricts the number of customs offices authorised to handle formalities for the export/movement of cultural objects, it shall notify the European Commission thereof as well as of other measures taken by virtue of this Ordinance.

#### Article 32

Licences and certificates referred to in this Ordinance may be issued on the existing forms for a period not longer than six months after the entry of this Ordinance into force.

#### Article 33

This Ordinance shall supersede the Ordinance on the Conditions for Granting Licences for the Movement of Cultural Objects from the Republic of Croatia (OG 104/00).

#### Article 34

This Ordinance shall take effect on the eighth day of its publication in the Official Gazette.

**Class: 612-08/06-01/10062**  
**File No: 532-10-03/1-06-01**  
**Done at Zagreb, 10 March 10 2006**

**MINISTER OF CULTURE**

**Božo Biškupić, M.Sc.**

## ANNEX

### A)

Cultural objects referred to in Article 7, paragraph 2 and Article 8, paragraph 2 of this Ordinance shall include:

1. Archaeological objects older than 100 years originating from:
  - land or underwater excavations and finds,
  - archaeological sites
  - archaeological collections.
2. Elements being a constituent part of artistic, historical or religious monuments not preserved in one piece and older than 100 years;
3. Paintings and canvasses, except those assigned to category 4 or 5, which are wholly hand made in any material or on any medium;
4. Watercolours, gouaches and pastels wholly hand made on any medium;
5. Mosaics from any materials wholly hand made, except for those covered by category 1 or 2, and drawings wholly hand made on any medium and in any material;
6. Original engravings, graphics, serigraphs and lithographs with corresponding plates, and original posters;
7. Original sculptures or statues and copies made by the same method as the original, except for those assigned to category 1.
8. Photographs, films and their negatives;
9. Incunabula and manuscripts, including maps and music pieces, single or in collections;
10. Books older than 100 years, single or in collections;
11. Printed maps over 200 years old;
12. Archival material or any of its parts, of any type and on any medium containing elements over 50 years old.
13. (a) Collections and samples from zoological, botanical, mineralogical or anatomic collections;  
(b) Collections of historical, palaeontological, ethnographic or numismatic significance;
14. Vehicles more than 75 years old;
15. Any other antique object not included in categories 1 through 14 and more than 50 years old.

### B)

The marginal monetary value of the cultural objects referred to in Article 2 of this Ordinance shall be:

- any value
- 1 (Archaeological objects)
- 2 (Monuments not preserved in one piece)
- 9 (Incunabula and manuscripts)
- 12 (Archival material)
  
- HRK 116,529
- 5 (Mosaics and drawings)
- 6 (Engravings)
- 8 (Photographs)
- 11 (Printed maps)
  
- HRK 233,058

- 4 (Water colours, gouaches and pastels)

- HRK 388,431

- 7 (Statues)

- 10 (Books)

- 13 (Collections)

- 14 (Vehicles)

- 15 (Any other object)

- HRK 1,165,292

- 3 (Paintings)

The value of the above cultural objects must be equal to or higher than the marginal monetary value stipulated in this Annex.

The value of the objects referred to in Item A of this Annex is the value of cultural objects in the Republic of Croatia determined upon receipt of the application for their export/movement from the customs territory of the European Union.