

Moving Art



A guide to the export and import
of cultural goods between
Russia and the European Union



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Delegation of the European Commission to Russia

Kadashevskaya nab., 14/1

119017, Moscow

Tel: +7 495 721 20 00

Fax: +7 495 721 20 20

e-mail: Delegation-Russia@ec.europa.eu

This guidebook was researched and written by Judith Staines and Julio Piñel.

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Dear friends and art lovers!

I am happy to present our new publication “Moving Art: a guide to the export and import of cultural goods between Russia and the European Union” that describes the procedures and regulations for the import and export of cultural goods between Russia and the countries of the EU.

Culture is becoming increasingly important in the EU – Russia relationship¹: the EU and Russia have agreed to promote a structured approach to cultural cooperation between the enlarged EU and Russia, to foster creativity and mobility of artists, public access to culture, the dissemination of art and culture, inter-cultural dialogue and knowledge of the history and cultural heritage of other peoples of Europe. We are already beginning to see some concrete manifestations of these aims.

In 2007 the European Commission launched the first call for proposals specifically focused on culture. We will support initiatives through partnerships among a wide range of local authorities, non-governmental organisations, artistic universities and museums from Russia and from the EU Member States. By doing this, the European Commission aims to boost cooperation in the cultural field and to promote innovative artistic and cultural projects with a European dimension.

An example of the type of initiative that works on this Europe dimension is the *Europe – Russia – Europe* exhibition that took place from May to July 2007 at the State Tretyakov Gallery in Moscow. With over 40 major museums and galleries participating from all 27 Member States and Russia, bringing in over 80 pieces of art from all corners of the European Union, this was truly a fine example of culture quite literally crossing borders.

Cultural exchanges have always been important in all of our societies. Ideally, domestic and international legislation in this area should aim to strike a balance between the need to protect the heritage, the rights of owners and the encouragement of a thriving art market. However, it is not always easy to find a proper way in a maze of regulations and legal terminology.

¹ Culture is mentioned in the concept of the four Common Spaces agreed between the EU and Russia at the Summit in Moscow on 10 May 2005. The present publication was inspired by the Space on Research, Education and Culture



We tried to make this guide as user-friendly as possible and sincerely hope that it will be useful for all those who are participating in the process of “moving art”, such as curators working on international exhibitions, museums and galleries, art experts, dealers and collectors, amateur musicians and professional orchestras, concert managers and artists’ agents, artists and art lovers and even tourists – both in Russia and in the EU.

The idea for this publication has its origins in a joint project that the European Commission developed together with the Federal Regulatory Service for Mass Media, Communications and Protection of Cultural Heritage and I am grateful to our Russian counterparts for their contribution to this initiative.

Marc Franco
Ambassador, Head of Delegation
of the European Commission to Russia



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Introduction

When you travel abroad do you like to buy art or antiques? Are you an art dealer or collector, looking to purchase special objects in other countries? Perhaps you are involved in organising an international exhibition where you need to transport works of art to another country for a short period? Or maybe a musician, agent or concert organiser who wants to take musical instruments abroad for a performance? Are you involved in cultural cooperation projects specifically between Russia and a European Union country?

If so, you need to know about the procedures and regulations that apply to the import and export of cultural goods between Russia and the EU. *Moving Art* aims to answer your questions and to explain how to move cultural goods, such as art works, antiques, musical instruments and archaeological objects, legally and securely across the borders between the EU and Russia.

The handbook contains sections for Russia and the 27 EU Member States, outlining the legislation and procedures that apply in each country for the export and import of cultural goods. The main focus is on the visual arts, antiques and musical instruments, as well as other cultural goods that are covered by existing legislation.

It has been written specifically with users in Russia and the EU in mind, aiming to demystify the procedures, which are often complex and described in bureaucratic and technical language. Laws apply to the export of cultural goods from the EU to any non Member State, such as Russia. Although a common legal framework exists across all EU Member States (the EU export licence for cultural goods), there are still considerable variations from one country to another due to differences in national legislation. In Russia there are also specific laws for the export of cultural goods.

If you want your artwork to cross borders, it's best to be informed, to plan the process and to get things right.

Why is moving art across borders important?

Art is moved across borders for many different purposes: through cultural cooperation projects, the art trade, cultural tourism, restoration and, of course, when people move to live in another country, just to cite some examples.

International cultural cooperation is a valuable way for countries, organisations and individuals to overcome barriers of understanding and to learn about one another's art, culture and heritage. It involves "shared communicative action ... to achieve common, similar or different ends through artistic and other means", according to a definition of European cultural cooperation by ERICarts for LabforCulture.org. Cultural cooperation projects generally involve the movement of artists and/or art works across borders.



The exhibition *Europe-Russia-Europe*. State Tretyakov Gallery, Moscow, May-July 2007

International cultural cooperation can take place in the context of bilateral and multilateral agreements between countries. Many of the EU countries in this book refer to such agreements with Russia. These and other programmes managed by embassies and diplomatic missions may be organised within the framework of cultural diplomacy and foreign policy objectives. Cultural diplomacy also informs the funding of national cultural institutes, such as the British Council, Goethe Institut, Italian Cultural Institute and Instituto Cervantes, which promote cultural events and other projects abroad.

European Commission programmes in the cultural field, such as Culture 2000, have funded many projects, networks and other actions to promote cultural cooperation over recent years. These have involved numerous artists, cultural operators and heritage professionals across the EU and in candidate countries. The mobility of artworks and artists is a current programme objective for the new Culture Programme (2007–2013). A new programme to support EU Russia cultural cooperation initiatives was launched in 2007 through the Delegation of the European Commission to Russia.

The art trade relies on the movement of art works, antiques, furniture and other artefacts across international borders. Auction houses will frequently receive an object in one country, place it in a sale in a second country and then organise transportation of the object to a third country where the buyer is located. The same is true for international art and antique dealers who sell work through specialist fairs around the world. At the top level, the international art trade knows no borders, although buyers and sellers must



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still deal with the legal and practical aspects of moving valuable art objects from one country to another.

A further motivation for moving art objects from one country to another is cultural tourism. Ever increasing numbers of travellers are drawn to the cities and regions of Europe and Russia. History shows that foreign visitors have always enjoyed buying valuable cultural objects abroad to take home with them as a reminder of their stay. Indeed, many cities have markets and districts which sell art and antiques and are promoted as special attractions for tourists and other visitors.

It is certainly true that a great deal of present day cultural, political and economic activity relies on the movement of art across international borders.

Why are there export controls for cultural goods?

Export controls are designed to control the international movement of cultural goods for three main reasons:

- Countries are concerned to retain cultural goods within their territory, or to monitor the movement of such goods abroad, because cultural objects can hold a high symbolic value in terms of national significance for a country's history, heritage, image and prestige.
- Art, antiques and archaeological objects, because of their high monetary value, have long been the target of international crime. Therefore the movement of such goods can be of interest to the police and customs authorities.
- In some countries, the import and export of certain cultural goods are subject to customs duties and/or VAT; export controls therefore ensure proper tax collection.

A powerful example of the need for export control is provided on the website of the export licensing authorities in Denmark. Here it is explained that the country's cultural heritage legislation (the Act on Protection of Cultural Assets in Denmark) came about when a number of unique paintings from a Danish estate were sold at an auction in London in 1976. These included a very famous painting, viewed as a priceless piece of Danish cultural history. The government collected a large amount of money but it was not able to acquire the painting. As a result, a committee was set up to make proposals to ensure that Danish cultural assets remained in Denmark and the legislation was drawn up.

All the countries surveyed in this publication have introduced national legislation to protect their cultural heritage and ensure that certain objects are not taken out of the country without permission. Some of the legislation dates back to the middle of the 20th century although much of it is more recent. Most countries have seen repeated revisions and amendments to the cultural heritage protection legislation to bring it into line with changing realities.

To varying extents, all countries surveyed participate in international efforts to prevent the illegal trade in cultural goods and to facilitate the return of stolen or illegally exported cultural objects. Many countries have ratified the UNESCO Convention of 1970 and some have also ratified the UNIDROIT Convention of 1995 to this end.



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In the EU, the Council adopted a Regulation (Council Regulation 3911/92) on the export of cultural goods in 1992 in order to provide a means of controlling exports from the EU to so-called 'third' countries, i.e. countries outside the EU. This legislation works alongside national heritage protection laws. The EU legislation shares common objectives with national legislation in that it aims to prevent the loss of important cultural heritage from the European Union territory by setting up a system of control and monitoring of the movements of older and more valuable cultural goods. There is a system of administrative cooperation between the authorities that issue the export licences.

The high financial value of art (as well as antiques, archaeological objects, furniture etc.) has made it a target, and a currency, in the world of organised crime. An EU Directive and the UNESCO and UNIDROIT Conventions have been drawn up to address the criminal aspects of the movement of cultural goods – illegal export, stolen cultural goods and the legal procedures for their return to their rightful country and owner.

In some countries, there are special agencies and specific procedures for the restitution of art works which were stolen during the Second World War. This is the case in Russia, among others, where specific legislation applies to cultural goods removed during that period.

There are systems of cooperation between the police, Customs and other authorities to monitor and intercept illegal movements of cultural goods. Heritage protection and criminal law provides for imprisonment, fines and other penalties for illegal activity. A number of organisations maintain international databases of stolen art to assist the public, the trade, the insurance industry and the police.

All the legislation with references and full titles is explained in more detail in the subsequent chapters.

What is covered by export controls?

Basically export controls cover older, valuable and/or nationally significant cultural goods of various types. Council Regulation 3911/92 on the export of cultural goods lists many categories with age or age and value limits that determine whether they are covered. Individual countries have determined the scope of their legislation according to national priorities and circumstances.

It is important to remember that export controls do not necessarily mean that you *cannot* export a cultural object. They are intended to oversee and, where required, restrict the export of cultural goods. Permission in the form of an export licence is granted in many cases, as can be seen by the circulation of cultural goods in the world.

Also, export conditions and formalities depend above all on the country you want to export *from*, not your nationality or country of residence. If you are a British citizen living in Spain and you buy an artwork in Russia, the Russian export regulations apply. If you are a Russian visitor to Italy who wants to buy cultural goods to take home, the Italian export regulations apply.



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Export controls apply to anyone who wants to take a cultural object, as defined under the legislation, out of a country. They apply to individuals, non-profit and commercial bodies, public institutions and other organisations. The applicant's age, citizenship, nationality and place of residence are not relevant. They apply whether you are taking such an object out permanently or for a short period. For example, the EU export licensing legislation (which covers older, valuable musical instruments) applies to musicians of all ages, even children and students who want to take their musical instrument on holiday from an EU member state to a non-EU country.

All countries have their own particular focus and priority in devising their export controls. The national cultural heritage legislation aims to safeguard cultural goods of national significance and keep them in the country. This is interpreted in various ways. It may apply to goods made in the country or created by an artist from that country; it could cover an art work representing an important national historic figure; it might include documents or objects with other national significance.

Sweden, for example, has export restrictions which apply to cultural goods made in Sweden or made elsewhere by a Swede. Ireland has export controls for art works made in Ireland. Both countries also restrict the movement of cultural goods which are located in the country, wherever they were made and whoever made them. Another example of a particular national interest is the United Kingdom where a portrait of a British historical person is subject to special measures.

In common with several EU countries, the heritage protection legislation in Russia covers all cultural goods (or "cultural values") which are more than 50 years old. Items which are particularly significant for Russian cultural heritage, such as icons, old coins, medals and musical instruments, are mentioned specifically. Unlike the EU export licensing system which relies on a combination of age or age and value, in Russia it is age that is the sole deciding factor for whether objects are considered to be cultural goods and therefore subject to export and import controls.

For some European countries with an important and substantial archaeological heritage, e.g. Greece and Cyprus, the main focus of the legislation is on export control of movable archaeological heritage. Indeed, the export of any archaeological object may be forbidden by law. There is a long history of such objects being stolen, destroyed or illegally moved and this has created a determination to keep the existing archaeological heritage intact by means of legislation and enforcement.

Inventories of cultural goods of national importance exist in many countries and they frequently act as the legal basis for decisions on export controls. In other countries, where inventories do not exist, national legislation sets out criteria for the evaluation of cultural goods of particular importance. A process of expertise is carried out on an individual basis for export applications, following the criteria.

Further details on all the national legislative frameworks and procedures can be found in the country chapters.



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Who is involved in controlling the movement of art across borders?

The main instrument for controlling the movement of cultural goods across international borders is the export licence. It is issued in EU countries by the 'competent authority', one or more designated organisations in each country, usually in the heritage or museums sector. In Russia, export licences are issued by Rossvyazokhrankultura, the Federal Regulatory Service for Mass Media, Communications and Protection of Cultural Heritage.

Other agencies involved in controlling the movement of art across borders are the customs authorities and the Police.

The export licence is a sort of passport for cultural goods. It ensures that the goods have undergone a process of examination and their movement to another country has been approved by specialists. The goods may be subjected to expert inspection and valuation or a review of documentation of the object, its value and provenance may take place before an export licence can be issued.

A violin can be a simple, inexpensive instrument for a child to practise on or it could be an extremely valuable and rare masterpiece of untold value. A painting could be centuries old or an expert modern reproduction. How is a customs officer to know the difference? The system of export licensing is designed to overcome this difficulty. In some countries it is even possible to get a certificate for objects which, after expert appraisal, are classified as *not* requiring an export licence and this can be used as proof for customs authorities.

How do the regulations vary between countries?

National heritage protection legislation varies considerably from one country to another. If an art buyer wanted to export a similar cultural object from a number of EU countries to Russia, they would report quite different experiences for each country.

Although there is a shared basis of EU legislation which applies to exports of cultural goods from any EU country to Russia, in some countries national regulations are very much more restrictive than EU legislation. In others, EU legislation is seen as sufficient for export control, apart from some additional restrictions on exporting major national treasures from museum collections.

The main differences our imaginary art buyer would experience would be:

- How long it takes to get an export licence (from a few days to many months)
- Whether they have to present the object for inspection (it is obligatory in some countries but others only request it where there is a particular need)
- If they have to pay a fee for expert valuation or other duty
- Whether there is an inventory of goods restricted for export that they can consult before purchase (or other mechanism for avoiding sales of 'un-exportable' goods)
- Whether they have any legal right to appeal against the valuation or refusal of an export licence



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Other variations include countries that issue certificates which state that an export licence is *not* required. This is designed to facilitate the export of cultural goods which might look old and valuable but are actually within the limits for normal, unrestricted export. And if you do something wrong and illegally export protected cultural goods, there are considerable differences in the penalties, including fines, confiscation and imprisonment.

Most of this publication focuses on exports but, for some countries, the import of cultural goods is also controlled through a process of inspection and registration of imported cultural goods. In some countries, you must obtain an import certificate or licence under the national legislation and you may have to pay for it.

Import controls are in place for various reasons. To ensure that international conventions on stolen and illegally exported cultural goods are respected, a country may opt to keep a register of imported cultural goods. Secondly, some countries maintain a national inventory of protected cultural goods – it is therefore important to identify the date of import of cultural goods in order to decide whether they qualify for the inventory. A third reason for import controls is related to the system of tax exemptions in some countries. In Russia, for instance, an individual who imports cultural goods for personal use (not for sale) can obtain tax and customs duties exemptions upon declaring the goods at the border.

Models of good practice established by museums and galleries

Probably the most frequent users of the export licensing system for cultural goods are the museums in Europe. Indeed, several countries surveyed for this publication revealed that the large majority of their EU licences for temporary export were issued to museums and galleries. Organising touring exhibitions, exchanges and loans of art works are all part of the work of European museums. Sharing Europe's rich heritage, by ensuring the international mobility of objects in its museum collections, is an important process in demonstrating what Europe has in common and what unites it in diversity.

A substantial amount of work has been done through the EU-funded 'Mobility of Museum Collections' project. Although this project has focused on exchanges within EU museum circuits, it is useful in this context to share the models of good practice and common concerns explored. Both museums in Russia and private collectors across Europe who are asked to loan objects or organise tours of their collections will be interested in the project's findings.

Issues which have been researched independently and reviewed through expert working groups of specialists from major museums across Europe include:

- Valuation, indemnity and insurance
- Immunity from seizure
- Long term loans
- Loan fees
- Trust
- Conduct and administration



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The aim has been to establish common standards and overcome obstacles to the mobility of museum collections. The guidelines and codes of ethics adopted will be viewed as the baseline for exchanges and cooperation between museums in the European Union and, subsequently, with its neighbours.

This project was initiated in 2002 and the theme has been developed in major conferences in Greece, Italy, the Netherlands, UK, Finland and Germany. There is a wealth of useful documents, including the Mobility and Loan Standards for Museum Collections, agreed in 2006. All reference material can be found in the Annex.

What about other art forms?

This handbook takes as its starting point the regulations for export licensing of cultural goods. These apply almost exclusively to older cultural goods (normally at least 50 years old) such as: works of art; antique furniture and other artefacts; manuscripts, books and archives; archaeological objects; musical instruments.

This means that the cultural cooperation activities that are most affected by the export legislation are exhibitions, particularly of older, museum quality objects and music concerts of classical or other music where valuable old instruments are played. Exhibitions of more recent works of art and design might be covered by national legislation in some countries so it is always worth checking the regulations in such cases.

For international tours of theatre and dance productions, the cultural goods export legislation is not likely to be so relevant. Of course, stage sets and other technical equipment need to be transported and the normal customs regulations for transportation of goods, ATA carnet procedures and payment of any import duties will apply. And the movement of people carries other legal requirements such as visas and work permits which are not the focus of this publication.

Circumstances where one might imagine the cultural goods export legislation could be applicable would be the tour of a play from an EU country to Russia where the stage set included a particularly old and valuable piece of furniture. Another example might be a ballet or opera tour from Russia with a display of historic costumes to accompany the production. Certainly the legislation would cover valuable instruments to be taken by accompanying musicians. But, apart from such exceptions, performing arts administrators will not normally need to know about the EU or Russian export licensing legislation for cultural goods.

Finding the information you need in this publication

The first part of the book explains the legal frameworks which affect the movement of cultural goods. Chapter One covers the international conventions for the protection of cultural goods. Chapter Two explains the legislation in force in all EU Member States and, in particular, the regulatory framework which applies to exports of defined categories of cultural goods outside the territory of the EU.



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In the third chapter, you can find country profiles for all 27 EU Member States. Each country has provided a short introduction to cultural cooperation with Russia, often with reference to recent activities in this area. Information on the relevant legislation is listed. How to go about exporting cultural goods from the particular country, with reference to the situation of museums, tourists, musicians and other users is explained in a straightforward way. At the end of each country profile is a reference section with contact details and internet links.

The fourth chapter provides full details of the legal bases and administrative procedures for exporting cultural goods from Russia to the EU and importing cultural goods into Russia.

In the Annex you will find a lot of useful references and other information on the subject. Throughout the publication, links are provided to websites that can give up to date information, often in several languages. *Moving Art* is published in English and Russian and is also available as a CD-ROM.

International Conventions for the Protection of Cultural Goods

CHAPTER 1

International Conventions for the Protection of Cultural Goods

The control of the export and import of cultural goods is, essentially, an instrument for the preservation of the cultural heritage of nations, and therefore it has been addressed by a number of multilateral agreements. Two international conventions deserve special attention. Initiatives from the Council of Europe should also be mentioned.

The UNESCO Convention of 1970

Under the auspices of UNESCO, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property was adopted in Paris on 14 November 1970 (subsequently, 'the UNESCO Convention'). This Convention has been ratified by many EU Member States, as well as by Russia. For all other countries, UNESCO recommends its ratification, if possible with the UNIDROIT Convention of 1995 (see below).

From a practical point of view, the UNESCO Convention carries for the States Parties to it the requirement to adopt and implement appropriate legislation and set up the necessary administrative structures, as well as to facilitate co-operation with other States.

The UNESCO Convention establishes a common definition of cultural property, and sets out the categories of cultural property that form part of the cultural heritage of each State. For the protection of such property, the States shall set up in their territories one or more national services with specific functions. In all EU Member States and in Russia there is at least one institution that controls the export of cultural goods abroad (they are called, variously – Service, Board, Institute, Department etc.).

The main instrument to be introduced by States for the control of export of cultural property is a certificate in which the exporting State confirms that the export of the cultural property in question is authorised. The export of cultural property unless accompanied by the appropriate certificate is to be prohibited. All 27 Member States of the EU and Russia have an instrument of this kind, to which we can add the EU export licence (see Chapter 2).

If the export of an object can be prohibited by national legislation, the Convention also establishes that States should oblige antique dealers to inform the purchaser of cultural property of any export prohibition which such property may be subject to.

The Convention also focuses on cultural property illegally exported from its State of origin. Here, the State to which such property has been imported shall take the necessary measures to prevent museums and similar institutions within its territory from acquiring such cultural property. As for cultural property stolen from a museum or from a religious or

secular monument or similar institution, the States Parties shall prohibit their import, and shall, under certain conditions and formalities, undertake to recover and return any such property imported to their territory.

The importance of co-operation between States in the fight against illicit traffic is stressed in the Convention. The text includes a requirement to ensure the co-operation of competent services in facilitating the earliest possible restitution of illicitly exported cultural property to its rightful owner, to approve actions for the recovery of lost or stolen items of cultural property, brought by or on behalf of the rightful owners, and to facilitate the recovery of non-exportable property by the State concerned, in cases where it has been exported.

Since Russia and many EU Member States are parties to this Convention, this implies among other things that they have mutual obligations in terms of avoiding and combating illegal imports of cultural property to their territories, with the specific provisions foreseen in the Convention for this purpose.

The UNIDROIT Convention of 1995

UNIDROIT, the International Institute for the Unification of Private Law, has also made an important contribution. While the UNESCO Convention covers both the prevention of illicit traffic and the recovery phase, the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (Rome, 24 June 1995), adopted 25 years later, focuses only on the recovery phase. It applies to claims of an international character for the restitution of stolen cultural objects and the return of illegally exported cultural objects. It shares the same definition of cultural property as the UNESCO Convention. In fact, the aim of the UNIDROIT Convention would be to complement the former with more detailed and effective rules for the recovery phase. This Convention has been signed but not yet ratified by Russia, and only a number of EU Member States are parties to it. Therefore its current significance in Russia – EU exports and imports of cultural goods is only in its potential for the future.

For stolen cultural objects, the Convention establishes a general obligation for their possessors to return them. However, claims for restitution are subject to time limitations (with longer terms possible for objects forming part of an identified monument or archaeological site, or belonging to a public collection). As in the UNESCO Convention, possessors in good faith are entitled, at the time of restitution of the object, to payment of fair and reasonable compensation.

When cultural objects have been illegally exported (that is, not stolen, but taken out of the country in violation of the national legislation on the protection of cultural heritage), as a general rule a Contracting State may make a request for return to the court or other competent authority of another Contracting State. Such requests are subject to a time limitation, and good faith possessors are entitled, at the time of return of the object, to payment by the requesting State of fair and reasonable compensation.

The Council of Europe

Russia and the 27 Member States of the EU are all members of the Council of Europe. This international organisation has among its aims the promotion and preservation of the common European heritage. The European Cultural Convention of 1954 (ratified by Russia and all EU Member States) provides, among other things, that Parties to it will facilitate the movement and exchange of objects of cultural value.

Most Member States and Russia have ratified the Convention for the Protection of the Architectural Heritage of Europe of 1985 (Granada). Many are also signatories to the European Convention on the Protection of the Archaeological Heritage (Revised), signed in La Valletta in 1992. This has a specific Article on the Prevention of the illicit circulation of elements of the archaeological heritage.

Texts of the International Conventions

For the UNESCO Convention of 1970:

http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html

For the UNIDROIT Convention of 1995:

<http://www.unidroit.org/english/conventions/1995culturalproperty/main.htm>

UNESCO Information Note on the complementarities between and functioning of the UNESCO Convention of 1970 and the UNIDROIT Convention of 1995:

<http://unesdoc.unesco.org/images/0013/001399/139969E.pdf>

For the relevant Conventions adopted in the framework of the Council of Europe:

http://www.coe.int/T/E/Cultural_Co-operation/Heritage/Resources/RefTxtCultHer.asp

The Movement of Cultural Goods from and to the European Union: the Legal Framework

CHAPTER

2

The Movement of Cultural Goods from and to the European Union: the Legal Framework

Why a common framework for the export of cultural goods from the European Union?

Once the internal market was created in 1993, it became necessary to ensure that this important achievement in European integration would not, paradoxically, lead to an increase in the illegal outflow of cultural goods from the Community. Common action was therefore needed. The response came with the adoption of Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods (further, Council Regulation 3911/92) and the subsequent adoption of Commission Regulation (EEC) No 752/93 of 30 March 1993, laying down provisions for the implementation of the former (further, Commission Regulation 752/93).

Which are the main principles of this framework?

The UNESCO Convention of 1970 established the principle that the main instrument in preventing illicit export of cultural goods was the requirement for a certificate or licence for export. Council Regulation 3911/92 introduced an export licence (the 'EU export licence') that is necessary for the export of cultural goods outside the customs territory of the Community and is valid in all Member States.

In practice this gives all Member States the security that cultural goods (as listed in an Annex to Council Regulation 3911/92) cannot leave the territory of the Community without a minimum degree of control applied by every Member State, that is, the EU export licence. Moreover, the use of a common licence form facilitates standardised checks on the export of cultural goods outside the Community's borders.

The introduction of Council Regulation 3911/92 does not, however, prejudice Member States' own legislation to protect their national heritage. This means that the export of some categories of cultural goods under Council Regulation 3911/92 may also be subject to licensing under national legislations. National legislations may also require the licensing of the export of objects that are not cultural goods, in terms of Council Regulation 3911/92, but are protected by national heritage legislation. Moreover, an application for an EU export licence can be refused, for the purposes of Council Regulation 3911/92, where the cultural goods in question are covered by legislation protecting national treasures of artistic, historical or archaeological value in the Member State concerned.

What does this imply in practice?

- If the good you want to export from one Member State to Russia is covered both by Council Regulation 3911/92 and national legislation, some Member States require that you apply for two licences (EU and national), while in others a single application is sufficient.
- You may find that the object you want to export is covered by Council Regulation 3911/92, but not by national legislation. In this case you only have to apply for the EU export licence.



- In some cases, however, if the cultural good is specified in the first or second indent of category A1 of the Annex to Council Regulation 3911/92 (see below), and:
 - it is of limited archaeological or scientific interest
 - it is not the direct product of excavations, finds and archaeological sites within a Member State
 - its presence on the market is lawful

Here you may find that the Member State that is competent to issue the EU export licence does not require such licence. This dispensation depends on each Member State and you should check with the competent authorities there.

- You may find that you need to apply for an export licence (a national licence, not the EU export licence) even if the object you want to export is not covered by Council Regulation 3911/92. This will happen if national legislation considers this object to be part of the national heritage and subjects its export to licensing.

The level of protection of national treasures in Member States varies significantly. Some Member States have a rather restrictive national legislation, and some of the categories of cultural goods in Council Regulation 3911/92 are banned from export. This means that you can find that your export licence application is refused. Other Member States have a less restrictive system although, of course, all Member States have categories of cultural goods that, due to their national importance, cannot be exported from their territory. In most legislations, some of the goods categorised as national treasures that cannot be exported permanently can be taken abroad temporarily for exhibition, restoration purposes etc.



Chapter 2: The Movement of Cultural Goods from and to the European Union: the Legal Framework

Research undertaken for this publication allows the reader to compare the licensing systems of Member States. This shows that, in contrast to the EU procedures which are fairly standardised, each country has its own way of applying for and presenting the national licence. Moreover, the national licence is described differently from one State to another and Member States use terms such as permit, authorisation, permission and certificate.

What cultural goods are covered by the EU export licence scheme?

These are listed in the Annex to Council Regulation 3911/92. This Annex has been amended several times since its adoption. The criteria followed are those of age or age and value.

CATEGORIES OF CULTURAL OBJECTS COVERED BY COUNCIL REGULATION (EEC) 3911/92 OF 9 DECEMBER 1992 ON THE EXPORT OF CULTURAL GOODS

A.

1. Archaeological objects more than 100 years old which are the products of:
 - excavations and finds on land or under water
 - archaeological sites
 - archaeological collections
2. Elements forming an integral part of artistic, historical or religious monuments which have been dismembered, of an age exceeding 100 years
3. Pictures and paintings, other than those included in category 3A or 4, executed entirely by hand in any medium and on any material (1)
- 3A. Water-colours, gouaches and pastels executed entirely by hand on any material (1)
4. Mosaics in any material executed entirely by hand, other than those falling in categories 1 or 2, and drawings in any medium executed entirely by hand on any material (1) .
5. Original engravings, prints, serigraphs and lithographs with their respective plates and original posters (1)
6. Original sculptures or statuary and copies produced by the same process as the original (1), other than those in category 1
7. Photographs, films and negatives thereof (1)
8. Incunabula and manuscripts, including maps and musical scores, singly or in collections (1)
9. Books more than 100 years old, singly or in collections
10. Printed maps more than 200 years old
11. Archives, and any elements thereof, of any kind or any medium which are more than 50 years old
12.
 - (a) Collections (2) and specimens from zoological, botanical, mineralogical or anatomical collections;
 - (b) Collections (2) of historical, palaeontological, ethnographic or numismatic interest
13. Means of transport more than 75 years old
14. Any other antique items not included in categories A.1 to A.13
 - (a) between 50 and 100 years old:
 - toys, games
 - glassware
 - articles of goldsmiths' or silversmiths' wares



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- furniture
- optical, photographic or cinematographic apparatus
- musical instruments
- clocks and watches and parts thereof
- articles of wood
- pottery
- tapestries
- carpets
- wallpaper
- arms

(b) more than 100 years old

(1) Which are more than 50 years old and do not belong to their originators.

(2) As defined by the Court of Justice in its judgment in Case 252/84, as follows:

‘Collectors’ pieces within the meaning of heading No 97.05 of the Common Customs Tariff are articles which possess the requisite characteristics for inclusion in a collection, that is to say, articles which are relatively rare, are not normally used for their original purpose, are the subject of special transactions outside the normal trade in similar utility articles and are of high value.’

The cultural objects in categories A.1 to A.14 are covered by this Regulation only if their value corresponds to, or exceeds, the financial thresholds under B.

B.

Financial thresholds applicable to certain categories under A (in Euros)

VALUE:

Whatever the value

- 1 (Archaeological objects)
- 2 (Dismembered monuments)
- 8 (Incunabula and manuscripts)
- 11 (Archives)
- 15 000
- 4 (Mosaics and drawings)
- 5 (Engravings)
- 7 (Photographs)
- 10 (Printed maps)
- 30 000
- 3A. (Water colours, gouaches and pastels)
- 50 000
- 6 (Statuary)
- 9 (Books)
- 12 (Collections)
- 13 (Means of transport)
- 14 (Any other object)
- 150 000
- 3 (Pictures)



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The assessment of whether or not the conditions relating to financial value are fulfilled must be made when an application for an export licence is submitted. The financial value is that of the cultural object in the Member State referred to in Article 2 (2) of the Regulation.

For the Member States which do not have the euro as their currency, the values expressed in euro in the Annex shall be converted and expressed in national currencies at the rate of exchange on 31 December 2001 published in the *Official Journal of the European Communities*. This counter value in national currencies shall be reviewed every two years with effect from 31 December 2001. Calculation of this counter value shall be based on the average daily value of those currencies, expressed in euro, during the 24 months ending on the last day of August preceding the revision which takes effect on 31 December. This method of calculation shall be reviewed, on a proposal from the Commission, by the Advisory Committee on Cultural Goods, in principle two years after the first application. For each revision, the values expressed in euro and their counter values in national currency shall be published periodically in the *Official Journal of the European Communities* in the first days of the month of November preceding the date on which the revision takes effect.

Who issues the EU export licences? Who do I have to show the export licence to?

If you need to apply for an EU export licence, you should know that they can be issued by the following authorities:

- a competent authority of the Member State in whose territory the cultural object in question was lawfully and definitively located on 1 January 1993, or
- after this date, a competent authority of the Member State in whose territory it is located following either lawful and definitive dispatch from another Member State, or importation from a third country, or re-importation from a third country after lawful dispatch from a Member State to that country.

In fact, some Member States systematically check with the authorities of the Member State where a cultural good originated from before issuing an EU export licence for it (if they are competent to do so). Practice shows, however, that other Member States do not make such checks on a systematic basis.

The list of authorities in each Member State empowered to issue EU export licences can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

The export licence must be shown at customs when the goods leave the customs territory of the EU. In some Member States not all customs offices are empowered to handle formalities for the exportation of cultural goods. The list of authorised offices can be found at

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Details for the authorities in Bulgaria and Romania, not included in these lists compiled in 2006 by the European Commission, can be found under the relevant country chapters.



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What types of EU export licences exist?

In its initial version, Commission Regulation 752/93 did not distinguish between types of licences. Experience showed, however, that objects that are taken abroad frequently for exhibitions, concerts, etc. needed to be paid specific attention. This is why it now provides for three different types of licence:

- The standard licence
- The specific open licence
- The general open licence

All Member States issue standard licences which can be for definitive or temporary export.

Open licences (specific and general) are only issued in some Member States, those which have opted to do so.

In those countries that issue specific open licences, these cover the repeated temporary export of a specific cultural good by a particular person or organisation for use and/or exhibition in a third country, for a period of up to five years (in some Member States that issue such licences, the period is shorter, e.g. three years). For instance, if you are a professional musician frequently travelling abroad for concerts you may want to apply for a specific open licence for your musical instrument, if this type of export licence is available in your country.

General open licences cover any temporary export of those cultural goods that form part of the permanent collection of a museum or other institution. They are valid for a period of up to five years, although in some Member States the period is shorter. This type of licence is intended for cultural goods of this type that are liable to be temporarily exported from the Community on a regular basis for exhibition in a third country.

The EU country chapters in this guidebook indicate which types of EU export licence are currently available in each Member State.

What do I do if I want to get a standard licence? What are the steps and formalities involved?

If you want to export to Russia a cultural object covered by Council Regulation 3911/92, you will need to apply for the standard EU licence (unless you can apply for a specific or general open licence, as described above).

You will have to apply to one of the competent authorities in the Member State where you intend to obtain the licence. The list of such authorities is provided through the link given above. Other relevant links can be found in the chapter on that Member State in this guidebook.

You apply for an EU export licence on an application form conforming to the example shown in Annex to Commission Regulation 752/93. This form comprises three sheets: the application (No. 1), a sheet for the holder (No. 2) and a sheet to be returned to the issuing authority (No. 3). As a rule, all three sheets must be completed by the applicant, although Member



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States may only require the application page to be completed. Forms must be provided on request by the competent authority or authorities of the Member State in question.

The application should be accompanied by:

- Documentation providing all relevant information on the cultural object(s) and its (their) legal status at the time the application is made, by means of any supporting documents (invoices, expert appraisals, etc.) where appropriate.
- A duly authenticated photograph or, where appropriate and at the discretion of the competent authorities, photographs in black and white or in colour (measuring at least 8 cm by 12 cm) of the cultural goods in question.

This requirement may be replaced, where appropriate and at the discretion of the competent authorities, by a detailed list of the cultural goods.

The competent authorities may require the physical presentation of the goods to be exported. All costs incurred for the presentation of documentation, photographs and the physical presentation of the goods (if required) are to be met by the applicant requesting the EU export licence.

Once issued, the EU export licence (sheets Nos. 2 and 3) must be presented, in support of the export declaration, when the custom exports formalities are carried out, at the customs office which is competent to accept that declaration.

It should be noted that the period of validity of standard EU export licences does not exceed twelve months from the date of issue. In the case of an application for temporary exportation, the competent authorities may specify the time limit within which the cultural goods must be re-imported back to the issuing Member State.

Although aspects of the application procedure are standardised, research indicates that there are considerable variations in the length of time it takes for an EU export licence to be issued. There are also many differences between countries in the charges which may apply and the procedures for examination, expertise, valuation etc.

Are there any specific formalities or requirements for open licences?

For *specific* open licences, a first additional requirement is that the cultural good in question must be owned by, or be in the legitimate possession of, the particular person or organisation that uses and/or exhibits the good.

Secondly, such licences may only be issued provided the authorities are convinced that the person or organisation concerned offers all the guarantees considered necessary for the object to be returned in good condition to the Community and that it can be so described and marked that there will be no doubt at the moment of temporary export that the object being exported is that described in the specific open licence.

General open licences may only be issued if the authorities are convinced that the institution offers all the guarantees considered necessary for the good to be returned in good



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condition to the Community. The licence may be used to cover any combination of goods in the permanent collection at any one occasion of temporary export. It can be used to cover a series of different combinations of goods either consecutively or concurrently.

Both specific and general open licences have each their own application form, models of which are in Annexes to Commission Regulation 752/93.

What other formalities should I know about?

Although, in principle, both printed and electronic forms of licence applications are foreseen by Commission Regulation 752/93, the vast majority of Member States only accept printed versions.

Since an export licence is valid throughout the Community, it can be presented for export to the authorities of a Member State that is not the Member State which issued it. In such cases Commission Regulation 752/93 provides that the competent authorities of the Member State in which the licence is presented may ask for it to be translated into the language, or one of the official languages, of that Member State. In this case, the translation costs are met by the licence holder.

What happens if a cultural object has been unlawfully removed from a Member State?

Council Regulation 3911/92 establishes a preventive instrument to avoid illegal export of cultural goods from the EU to third countries: the EU export licence. Illegal movements of national treasures from one Member State to another do, however, still occur (such as the movement of goods banned from export, or without the necessary licence or permit).

In order to facilitate the return of cultural goods unlawfully removed from the territory of a Member State, Council Directive 93/7/EEC of 15 March was approved (Council Directive 93/7/EEC). This legal text is a Directive; therefore Member States had to adopt legislation to comply with it by a given date.

Council Directive 93/7/EEC can be of interest in cases of attempted illicit export of a cultural object to Russia via a Member State that is not the Member State of origin of the object. It also serves in cases where objects temporarily exported to Russia from their Member State of origin find themselves in another Member State after the expiry of the period of temporary export. The scope of the Directive is narrower than in Council Regulation 3911/92, since it applies only to those cultural objects which are national treasures possessing artistic, historical or archaeological value, that are included in a category of the Annex to the Directive and/or form part of the public collections of museums, archives or libraries or the inventories of religious institutions.

The main provision of the Directive is that the authorities of Member States shall facilitate the return of cultural objects through a specific procedure. The requested Member State shall, upon application of the requesting Member State, seek out a specified cultural object and identify its possessor and/or holder. Equally, if a Member State finds in its own territory a cultural object that can be suspected of having been unlawfully removed from



The exhibition *Europe-Russia-Europe*. State Tretyakov Gallery, Moscow, May-July 2007

the territory of another Member State, it shall notify the Member States concerned. It shall take any necessary measures for the physical preservation of the object and prevent, by the necessary interim measures, any action to evade the return procedure.

The Directive gives precedence to voluntary return measures and to the use of arbitration procedures. But it also entitles the requesting Member State to initiate court proceedings against the possessor or, failing him/her, the holder, with the aim of securing the return of the cultural object. If the Court orders the return of the object, the possessor is entitled to compensation if the Court so deems fair according to the circumstances of the case. There are time limitations that preclude the implementation of return proceedings under the Directive, and it applies only to cultural objects unlawfully removed from the territory of a Member State on or after 1 January 1993.

The second report of the Commission on the application of Council Directive 93/7/EEC can be found at:

http://ec.europa.eu/enterprise/regulation/inst_sp/docs/dir937/com_2005_0675_F_EN.pdf

What about imports?

As a rule, when importing a cultural good to a Member State from outside the customs territory of the Union, you should declare it.



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When importing such goods from third countries to the customs territory of the EU, the importer must report to a customs office, fill in a customs declaration and pay the charges. It is most likely that you only have to pay VAT at a reduced rate, since there is no duty on 'Works of art, collectors' pieces and antiques' (Chapter 97 of the Common Customs Tariff). Nevertheless, you are advised to check carefully the status of your item, since the list of categories to which the reduced VAT rate and the import duty exemption apply coincides mostly, but not entirely, with the list in the Annex to Council Regulation 3911/92. Therefore you should clarify beforehand the status of your items if you want to enjoy these advantages, and be ready to provide evidence that they do belong to the categories enjoying such advantages.

In many Member States, the import of cultural goods by museums and foundations is exempt from VAT under certain conditions.

Temporary import (when the intention is to re-export the good later, e.g. for a museum exhibition, and the good is not processed or altered during its stay in the EU) usually carries the obligation to pay a security deposit against the VAT. The importer will recover that money when the goods leave the customs territory of the EU.

As you can see in the chapters on the EU Member States, a few of them require a type of permit for the import of cultural goods from abroad. Most will, or may, ask you to produce documentation showing that the cultural goods being imported from Russia were legally exported from there. In all cases the illicit import of cultural goods is punishable.

Some Member States encourage the registration of imported cultural goods with a number of tax incentives and a regime that facilitates their re-export within a given period of time.

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Where can I get more information?



A short explanation on the EU export licence scheme, plus links to the texts of regulations, is available at:

http://ec.europa.eu/taxation_customs/customs/customs_controls/cultural_goods/index_en.htm

An interesting overview of the situation concerning illicit traffic of cultural goods in the EU context is provided in the 2004 Research Report 'Illicit Traffic in cultural goods in the Netherlands':

<http://www.minocw.nl/documenten/brief2k-2005-doc-33496a.pdf>

European Union
Member States

CHAPTER

3

Austria

Cultural relations between Austria and Russia are developing dynamically and today cover all important areas. A complex, but also highly visible, form of cultural exchange is international cooperation in art exhibitions. In recent years, shows in the most prominent museums of Austria and Russia have been increasingly profiting from participation of works of art from each other's collections. Recent examples include:

- Masterpieces from the Habsburg Treasury in Vienna, State Kremlin Museum, Moscow, Autumn 2005
- 'Vienna – Budapest – Saint Petersburg 1870–1920', State Hermitage Museum, Saint Petersburg, Autumn 2005
- 'Graphic Art of the 20th Century' from the Otto Mauer Collection in Vienna, Museum for Contemporary Art, Moscow, June 2006
- Valie Export retrospective, Second Moscow Biennale for Contemporary Art, Moscow, March 2007
- Marc Chagall retrospective, Kunstforum Vienna, December 2006 – February 2007

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN AUSTRIA AND RUSSIA?

NATIONAL

Bundesgesetz: Änderung des Denkmalschutzgesetzes – DMSG, BGBl. I Nr. 170/1999 (Federal Law on Protection of Monuments)

Verordnung des Bundesministers für Unterricht und kulturelle Angelegenheiten, BGBl. II Nr. 484/1999 (Regulation of the Federal Minister for Education and Cultural Matters)

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

Who is responsible for implementing these regulations?

The Bundesdenkmalamt – Abteilung für Ausfuhrangelegenheiten (Federal Monument Office – Export Department), or BDA, is responsible for implementing the regulations: <http://www.bda.at>

Do I need an export licence?

The Federal Law on Protection of Monuments (DMSG, BGB1. I Nr. 170/1999) outlines the requirements for export authorisation. Regulation BGBl. II Nr. 484/1999 goes into further detail on the categories of cultural goods which do *not* require an application for export permission. Certain types of cultural goods require export permission, whatever their



The Vienna Philharmonic Orchestra in rehearsal in the Tchaikovsky Concert Hall of the Moscow Philharmonic Society for a concert in February 2007. © Terry Linke

value. These are archaeological objects, objects under the conservation of historic monuments and autographs (manuscripts, letters, handwritten documents etc.).

In addition to Austrian national legislation, EU legislation applies to cultural goods which are exported from Austria to Russia, or other non-EU country. Cultural goods that come under this legislation (if they fall under the relevant categories, plus applicable age or age and value thresholds) must have an EU export licence.

This applies to anyone who is exporting cultural goods from Austria to another country, whatever your nationality, citizenship, place of residence or age. It applies whether you are an individual, a company (commercial or non-profit), a public institution or other organisation. The regulations are explained in German at: <http://www.bda.at/organisation/801/>

Are there different types of licence? What type of licence do I need?

There are two different types of licence:

- The export authorisation/*Bewilligung* (under Austrian national legislation)
- The EU export licence (under EU legislation for export to countries outside the EU)

For the *Bewilligung* authorisation, there are three different application forms, depending on whether you are seeking permission for definitive or temporary export or wanting to re-export a cultural good.



Austria

Chapter 3: European Union Member States

If you are exporting cultural goods from Austria to Russia you will need both licences, in order to comply with the national and international legislations. The national 'export authorisation' ensures that the goods are cleared for export from Austria. The EU export licence is required for cultural goods of a certain age or value when they are moved from a Member State to a country outside the EU.

What are my first steps? How do I plan this process and how long might it take?

First you must obtain the application forms from either the BDA Export Department or from one of the eight Landeskonservatoraten in the Austrian regions outside Vienna. Note that the downloadable forms available on the BDA website are *only* for export within the EU. For export to Russia you must get the export licence application forms from one of the above offices.

Export licence applications may be made by the owner, the seller, an auctioneer or lawyer. Different forms are used according to the type of export licence required and the Export Department can advise on this. You must submit the application form, the list of cultural goods, description and photographs.

Applications for export of archives must be made to the Austrian State Archives: <http://www.oesta.gv.at>

The time required to obtain an export licence varies according to the goods, up to a maximum of six months.

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

Cases are assessed by the BDA on an individual basis. The authorities have to weigh up the interests defined and proven by the applicant against the public, national interest of keeping the goods in Austria.

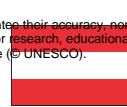
Are there any exemptions for particular cultural goods?

See the definitions in regulation BGBl. II Nr. 484/1999.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must apply for licences. Any cultural goods that fall under any of the categories described in the Austrian national legislation and/or EU export licence legislation must be covered by an export licence, whatever the type of applicant or purpose.

Museums and galleries applying for a licence for temporary export should follow the procedure outlined above. There are special application forms for temporary licences. Nor-



mally a work of art can remain outside the country for a maximum of five years; however, this can be extended up to 15 years.

I am a visual artist. Do I need a licence to export my own work?

No. Art work which belongs to “the originator” (i.e. the artist who created it) does not require an export licence under the EU export licence legislation, whatever its age or value. Therefore you do not need a licence to export your own work if you still own it yourself.

Note that the Austrian national legislation includes a specific exemption from export licences for the work of living visual artists and for up to 20 years after their death. However, this is only for export to another EU country. For export from Austria to Russia normal EU export licence legislation applies, as explained in more detail in Chapter 2.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel with a musical instrument which is over a certain age and value must obtain an EU export licence. This applies whether the export is temporary, e.g. for a concert tour, or permanent.

I am a tourist visiting Austria. If I buy a work of art, how do I take it home with me?

The export regulations apply to anyone who wants to take cultural goods of a certain age or age and value from Austria to Russia (or to another country). You must go through the application process with the Austrian national authorities in order for the goods to be cleared for export.

If you have bought the art work, antique, furniture or other cultural goods from a reputable art or antique dealer, ask their advice on how to apply for the export licence.

Since the application process can take several months, you should note that the goods must remain in Austria until the permit/licence has been granted. You may therefore have to arrange for transportation at a later date.

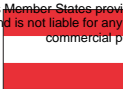
If you are in any doubt, check the age and value of the cultural goods. This determines whether an export licence is required. In general, the EU export controls apply to cultural goods which are over 50 years old and of a certain value.

Is there a fee for an export licence?

No – there is no fee for the licence.

Does the cultural object need to be valued? If so, who will do this?

Valuations and other expertise are normally provided by the BDA at no cost.



Austria

If an export licence is refused, can I appeal? How do I do that?

Appeals can be made at the Ministry of Culture: <http://www.bmukk.gv.at/> against the refusal of a licence or against the valuation.

Which customs authorities are empowered to deal with the export of cultural goods?

Hauptzollamt Wien oversees the export of cultural goods: <http://www.bmf.gv.at>. Information is available in English on Austrian customs regulations at: http://english.bmf.gv.at/Customs/_start.htm

What other paperwork do I need to export a cultural object?

When you leave Austria, you must show the export authorisation and EU export licence.

When you enter Russia, you must show all the relevant documentation and declare the object at customs, passing through the Red channel. See Chapter 4 for further information.

What are the penalties if I do something wrong?

Penalties for exporting without a licence or other infringements are outlined in the legislation: BGBl. I 170/1999 (sections 35–37).

Are there any special export restrictions on certain objects or other considerations I should know about?

Austria has ratified legislation on the restitution of art objects from Austrian federal museums and collections. The purpose of the Restitution Act is to return art objects from the Austrian federal museums and collections which passed into the ownership of the Republic of Austria, in the course or as a consequence of Nazi tyranny, to the original owners or their legal successors. The Commission for Provenance Research, established in 1998 under the BDA, has undertaken the work in this field to establish ownership. Annual Restitution Reports can be downloaded at: <http://www.bmukk.gv.at/kultur/bm/restber.xml>

Chapter 3: European Union Member States

Where can I get more information?



Austria

Bundesdenkmalamt (Federal Monument Office) Abteilung für Ausfuhrangelegenheiten (Export Department)

Hofburg

Säulenstiege

A-1010 Vienna

Tel: +43 1 53415

<http://www.bda.at/organisation/801/>

Landeskonservatoraten

The regional offices (there are eight regions in Austria outside Vienna) also deal with export licences and can supply application forms. The contact details can be found at:

http://www.bmukk.gv.at/kultur/konserv_adr.xml#kon

Österreichisches Staatsarchiv (Austrian State Archives)

Nottendorfer Gasse 2

A-1030 Vienna

Tel: +43 1 79540

<http://www.oesta.gv.at>

Zoll (Customs Authorities)

http://www.bmf.gv.at/zoll/_start.htm

Full texts of the Austrian legislation can be found at:

<http://www.bda.at/downloads/805/>

Contact details for the authorities in Austria empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in Austria empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Information on legislation for the protection of cultural heritage in Austria published by the European Commission in 2002:

http://ec.europa.eu/taxation_customs/resources/documents/cgoods_au_en.pdf

Belgium

During the last years, there has been a growth in cultural exchange between Belgium and Russia. In 2005, the Belgian Europalia Foundation organised a large-scale Russian cultural festival in Belgium. The festival took place between October 2005 and February 2006 and was inaugurated by King Albert II and President Vladimir Putin. The programme of the festival consisted of 18 exhibitions of contemporary and classic Russian art, more than 100 Russian theatre and ballet performances, film retrospectives, scientific conferences and other manifestations.

Belgian theatres and dance companies are regular visitors to Russia. The theatre group 'Het Toneelhuis' performed Chekhov's *Uncle Vanya* in St. Petersburg in 2006. The Royal Puppet Theatre Toone performed in Moscow at the IV International Festival of Puppet Theatres in 2006. In 2007 theatre and ballet group 'les Ballets C de la B' performed in Moscow.

Belgian choirs and chamber orchestras are regular guests at the main venues in Moscow and St. Petersburg. Belgian pop singers, rock groups and contemporary music ensembles such as Adamo, Noise-Maker's Fifes and Briskey, are also booked by Russian concert agencies and producers.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN BELGIUM AND RUSSIA?

NATIONAL

Décret relatif aux biens culturels mobiliers et au patrimoine immatériel de la Communauté française (Decree on the movable cultural goods and the intangible heritage of the French Community; adopted 11.07.02)

Flemish Parliament Act on the protection of the movable cultural heritage of exceptional importance (Flemish Community: adopted 24.01.03)

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

Belgium is a federal state. The granting of export licences is a competence of the Communities (Flemish Community, French Community and German Speaking Community). Within Belgium they are the competent authorities to legislate within this field. Customs legislation is a federal competence.

The Flemish Community and the French Community have both adopted legislation that covers the export of cultural goods of national importance. These laws are listed above. The German Speaking Community has not yet legislated in this matter but is now preparing a law on the protection of its movable and intangible heritage.



Wim Vandekeybus/Ultima Vez – Blush dance film (2005).

The film was projected at the St Petersburg Kinodance film festival in 2006. Ultima Vez has toured to Moscow three times with performances at the Taganka Theatre in 1990, in the Chekhov Festival in 1998 and the Festival of Contemporary Dance in 2001. While in Moscow in 2001, Ultima Vez organised an audition, during which Wim Vandekeybus selected Russian dancer Elena Fokina to join the company. She has since performed in many productions, including the dance film Blush. Photo: Ultima Vez

Belgium is currently in the process of ratifying the UNESCO Convention of 1970. It is expected to be ratified by Belgium in late 2007.

Who is responsible for implementing these regulations?

One should distinguish between the general Customs regulations on the export and expedition of goods and the regulations on the protection and export of cultural goods, as issued by the cultural authorities.

Both regulations must be respected when exporting cultural goods from Belgium. The 'cultural export licences' do not replace permits issued by Customs and vice versa.

The cultural authorities in Belgium responsible for implementing the regulations on the protection and export of cultural goods are:

- Flemish Community – Agentschap Kunsten en Erfgoed (Arts and Heritage Agency): <http://www.wvc.vlaanderen.be/erfgoed/>
- French Community – Ministère de la Communauté Française, Direction générale des la Culture, Service général du patrimoine et des Arts plastiques: <http://www.cfwb.be/patrimoine/pg001.htm>
- German Speaking Community – Ministerium der Deutschsprachigen Gemeinschaft, Abteilung Kulturelle Angelegenheiten: <http://www.dglive.be>



Belgium

Do I need an export licence?

Under the Flemish Parliament Act, a list of protected, movable cultural goods has been drawn up. The cultural goods on this list, which includes both objects and collections, cannot be removed/exported from Flanders/Belgium without consent. Consent must be obtained from the Ministry of Culture of the Flemish Community.

Under the Act of Parliament of the French Community, a list has been drawn up of cultural goods which are considered to be a 'treasure' and a second list identifies protected cultural goods. Goods that are placed on either of these lists cannot be exported unless specific authorisation is granted by the Government of the French Community. Export of these goods is only allowed on a temporary basis.

Therefore, under legislation in Belgium in the Flemish and French Communities, you must apply for permission to export if the cultural goods are on any of the above lists. Only temporary export will be allowed for goods on the French Community lists.

In addition to this legislation, EU legislation (as described in Chapter 2) applies to cultural goods which are exported from Belgium to Russia, or to any other country outside the European Union. Cultural goods which come under this legislation (if they fall under the relevant categories and belong to the applicable age or age and value thresholds) must have an EU export licence.

This applies to anyone who is exporting cultural goods from Belgium to another country, whatever your nationality, citizenship, place of residence or age. It applies whether you are an individual, a company (commercial or non-profit), a public institution or other organisation.

Are there different types of licence? What type of licence do I need?

There are two different types of licence:

- The export 'authorisation/permission' (under legislation of the Communities in Belgium)
- The EU export licence (under EU legislation for export to countries outside the EU)

Since Belgium is a federal state and export licences are a competence of the Communities, there are three different sources for the export authorisation/permission. Where the cultural goods are located determines whether you apply to the Flemish, French or German Speaking Community authorities for permission.

The licences are cumulative. So, for a cultural good that appears on a list of protected goods and meets one of the EU categories, you will have to obtain two different licences.

If you are exporting cultural goods from Belgium to Russia you will need both licences, to comply with the Belgian Community and the EU legislation. The export authorisation/permission ensures that the goods are cleared for export from Belgium and is required when they are part of the cultural heritage or of other special significance. The EU export licence



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is required for cultural goods of a certain age or age and value when they are moved from a member state to a country outside the EU.

Note that the French Community decree differentiates between *expédition* (for export from Belgium to another EU Member State) and *exportation* (for export from Belgium to a country outside the European Union).

What are my first steps? How do I plan this process and how long might it take?

First you need to check whether the goods are on one of the lists of protected cultural goods drawn up under legislation of the Communities in Belgium. If so, you must apply for export permission. There is no application form. You must make a written demand to the cultural authority that listed the goods in order to request their agreement to the export of the goods.

You must identify the appropriate Community licensing authority in Belgium, depending on where the goods are located. This will be either the Flemish Community (Arts and Heritage Agency), French Community (Ministère de la Communauté Française, Direction générale de la Culture, Service général du patrimoine et des Arts plastiques) or German Speaking Community (Ministerium der Deutschsprachigen Gemeinschaft, Abteilung Kulturelle Angelegenheiten). For goods located in the Brussels Region, you can choose which Community you want to apply to. Full contact details are listed below.

The person who wants to export the goods must apply for the licence and permission. There is an application form for the EU export licence for cultural goods that fall under Council Regulation 3911/92 – this can be obtained from the licensing authority. You must provide three colour photographs of the object plus information on the provenance of the goods.

The waiting period for delivery of the licence/permission varies. For EU export licence applications to the Flemish Community, the service normally takes 2–4 weeks. Licences for the export of listed cultural goods of national importance take longer and may take up to two years if the Flemish Community wishes to purchase the listed cultural goods for which an export licence was requested.

At present, the French Community has not stated any maximum time for delivery of the licence and permission.

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

Objects of national importance are put on the list of protected cultural goods of one of the Communities. Costs related to the drawing up of these lists are paid by the cultural authorities in Belgium.

A cultural good is placed on the list of protected cultural goods of the Flemish Community when it meets the cumulative criteria 'rare' and 'indispensable'. Rare means that few similar objects remain preserved within the Flemish Community. Indispensable means



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that the cultural object either has a special meaning for the collective memory of the Flemish Community, is of great scientific value, is an important link in the evolution of art, science, history or is of great artistic importance. An advisory board decides whether the criteria are met and advises the Minister of Culture on the drafting of the list. The Minister of Culture then takes the final decision. Cultural goods can only be placed on the Flemish Community list of protected cultural goods with the explicit permission of the owner.

In the French Community, expertise is required when there is a request for a cultural good to be protected. There are three kinds of criteria: those stated in the decree, the Cultural Heritage Commission's doctrine and the Minister of Culture's decision. The criteria listed in article 4 of the decree are: state of conservation, rarity, link with History or History of Art, aesthetic, good quality of conception and execution, the recognition of the good by the community as being an expression of its historic, aesthetic or cultural identity, the interest of the collection or the group to which it belongs. The cultural good must meet at least two criteria to qualify for the protection process.

The lists of protected cultural goods maintained by the cultural authorities can be considered as a register of cultural goods restricted for export. When goods on these lists are offered for sale, the seller is obliged to inform the buyer, before the sale is concluded, about the protected status of the cultural goods he is buying.

However, the decree of the French Community allows its government to impose exit restrictions or to refuse export authorisation for cultural goods in certain circumstances. This may occur when a cultural good is not on one of their two lists of protected goods but it is subsequently decided (following an application for export authorisation) that the cultural good is sufficiently important to be added to the list. Once listed, permanent export authorisation will be refused but permission for temporary export may be granted.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must apply for licences/permissions. Any cultural goods that fall under the categories described in Council Regulation 3911/92 must be covered by an export licence, whatever the type of applicant or purpose. The EU export licence allows for temporary exports. Goods which are on one of the protected heritage lists of the Communities must obtain permission for export, whatever the type of applicant or purpose.

There is no statutory limit on the period of time an art object can remain outside the country but EU legislation places a time limit on temporary licences.

I am a visual artist. Do I need a licence to export my own work?

No. Art work which belongs to "the originator" (i.e. the artist who created it) does not require an export licence under the EU export licence legislation, whatever its age or value. Therefore you do not need a licence to export your own work if you still own it yourself.



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I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel with a musical instrument which is over a certain age and value must obtain an EU export licence. This applies whether the export is temporary, e.g. for a concert tour, or permanent.

I am a tourist visiting Belgium. If I buy a work of art, how do I take it home with me?

The export regulations apply to anyone who wants to take cultural goods of a certain age and value from Belgium to Russia (or to another country). You must go through the application process with the authorities in the Communities in Belgium in order for the goods to be cleared for export.

If you have bought the art work, antique, furniture or other cultural goods from a reputable art or antique dealer, ask their advice on how to apply for the export licence and permission. They are obliged to inform you when you buy the goods if the object figures on a list of protected cultural goods.

Since the application process can take several weeks or even months, you should note that the goods must remain in Belgium until the permission/licence has been granted. You may therefore have to arrange for transportation at a later date. Alternatively you can return to Belgium to collect the goods when they are cleared for export.

If you are in any doubt, check the age and value of the cultural goods. This determines whether an export licence is required. In general, the export controls apply to cultural goods which are over 50 years old and of a certain value.

Is there a fee for an export licence?

No.

Does the cultural object need to be valued? If so, who will do this?

The EU legislation has value and age thresholds which determine whether a cultural good requires an export licence. Therefore, if the age, value or other determinants need to be assessed, the cultural object may have to be inspected.

Can I appeal against the valuation, heritage assessment or refusal of an export licence?

An appeal can be made to the Conseil d'Etat (the court competent for administrative decisions).

If an export licence is refused for any other reasons, can I appeal?

If a licence is refused by the Flemish Community, the owner can demand the purchase of



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the listed object by the Flemish Government at the 'fair (international) market price'. If the Flemish Government refuses to do so, it is obliged to grant the export licence.

The Government of the French Community, when asked for an EU export licence for a cultural good that is not on one of the two lists of protected goods, can refuse to issue a licence for reasons of the importance of the cultural good. In this situation, the cultural good is placed on one of the lists.

Which customs authorities are empowered to deal with the export of cultural goods?

All customs offices have the authority to handle the export of cultural goods.

Customs procedures for the export of cultural goods are published in the 'Customs Instructions Code'. This regularly updated Code is available in all customs offices and is published on the website of the customs service:

<http://fiscus.fgov.be/interfdafr/default.htm> (FR) and

<http://fiscus.fgov.be/interfdanl/default.htm> (NL).

What other paperwork do I need to export a cultural object?

When you leave Belgium, you must show customs the EU export licence and any written agreement (permission/authorisation) for the temporary or definitive export of a listed cultural good.

When you enter Russia, you must show all the relevant documentation and declare the object at customs, passing through the Red channel. See Chapter 4 for further information.

What are the penalties if I do something wrong?

The penalties for exporting protected cultural goods without permission are listed in the French and Flemish Community legislation. They include fines, imprisonment and confiscation of goods.

What are the standards of service I can expect to receive?

The Flemish Community legislation outlines the maximum length of time allowed for decisions.

Are there any special export restrictions on certain objects or other considerations I should know about?

Cultural goods that are situated in protected monuments are considered to be part of the protected monument and can therefore never be definitively exported as the laws on the protection of Monuments in Belgium state that these goods must be kept in situ. However, temporary export of these goods is possible with the explicit consent (and written authorisation) of the Minister in charge for Monuments and Sites, prior to the agreement of the Minister of Culture.

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Where can I get more information?



Belgium

Flemish Community

Agentschap Kunsten en Erfgoed (Arts and Heritage Agency)

Arenbergstraat 7

1000 Brussels

<http://www.wvc.vlaanderen.be/erfgoed/>

French Community

Ministère de la Communauté Française (Ministry of the French Community)

Direction générale de la Culture (Directorate General for Culture)

Service général du patrimoine et des Arts plastiques (Heritage and visual arts section)

Boulevard Léopold II, 44

B-1080 Bruxelles

<http://www.cfwb.be/patrimoine/pg001.htm>

Deutschsprachige Gemeinschaft (German-speaking Community)

Ministerium der Deutschsprachigen Gemeinschaft

Abteilung Kulturelle Angelegenheiten

Gospertstrasse 1

4700 Eupen

<http://www.dglive.be>

Customs Authorities

<http://fiscus.fgov.be/interfdafr/> (FR), <http://fiscus.fgov.be/interfdan/> (NL)

The Flemish Parliament Act on the protection of the movable cultural heritage of exceptional importance (Topstukkendecreet):

<http://www.wvc.vlaanderen.be/erfgoed/topstukken/index.htm>

Décret relatif aux biens culturels mobiliers et au patrimoine immatériel de la Communauté française (Chapter IV, art. 16–20, deals with expedition and export):

<http://www.pcf.be/req/info/document?type=DECCCF&no=271&legisorsess=2001-2002&nodoc=568>

Contact details for the authorities in Belgium empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

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Where can I get more information?



Belgium

Contact details for the customs offices in Belgium empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Information on legislation for the protection of cultural heritage in Belgium published by the European Commission in 2002:

http://ec.europa.eu/taxation_customs/resources/documents/cgoods_be_en.pdf

Bulgaria

An ancient Latin proverb says *historia magistra vitae* – history is the teacher of life. The history of cultural cooperation between Bulgaria and Russia dates back more than eleven centuries. Such a long period of cultural ties between Bulgaria and Russia has been determined by close geographical proximity, language, religion, norms and traditions which have endured for centuries. There are numerous artefacts reflecting Russian–Bulgarian spiritual bonds in the monasteries, churches and museums of both countries. The turbulent political changes of the past century cannot erase paths that were traced in the memories of generations.

The ‘Days of Bulgarian Culture in Moscow’ initiative in September 2002 was the first event of the 21st century which strongly demonstrated the continuing interest in Bulgarian culture in Russia. The participation of Prof. Svetlin Roussev, the classic Bulgarian fine artist, in the First Moscow International Art Festival in 2007 was a significant example of cultural dialogue.

As a member of the European Union, Bulgaria will promote increased cultural cooperation with Russia encouraging creative initiatives and exchange between our two countries. At the same time, drawing on its historical bonds with Russia, Bulgaria will contribute to the spread of greater knowledge of the history and cultural heritage of the European nations in this part of the world. The future of Culture always grows from the embrace of History.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN BULGARIA AND RUSSIA?

NATIONAL

Cultural Goods and Museums Law

Regulation on the export and temporary export of movable cultural goods

Regulation on the expert assessment’s order of the declared movable cultural goods in possession of juridical and physical persons

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

UNESCO Convention of 1970 (ratified by Bulgaria in 1971)

Who is responsible for implementing these regulations?

The Ministry of Culture of the Republic of Bulgaria is the competent institution for the application of EU legislation on the export of cultural goods, through its Museums, Galleries and Fine Arts Directorate.



The St. St. Cyril and Methodius National Library, Sofia. The National Library is the largest library in Bulgaria and the oldest cultural institute, founded in 1878. It is named after the two saint brothers Cyril and Methodius who in 855 created the first Slavonic alphabet – the glagolythic script – later replaced with Cyrillic which is used today by both the Russian and Bulgarian languages. The Saints' Day on May 24th is celebrated in Bulgaria as Bulgarian Education and Culture, and Slavonic Literature Day and in Russia as the Slavonic Literature and Culture Day. More information: <http://www.nationallibrary.bg>

Photo: Ivan Dobromirov

Do I need an export licence?

If you are exporting cultural goods from Bulgaria to Russia which are covered by EU legislation (see chapter 2 for the categories, values and age thresholds) you will need an EU export licence. You may also need permission to export under Bulgarian legislation.

In the case of export of contemporary art objects, a document of non-movable cultural goods is issued.

Are there different types of licence? What type of licence do I need?

There are three categories of movable cultural goods under Bulgarian legislation:

- Movable cultural goods of national significance (for these, only temporary export for exhibition, conservation or restoration is permitted)
- Movable cultural goods as described in the Cultural Goods and Museums Law, under Annex to Article 33a (these may be exported for exhibition, conservation or restoration; may also be exported with the right of sale, with permission from the Minister of Culture)
- Movable cultural goods which fall outside these two categories (these may be exported for exhibition, conservation, restoration or with the right of sale, with permission from the Minister of Culture)



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Depending on the status of the cultural goods (following an expert assessment), there are therefore different 'permissions' under Bulgarian law.

The EU export licence can be for definitive or temporary export.

What are my first steps? How do I plan this process and how long might it take?

As the owner of the cultural goods, you must apply for permission for export or you can authorise another person to make the application on your behalf. You should submit your application to the Ministry of Culture. A different procedure applies for museums, as described below.

Whether you are applying for an EU export licence or for permission under national legislation, the same documents and procedures are used. You must provide the documentation listed in the Regulation on export and temporary export, together with three photographs.

According to the guidelines, the Minister of Culture should make a decision on a request for permission to export within two weeks.

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

Cultural objects are assessed on an individual basis. Those described under Article 2 of the Additional Provisions of the Cultural Goods and Museums Law are considered as a national treasure. Their export would be restricted to temporary export for exhibition, conservation or restoration purposes.

Are there any exemptions for particular cultural goods?

Contemporary art objects which are not covered by the legislation do not require an export licence. However, they still need a document of non-movable cultural goods for export.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must apply for licences.

The procedure for obtaining an export licence for movable goods from the museum network in Bulgaria is that the application must be made by the Museum Director. Documents are submitted to the regional and national museum institutions.

I am a visual artist. Do I need a licence to export my own work?

No. Art work which belongs to "the originator" (i.e. the artist who created it) does not require an export licence under the EU export licence legislation, whatever its age or value. Therefore you do not need a licence to export your own work if you still own it yourself.



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Note that national regulations apply in Bulgaria to contemporary art work – check whether you need a document of non-movable cultural goods.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel outside the European Union with a musical instrument which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.

I am a tourist visiting Bulgaria. If I buy a work of art, how do I take it home with me?

EU legislation on the export of cultural goods requires an export licence for cultural goods of a certain age and value when they are exported from Bulgaria to Russia. You must also go through the procedure under Bulgarian national legislation for permission to export.

If you have bought the art work, antique, furniture or other cultural goods from a reputable art or antique dealer, ask their advice and they may be able to apply for the export licence on your behalf.

Since the application process can take around two weeks, you should note that the goods must remain in Bulgaria until the licence has been granted.

Is there a fee for an export licence?

No – there is no fee for the licence, but there is a charge for the expert assessment.

Does the cultural object need to be valued? If so, who will do this?

The status of the object under Bulgarian national legislation is defined through an obligatory expert evaluation. This is set out in the Regulation on expert assessment. The evaluation is made by an authorised museum institution who will decide whether the cultural object is of national significance – this affects whether it can be exported permanently or only on a temporary licence. As the exporter, you must pay for the expert valuation.

Can I appeal against the valuation? How do I do that?

As exporter, you can appeal against the expert assessment.

If an export licence is refused for any other reasons, can I appeal?

You can appeal against a refusal of permission to export, as stipulated in the Law on the Supreme Administrative Court.



Which customs authorities are empowered to deal with the export of cultural goods?

The customs authorities in Bulgaria empowered to deal with the export of cultural goods can be contacted at: <http://www.customs.government.bg>

What other paperwork do I need to export a cultural object?

When you leave Bulgaria, you must show the export permission and, if export is to a country outside the EU, you must also show the EU export licence.

When you enter Russia, you must show all the relevant documentation and declare the object at customs, passing through the Red channel. See Chapter 4 for further information.

What are the penalties if I do something wrong?

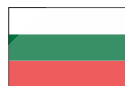
If you export cultural goods in violation of the law, the punishment is a fine or confiscation of property, from 12,000 to 24,000 leva.

What are the requirements if I want to import cultural goods into Bulgaria from Russia?

There are no specialised regulations on the import of valuable cultural goods. Import follows the normal procedures under the Customs Tariff which is available in English on the Customs Agency website.

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Where can I get more information?



Bulgaria

Ministry of Culture of the Republic of Bulgaria Museums, Galleries and Fine Arts Directorate

Blvd Al. Stamboliiski 17

1040 Sofia

Tel: +359 2 9400 918

Fax: +359 2 980 61 97

Email: ncmgii@mail.bg

<http://www.mc.government.bg>

Customs Agency

<http://www.customs.government.bg/enter.html>

Bulgarian Law portal:

<http://lex.bg/index.php?lang=eng>

Cyprus

Both the Republic of Cyprus and the Russian Federation have a mutual interest in the further development of their existing cultural ties and relations. The respective will of the two sides to foster collaboration is reflected in the texts of the various Programmes of Co-operation in the Fields of Science, Education and Culture. The Programmes are important instruments, particularly for developing cultural cooperation and exchanges between the two sides. They contribute to artistic creativity, mobility of artists and works of art (e.g. Days of Nicosia and Moscow in Russia and Cyprus respectively) and to the intercultural dialogue among the peoples of the two countries.

In addition, there is a growing interest for cultural cooperation among private cultural institutions / enterprises from both sides. Russian artistic enterprises (mainly opera and dance ensembles) tour frequently and perform in various arts festivals organised in Cyprus (e.g. 'TA KYPIRIA'), while Cypriot artistic companies perform in events organised in Russia.

There have also been a growing number of exhibitions in Cypriot and Russian art galleries of artists of the two countries. Many artists also visit Cyprus combining holidays with creative work: they produce a series of paintings which they then show in group exhibitions.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN CYPRUS AND RUSSIA?

NATIONAL

Law on Export of Cultural Goods, No. 182(I) of 2002

Law on Antiquities (Chapter 31)

Law for the Return of Cultural Objects No. 183(I) of 2002

INTERNATIONAL

European Community legislation applicable (see Chapter 2)

Cyprus has ratified both the UNESCO Convention of 1970 and the UNIDROIT Convention of 1995 (in 1979 and 2003, respectively)

Who is responsible for implementing these regulations?

Export licences are issued by the competent Department or Service depending on the specific type of cultural object. These authorities are listed in the Law on Export of Cultural Goods of 2002.



Viktor Ioannides (1903–1984),
“Thank you for the Mountains and Fields I saw”, mixed media on board.

The Department of Antiquities (part of the Ministry of Communications and Works) deals with the export of antiquities as defined in the Law on Antiquities, and some of the cultural goods covered by the Law on Export of Cultural Goods of 2002. Further information at: <http://www.mcw.gov.cy/da>.

Customs clearance is the competence of the Department of Customs and Excise, part of the Ministry of Finance: <http://www.mof.gov.cy/ce>.

Do I need an export licence?

You need to obtain an export licence if you want to export from Cyprus any of the following:

- Cultural goods as defined in Council Regulation 3911/92
- Objects listed under categories A1, A2 and 12b of the Appendix to the Law on Export of Cultural Goods of 2002
- Antiquities as defined in the Antiquities Law

Are there different types of licence? What type of licence do I need?

The Law on Export of Cultural Goods distinguishes between standard and general open licences.

Standard licences allow for the permanent or temporary export of a good, and can be used within 12 months of their delivery.



General open licences can be used for the repeated temporary export of goods that form part of a temporary collection in a museum, and can be valid for up to 5 years.

What are my first steps? How do I plan this process and how long might it take?

You should make an application for export to the Director of the Department or Service that issues the export licence (see Law on Export of Cultural Goods). If you want to export an antiquity as defined under the Cypriot Law, you must apply to the Director of the Department of Antiquities.

The application form and procedure vary according to whether the object falls within the scope of Council Regulation 3911/92 or only the national legislation of Cyprus.

As well as the application form, you must present all available information concerning the object, the reasons for the application and relevant documents, description of the object and photographs, and proof of payment of the processing fee.

The decision-making procedure to issue or refuse a licence takes from one to three months. The decision is made by a committee of various experts from different government departments and NGOs. Once they have made their decision, they inform the relevant authority who will either issue the export licence or advise the applicant that it has been refused.

How do I find if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

You can apply to the Department of Antiquities to research the status of an object.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. There is no difference with the general procedure for an export licence. Most frequently museums apply for general open licences.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel with a musical instrument which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.

I am a tourist visiting Cyprus. If I buy a work of art, how do I take it home with me?

If you have purchased a cultural good as defined in Council Regulation 3911/92, you must apply to the appropriate authority and ask for a standard export licence. If you have purchased an antiquity as defined under Cypriot Law, you must apply to the Department of Antiquities.



The object can only be exported out of Cyprus when you have obtained the relevant export licence. The procedure takes one to three months, therefore you may have to leave the object in the country and arrange for transport afterwards.

Is there a fee for an export licence?

Yes. Information on the processing fee is available from the Department of Antiquities.

Does the cultural object need to be valued? If so, who will do this?

A Committee formed of experts from different government departments and NGOs does the valuation of the object.

Can I appeal against the valuation or refusal of an export licence?

No. You cannot appeal.

Which customs authorities are empowered to deal with the export of cultural goods?

District Customs Stations of Nicosia, Larnaca and Limassol are the designated customs offices where export declarations can be submitted and they are empowered to handle formalities for the export of cultural goods.

What other paperwork do I need to export a cultural object?

The export licence, together with the customs export declaration (SAD) is sufficient.

All consignments declared for exports as cultural goods are subject to full documentary and physical checks. Random checks in relation to exports in general are also carried out within the preventive measures undertaken by the Department of Customs and Excise.

What are the penalties if I do something wrong?

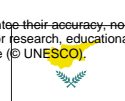
In cases of illegal export of cultural goods, Section 30 of Law No. 182(I) of 2002 provides for a fine not exceeding 2,000 Cyprus Pounds and/or imprisonment for a term of up to three years. Similar sanctions are foreseen under the Customs Code.

What are the standards of service I can expect to receive?

The Cyprus Customs and Excise Department has prepared a guide on "The Export of Cultural Goods" to be published on the Department's Website.

Are there any special export restrictions on certain objects or other considerations I should know about?

Cyprus has specific legislation that affects the export of antiquities, so you are advised to



contact the Department of Antiquities if you purchase an old work of art or object that may fall under the category of antiquity.

What are the requirements if I want to import cultural goods into Cyprus from Russia?

You must declare the goods on importation and present the export licence issued in Russia. Customs collaborates closely with the Antiquities Department, and it can retain any object that is suspected to have been imported illicitly (for example, in violation of Russian export regulations). In such cases objects can be confiscated. No duties are payable on import of cultural goods.

UNESCO Cultural Heritage Laws Database
(Copyright and Disclaimer apply)

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Where can I get more information?



Cyprus

Department of Antiquities

1 Museum Str.

Nicosia 1516

Tel: +357 22865801

Fax: +357 22303148

<http://www.mcw.gov.cy/da>

Department of Customs and Excise

Customs Headquarters

1440 Nicosia

Fax: +357 22302031

<http://www.mof.gov.cy/ce>

Details of relevant legislation can be found at:

http://www.mcw.gov.cy/mcw/da/da.nsf/DMLlaw_en/DMLlaw_en?OpenDocument

Contact details for the authorities in Cyprus empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in Cyprus empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Czech Republic

The Czech Republic cultivates intercultural dialogue with Russia in order to enhance the creativity of cultural relationships and the mobility of artworks.

The most significant EU–Russia programme in 2007 with a substantial Czech participation was the Central Europe Cultural Heritage Festival M@NARCHIA. This focused on the European community in art and the humanities during the whole of the 20th Century from a contemporary point of view.

The most intensive collaboration involves theatre (Oleg Tabakov’s Chekhov Moscow Art Theatre) visual art and photography (National Centre of Contemporary Art, M’ARS Gallery, Central House of Artists etc.) and film (with the Film Museum and Moscow Cinema House).

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN THE CZECH REPUBLIC AND RUSSIA?

NATIONAL

Act No. 71/1994 Coll. on the Sale and Export of Objects of Cultural Value

Act No. 122/2000 Coll. on the Protection of Collections of Museum Character and the Amendment of Certain Other Laws

Act No 214/2002 Coll. on the Export of Certain Cultural Goods from the Customs Territory of the European Communities

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (the Czech Republic lodged a notification of succession in 1993, stating that it was bound by the Convention accepted by Czechoslovakia in 1977)

Who is responsible for implementing these regulations?

The Ministry of Culture has overall responsibility for implementing the regulations – <http://www.mkcr.cz/>. It is the authority which issues EU export licences. The Ministry of Culture also issues Permits for the temporary export of works belonging to museum collections and other cultural goods of museum quality. A number of other museums, galleries, libraries and bodies of the National Heritage Institute (‘Specialist Organisations’) have competence for issuing Certificates for export (under Czech national legislation). The dif-



ference between these various licences is explained below.

Do I need an export licence?

There are two types of cultural goods defined under the national legislation. For the first type, 'objects of cultural value', a Certificate is required under Czech national legislation to take them out of the country, whether on a temporary or permanent basis. The second type is 'collections of museum character', mostly objects kept in museums and galleries, and these enjoy a higher level of protection. Such objects are only allowed to leave the country on a temporary basis, for exhibition, conservation, restoration or study, and require a Permit under Czech national legislation.

In addition to Czech national legislation, EU legislation (as described in Chapter 2) applies to cultural goods which are exported from the Czech Republic to Russia, or to any other country outside the European Union. Cultural goods which come under this legislation (the regulations determine the categories, age or age and value thresholds) must have an EU export licence.

The regulations for export licences apply to anyone who is exporting cultural goods from the Czech Republic to another country. They apply, whatever your nationality, citizenship, place of residence or age. They apply whether you are an individual, a company (commercial or non-profit), a public institution or other organisation.

Are there different types of licence? What type of licence do I need?

There are two different types of licence under Czech national legislation:

- The Certificate (for objects of cultural value)
- The Permit (for museum collection objects)

Concert by the Plastic People of the Universe from Prague, Czech Republic. The Plastics were the foremost representative of Prague's underground culture in the 1970s and 80s. They toured in Russia in November 2006, performing in Nizny Novgorod, at Moscow's Brest Club and St Petersburg's Club Mod.

A Certificate may be issued for temporary (a 'certificate for export for a limited period of time') or permanent export. A Permit will only be issued for temporary export and only under certain conditions.

In addition to these two, the EU export licence is required for cultural goods of a certain age or age and value when they are to be moved from a member state to a country outside the EU. This licence can be for temporary or permanent export.

If you are exporting cultural goods from the Czech Republic to Russia you will therefore need two 'licences': either a Certificate or a Permit (depending on the type of goods) plus an EU export licence. You require both types of licence in order to comply with national and international legislation.

If you have bought the cultural object and want to export it to Russia, it is likely that you will need a Certificate since the Permit mostly applies to cultural goods kept in the collections of museums and galleries.

Act No. 71/1994 defines 'objects of cultural value' in Annex No. 1. Many different categories are listed and Czech legislation is extremely specific and detailed in its definitions and age thresholds. Different types of object have different age thresholds which determine whether they are covered by the legislation.

For example, a Certificate is required for:

- Paintings, drawings and original art prints made by trained and untrained creators on any type of ground material by any technique, depicting religious imagery or representing church personages and rites. Period of origin: older than 50 years.
- Paintings made by any technique on any type of ground material, market price above CZK 30,000 older than 50 years
- Furniture: for individual pieces – market price above CZK 20,000; for a set – market price above CZK 100,000. Period of origin: up to and including 1938
- Porcelain and ceramic sculptures – marked, made outside the territory of CR. Period of origin: up to and including 1860

Since the legislation is so specific, you are strongly advised to consult the Annex to see whether your cultural object falls under the law and will require a Certificate for export. For example, in the fields of arts, music, books and ethnography there are 66 such descriptive types with varying age thresholds. Many other fields are listed, each with specific sub-categories. If the object is over 50 years old, you should definitely consult the Annex since this is the minimum age threshold for any category. The Ministry of Culture can provide a copy of the Act and Annexes in English if required.

What are my first steps? How do I plan this process and how long might it take?

You must obtain the Certificate or Permit first since this must be enclosed when you apply for the EU export licence.



To apply for a Certificate, the owner must make the application (or issue a letter of attorney to authorise a third party to deal with it). You should apply to either the Ministry of Culture or one of the many Specialist Organisations who also issue Certificates. The Specialist Organisations are listed in Annex No. 2 of Act No. 71/1994. Each covers a different geographical territory as well as having a specialist field of knowledge, depending on the type of object. If you are resident in the Czech Republic, you apply to the Specialist Organisation for the region where you live. If you are not resident, you apply to the Specialist Organisation in the region where the object was located at the time of its acquisition.

The application forms are in Annexes No. 3 and 4 of Act No. 71/1994. They must be completed in quadruplicate. The owner must make the object available for examination and cooperate with the relevant authorities.

According to the legislation, the Specialist Organisation should deliver the Certificate within 21 days of the application being received. If, after examination, it decides not to issue a Certificate, it will refer the application to the Ministry of Culture who then have three months to make a decision on whether to issue a Certificate.

A Certificate for temporary export may be issued for a period of no longer than five years, while a Certificate for permanent export is valid for three years from the date of issue.

For the Permit, you need to consult Act No. 122/2000. This covers objects which are part of collections of museum character, i.e. any collection that is "significant for prehistory, history, art, literature, technology, natural or social sciences". Such objects are recorded in central records maintained by the Ministry of Culture. Cultural objects covered by this legislation include all publicly owned collections permanently located in the Czech Republic as well as objects meeting the criteria which are owned by private individuals and other organisations.

Act No. 122/2000 mostly contains provisions for the protection of these objects through documentation in the Central Registry and other responsibilities for the owners of the objects. Section 11 deals with the Export of collections abroad. A Permit will only be issued for such objects for the purposes of exhibition, conservation or restoration, or scientific study, and only for a limited period of time. Therefore, if you want to export a cultural object which is listed in the Central Registry, you will only be able to get permission for temporary export.

Once you have the Certificate or Permit, you can then apply for the EU export licence. There are special forms for this which can be obtained from the Ministry of Culture (Department of Moveable Cultural Heritage, Museums and Galleries). You must submit the Certificate or Permit with your application to the Ministry of Culture. It issues the EU export licence within a maximum of ten days of receiving the application. Only the standard licence is available in the Czech Republic (see Chapter 2 for more information) which is valid for twelve months from the date of issue.

Since the application process is cumulative, in planning your export, you must allow enough time to apply first for the Certificate/Permit and then for the EU export licence.

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

The Central Registry of Museum-Type Collections (CES) is a publicly accessible information system and can be found on the Ministry of Culture's website at:

<http://www.mkcr.cz/ces/>.

Are there any exemptions for particular cultural goods?

Original works of art by living authors are exempted under Act No. 71/1994.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must apply for licences. Any cultural goods that fall under the categories described in the Czech national legislation and/or EU export licence regulations must be covered by an export licence, whatever the type of applicant or purpose.

Permits for export of museum collection objects are only issued for a specified term (i.e. temporary export) for the purposes of exhibition, conservation or restoration, or scientific study. There are no statutory time limits defined in the legislation but the Ministry of Culture will not issue a Permit unless there are sufficient legal guarantees that the objects will be returned to the Czech Republic.

I am a visual artist. Do I need a licence to export my own work?

No. Art work which belongs to "the originator" (i.e. the artist who created it) does not require an export licence under the EU export licence regulations, whatever its age or value. Therefore you do not need a licence to export your own work if you still own it yourself. In addition, works by living authors are exempted under the national legislation.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel outside the European Union with a musical instrument which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.

I am a tourist visiting the Czech Republic. If I buy a work of art, how do I take it home with me?

The export regulations described above apply to anyone who wants to take cultural goods of a certain age and value from the Czech Republic to Russia (or to another country). You must go through the application process with the Czech authorities in order for the goods to be cleared for export.



If you have bought the art work, antique, furniture or other cultural goods from a reputable art or antique dealer, ask their advice on how to apply.

Since the application process can take some weeks or months, you should note that the goods must remain in the Czech Republic until the Certificate and export licence have been granted. You may therefore have to arrange for transportation at a later date.

Is there a fee for an export licence?

Yes – there is a fee of CZK 500 for the Certificate of export. There is no fee for the EU export licence.

There are no duties or taxes to be paid at the point of export from the Czech Republic.

Does the cultural object need to be valued? If so, who will do this?

No expertise is required although, under the law, the owner is obliged to enable examination of the object of cultural value. Objects of national importance are listed in the Annex to Act No. 71/1994 or in the Annex to Act No. 214/2002. Collection objects which are part of a museum collection are recorded in the Central Registry of Collections.

Can I appeal against the valuation? If so, how do I do this?

Appeal is only allowed in cases of imposition of penalties for breaching any of the legislation.

If an export licence is refused, can I appeal? How do I do that?

If the Ministry of Culture decides not to issue a Certificate of export it will start proceedings to declare that the cultural goods are of national importance. You can then appeal.

If the Ministry of Culture decides not to issue a licence according to the EU legislation, it shall issue a decision and an appeal is permitted.

EU export licences cannot be refused if the application is accompanied by a Certificate of export or a Permit of export.

Which Customs authorities are empowered to deal with the export of cultural goods?

All Czech customs offices can deal with the export of cultural goods.

What other paperwork do I need to export a cultural object?

When you leave the Czech Republic you must show one of the following:

- Certificate of export (under Act No. 71/1994)
- Permit of export (under Act No. 122/2000)

If you are taking the cultural goods outside the EU, to Russia for example, you must also show:

- EU export licence

When you enter Russia, you must show all the relevant documentation and declare the object at Customs, passing through the Red channel. See Chapter 4 for further information.

What are the penalties if I do something wrong?

The Ministry of Culture is entitled to apply penalties to breaches of the legislation by applying fines. The amounts and specifications are described in the legislation. Fines can also be imposed on the Specialist Organisations if they fail to discharge their duties in certain circumstances.

What are the standards of service I can expect to receive?

Standards of service for the procedures involving the export of cultural goods can be found on the Ministry of Culture's website: <http://www.mkcr.cz/>. Timeframes for delivery of licences are incorporated into the legislation.

What are the requirements if I want to import cultural goods into the Czech Republic from Russia?

There are no special formalities for the import of cultural goods.

Importers of cultural goods to the Czech Republic should be aware of the following: Czech legislation does not specify imported cultural goods. If an object is located in the territory of the Czech Republic, both legally and permanently, and if it meets the relevant criteria (i.e. the cultural goods described in the various legislation listed above), it is deemed to belong to the Czech cultural heritage. However, cultural goods which are imported to the Czech Republic under the regime of temporary use are exempted.

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Where can I get more information?



Czech Republic

Ministerstvo kultury (Ministry of Culture)

Maltézské náměstí 1

118 11 Prague 1

<http://www.mkcr.cz/>

Section: Department of Conservation of Moveable Cultural Heritage, Museums and Galleries

Tel: +420 257 085 446 / +420 257 085 453

The Ministry of Culture can provide the Annexes to Act No. 71/1994 with the lists of objects of cultural value and the list of Specialist Organisations which are authorised to issue Certificates for Export.

CES – Centrální evidence sbírek (Central Registry of Museum-type Collections)

<http://www.mkcr.cz/ces/>

Customs Administration of the Czech Republic

<http://www.cs.mfcr.cz>

Contact details for the authorities in the Czech Republic empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in the Czech Republic empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Denmark

Cultural bonds between Denmark and Russia go way back in time and diplomatic connections between the two countries have existed for more than five hundred years.

The two countries tied close knots culturally when the Danish princess Dagmar married the future Tsar Alexander III in 1866. This connection was revived as recently as 2006 with the reburial of the Empress Maria Feodorovna in St. Petersburg next to her husband in the country she truly loved, but had to flee as a consequence of the revolution. The reburial was marked by a series of cultural events in Denmark and Russia: memorial concerts, art and photographic exhibitions and book presentations.

Apart from the royal connection, Denmark has benefited over the years from strong influences from masters of Russian literature such as Dostoyevsky, Turgenev and Tolstoy while Danish artists portrayed the Russian aristocrats in St. Petersburg.

The year 2005 was dedicated to the Danish writer Hans Christian Andersen and the celebration of his 200th birthday, which was also marked in Russia with many different cultural projects. These included a Danish exhibition in Moscow and Chelyabinsk about the life and works of H.C. Andersen, a Danish theatre festival for children in Zelenograd and the celebration of the 150th anniversary of Russian illustrators interpreting Andersen's fairy tales.

In 2007, a Danish theatre group performed for children in the Northern Caucasus and contemporary Danish art was represented in the 2nd Moscow Biennale of Contemporary Art. Danish films are often shown at film festivals in Russia. Among the current plans are master classes by Danish filmmakers, exhibitions of Danish design and fashion, participation in book fairs, jazz and theatre festivals, thus extending still further cultural relations between Denmark and Russia.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN DENMARK AND RUSSIA?

NATIONAL

Act on Protection of Cultural Assets in Denmark (No 332 of 4. July 1987)

Executive Order (no 404 on Protection of Cultural Assets in Denmark)

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

UNESCO Convention of 1970 (ratified in 2003)

Denmark is considering the ratification of the UNIDROIT Convention of 1995.



The marriage contract of Princess Dagmar and Crown Prince Alexander of 1866.
© Archive of the State, Denmark

Who is responsible for implementing these regulations?

The Danish Commission on Export of Cultural Assets is responsible for the implementation:
<http://www.kulturvaerdier.dk>

The Commission consists of five members, four of whom sit in their capacity as heads of the four national institutions in the area. The fifth member is appointed by the Minister of Cultural Affairs for a period of four years from among the leaders of non-governmental museums in Denmark. The Commission decides whether an export licence is granted.

The Commission on Export of Cultural Assets is serviced by a secretariat based at the National Cultural Heritage Agency.

Do I need an export licence?

The legislation and regulations are explained clearly on the website of the Commission on Export of Cultural Assets, both in English and Danish.

Under the 1987 Danish Protection Act, rare works of art, objects of importance to cultural history, books, manuscripts, documents and the like may not be taken out of Denmark without permission. The direct purpose of the 1987 Act is to ensure that objects of cultural value remain within the borders of Denmark.



Denmark

Chapter 3: European Union Member States

Permission must be obtained in order to export:

- Cultural objects from the period before 1660
- Cultural objects older than a 100 years and valued at DKK 100,000 or more
- Photographs (regardless of age) if they have a value of DKK 30,000 or more

In exceptional cases the Minister for Cultural Affairs can decide that the Act is also applicable to other objects of cultural interest.

Under EU legislation, cultural goods which fall under certain categories, values and age (explained in more detail in Chapter 2) require an EU export licence for export to countries outside the European Union.

Are there different types of licence? What type of licence do I need?

There are two different types of licence:

- The export licence (under Danish national legislation)
- The EU export licence (under EU legislation for export to countries outside the EU)

Within this, there are two modalities: definitive and temporary export, each of which has a separate licence.

What are my first steps? How do I plan this process and how long might it take?

The Commission on Export of Cultural Assets has two forms for export licence applications. One is for the export of goods over 100 years old and valued at more than DKK 100,000 which the owner wishes to take out of Denmark to another European country. The other is a European application form which must be used if the goods are to be exported outside the EU.

The EU form can be obtained by contacting the Secretariat of the Commission on Export of Cultural Assets.

The Danish form can be downloaded from the website. It is important that all requested information on the form is forwarded along with two pictures of the asset and a power of attorney if you apply on behalf of somebody else. The Commission on Export of Cultural Assets does not consider the application until all the requested information is submitted.

An application for an export licence will normally be processed within one month. If, on special grounds, the processing of any application cannot be completed within this period, the Commission will notify the applicant and tell them when they expect to reach a decision.

Once it has been granted, an export licence is valid for five years.

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

There is no public inventory. Each application is considered individually. Before a licence



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is granted, experts from national institutions and museums give their opinion on the impact on the national heritage if the goods were exported. The question they ask is whether the export would cause a substantial loss to national cultural heritage.

Are there any exemptions for particular cultural goods?

Coins and medals are the only cultural objects explicitly exempted from the national regulations.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must apply for licences. Any cultural goods that fall under the categories described in the Danish national legislation and/or EU export licence legislation must be covered by an export licence, whatever the type of applicant or purpose.

Under the legislation, the Cultural Assets Commission may grant a standing export licence to state-owned or state-subsidised museums, or others exporting cultural objects in connection with exhibitions and the like abroad.

I am a visual artist. Do I need a licence to export my own work?

No. Art work which belongs to “the originator” (i.e. the artist who created it) does not require an export licence under the EU export licence legislation, whatever its age or value. Therefore you do not need a licence to export your own work if you still own it yourself.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel outside the European Union with a musical instrument which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.

I am a tourist visiting Denmark. If I buy a work of art, how do I take it home with me?

The export regulations apply to anyone who wants to take cultural goods of a certain age and value from Denmark to Russia (or to another country). You must go through the application process with the Danish Commission in order for the goods to be cleared for export.

As a tourist, you should be aware of how the regulations are applied to sales from auction houses. The Commission on Export of Cultural Assets has made an agreement with certain auction houses on a special procedure. Prior to the auction the Commission will go through the catalogue and if necessary inspect relevant items. On the basis of this inspection they will then advise the auctioneer in writing which items will require the Dan-



ish Commission's permission if the buyer wishes to take them out of Denmark after the auction. In such cases the auctioneer is obliged to keep the relevant items in custody until an export licence has been granted.

In 2005 the Commission made advance examinations of 34 sales catalogues comprising 18,545 catalogue items. They made reservations in the case of seven objects.

Since the export licence application process takes up to a month, you should note that the goods must remain in Denmark until the export licence has been granted, after which you can arrange transportation.

Is there a fee for an export licence?

No – there is no fee for the licence.

Does the cultural object need to be valued? If so, who will do this?

When you apply, you must provide an assessment of the value of the object, made by an expert in the field. You must also provide information on where the object can be inspected.

For each application, experts from national institutions and museums on the Commission give their opinion on the impact on national heritage if the goods were to be exported.

Can I appeal against the valuation? If so, how do I do this?

It is not possible to appeal against the decision on importance for national heritage.

If an export licence is refused, can I appeal? How do I do that?

If an application for an export licence is refused, the State must offer to buy the object at market price, although it has no right of pre-emption. The value of the object is fixed on advice from special experts. If the owner does not accept the offer within three months, it lapses. Legal action can be taken through the courts if an export licence is refused.

Which customs authorities are empowered to deal with the export of cultural goods?

All customs offices in Denmark can deal with export of cultural goods.

What other paperwork do I need to export a cultural object?

When you leave Denmark, you must show the relevant export licences.

When you enter Russia, you must show all the relevant documentation and declare the object at customs, passing through the Red channel. See Chapter 4 for further information.



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What are the penalties if I do something wrong?

Contravention of the protection regulations contained in the Cultural Assets Act is punishable by a fine.

What are the standards of service I can expect to receive?

The legislation sets out various standards of service in terms of delivery time of export licences.

Are there any special export restrictions on certain objects or other considerations I should know about?

Objects acquired through purchase by the State following refusal of an export licence form part of the collection of a state-owned or state-subsidised museum, or other collections. This is decided by the Cultural Assets Commission. In exceptional cases the Commission may allow the object to remain where it was previously kept.

The Cultural Assets Commission has acquired around 90 cultural objects during 14 years of its work through this process. These can be viewed on the website under 'Assets'.

Annual Reports on the work of the Cultural Assets Commission are available on the website. In 2005, the Commission handled 31 individual applications under Danish legislation for licences to export 96 objects and 49 collections of antiquities. Under EU legislation, 43 applications were received for licences to export 507 objects. The large majority of EU licence applications were from museums and private individuals for the temporary export of cultural objects for exhibition abroad.

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Where can I get more information?



Denmark

Kulturværdiudvalget (Danish Commission on Export of Cultural Assets)

Kulturarvsstyrelsen

H.C.Andersens Boulevard 2

1553 Copenhagen

Tel: +45 33 74 51 85

Fax: +45 33 74 51 01

<http://www.kulturvaerdier.dk>

SKAT (Danish Customs Authorities)

<http://www.skat.dk/>

Texts in English and Danish of the relevant legislation can be found at:

<http://www.kulturvaerdier.dk/uk/legislation/forside.htm>

Downloadable application form for the Danish export licence (in English):

<http://www.kulturvaerdier.dk/uk/forms/engelskskema.htm>

Contact details for the authorities in Denmark empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in Denmark empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Information on legislation for the protection of cultural heritage in Denmark published by the European Commission in 2002:

http://ec.europa.eu/taxation_customs/resources/documents/cgoods_da_en.pdf

Estonia

Cultural contacts between Estonia and Russia are intensive and a significant institutional framework has been created for this purpose. In 1992, a co-operation agreement was signed, which has been implemented in the form of co-operation programmes. A culture related co-operation programme for 2005–2007 was agreed in March 2005 in Tallinn.

Direct cultural contacts are exemplified by the many mutual visits of art and literary figures that take place every year. *Mister Amilcar*, staged by Elmo Nüganen in the Lenkom theatre, and *Forever*, staged by Raivo Trass in the Russian Academic Youth Theatre, received rave reviews from the audience and the media when they were performed in Moscow in 2004. Adolf Shapiro has often staged in Tallinn City Theatre. Since 2006, Mikhail Chumachenko from Moscow has been the artistic director of the Russian Theatre in Tallinn.

In April 2005, the CHA-2005 fair took place at the Moscow Central House of Artists, and the Union of Estonian Artists participated for the fifth time. Estonia was represented by painters Kaido Ole and Marko Mäetamm. In August 2006, Estonian video and performance artists presented the project 'Empty Spaces and their Occupants' during the Festival of Contemporary Art and Performance in St Petersburg Manege. In March 2007, Estonia was represented at the Second Moscow Biennale of Contemporary Art by artists Liina Siib and Eleonore De Montesquiou. The exhibition 'New Art from Russia' introduced recent developments in Russian art at KUMU Art Museum, Tallinn in spring 2007.

Visits of Russian cultural figures and performers to Estonia are quite frequent as well. Since September 2001, the Estonian National Symphony Orchestra has been conducted by the top Russian conductor Nikolai Alexeyev. The new head conductor and musical director of the Moscow theatre "Novaja Opera" is Estonian Eri Klas in the 2006/2007 season.

The International Festival of Orthodox Sacred Music, CREDO, has taken place in Tallinn since 1994, with the participation of choral groups from Russia. Soloists of the Moscow Bolshoi Theatre and the St Petersburg Mariinski Theatre have performed in Tallinn.

In 2005 and 2006, the Golden Mask Festival of Russian Theatre took place in Tallinn. In November 2007 it will again be presented in Estonia. This festival is to become a regular event supported by the Russian Federal Agency for Culture and Cinematography (Roskultura) and the governments and city councils in both countries.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN ESTONIA AND RUSSIA?

NATIONAL

Heritage Conservation Act of 27 February 2002



Apparatus Theatre Group performs 'Doors' at the Golden Mask Theatre Festival in Estonia. This Russian-Estonian co-production was developed between TSEH Festival in Moscow and Kanuti Gildi Saal in Tallinn. The piece was premiered in Tallinn in 2005 and returned to Golden Mask in Tallinn and Tartu in November 2006. Apparatus is a Moscow-based contemporary kinetic theatre dance company whose work is acclaimed across Russia and Europe: <http://apparatus.dance-net.ru/>. Golden Mask is a national theatre festival held every year in Moscow. Since 2005 a selection of work has been presented at Golden Mask festival in Estonia: <http://www.art-forum.ee/KuldneMaskEestis/>
Photo: Sergei Krasii / Estonia Today

INTERNATIONAL

Community legislation applies as explained in Chapter 2

UNESCO Convention of 1970 (Estonia ratified in 1995)

Who is responsible for implementing these regulations?

Muinsuskaitseamet (National Heritage Board): <http://www.muinas.ee>

The National Heritage Board (NHB) is a government body, affiliated to the Ministry of Culture.

It is charged with the direction of conservation activity and state supervision of monuments and heritage protection areas, maintaining the national register of cultural monuments and issuing licences for the export of objects of cultural value.

Do I need an export licence?

For the export to Russia of cultural goods as defined by Council Regulation 3911/92 you need to apply for the EU export licence.

You should contact the NHB to find out if your object is protected under national legislation and a national export licence or permit is requested as well as the EU export licence.

Estonian legislation provides for the protection of 'movable monuments'. According to the Heritage Conservation Act, the following may be movable monuments:

- Parts severed from immovable monuments
- Archaeological findings, ethnographic and historical objects and collections of these
- Works of visual and applied art and collections of these which have artistic value or value in terms of religious or cultural history
- Machines and fixtures reflecting the development of science, technology or production

Movable monuments, as defined by the Heritage Conservation Act, may be taken out of Estonia only for a specified period of time and with an export permit.

What are my first steps? How do I plan this process and how long might it take?

You should check whether your object belongs to any of the categories in the Annex to Council Regulation 3911/92 on the export of cultural goods. In that case, you have to apply to the NHB for an export licence.

You may also have to apply for a national export licence or permit if your object is covered by Estonian national heritage legislation. You are advised to check this with the NHB. For instance, if the object you intend to export is registered as a movable monument under the Heritage Conservation Act, you cannot obtain a permit for permanent export.

Contact the NHB to find out which documents need to be presented and how long it takes to issue an export licence.

How do I find if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

The NHB keeps a National Register of Monuments. This national inventory covers both built heritage (historic monuments, archaeological monuments and listed buildings) and movable heritage ('objects of art'). It can be consulted on the website of the NHB.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes, the temporary export of cultural goods requires the relevant licence.

Movable monuments that form part of museum collections can only be exported out of Estonia for a limited period of time.

I am a visual artist. Do I need a licence to export my own work?

No. Art work which belongs to "the originator" (i.e. the artist who created it) does not require an export licence under the EU export licence legislation, whatever its age or value. Therefore you do not need a licence to export your own work if you still own it yourself.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel outside the European Union with a musical instrument which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.

I am a tourist visiting Estonia. If I buy a work of art, how do I take it home with me?

The export regulations apply to anyone who wants to take cultural goods of a certain age and value from Estonia to Russia (or to another country outside the EU). You must go through the application process in order for the goods to be cleared for export.

If you have bought the art work, antique, furniture or other cultural goods from a reputable art or antique dealer, ask their advice on how to apply for the export licence.

While the application is being processed, you should note that the goods must remain in Estonia until the licence has been granted. You may therefore have to arrange for transportation at a later date.

If you are in any doubt, check the age and value of the cultural goods. This determines whether an export licence is required. In general, the export controls apply to cultural goods which are over 50 years old and of a certain value.

Does the cultural object need to be valued? If so, who will do this?

The NHB will assess your object to establish whether it can be considered a movable monument. If this is the case, the NHB can place the object under temporary protection which excludes export, until the Minister of Culture decides whether or not to designate the object as movable monument.

Which customs authorities are empowered to deal with the export of cultural goods?

All customs offices.

What other paperwork do I need to export a cultural object?

You need to present the export licence together with the export declaration.

What are the penalties if I do something wrong?

The liability for violation of cultural heritage legislation includes fines and, in certain cases, the sanctions foreseen in the Criminal Code.



Estonia

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Are there any special export restrictions on certain objects or other considerations I should know about?

Movable monuments are under state protection and are designated as such according to the procedure in the Heritage Conservation Act. An object is designated as monument by a directive of the Minister of Culture on the expert assessment of the NHB and a proposal from the Heritage Conservation Advisory Panel. The NHB can place an object of cultural value under temporary protection in order to determine the need to designate it as a monument. Such temporary protection can last up to six months.

What are the requirements if I want to import cultural goods into Estonia from Russia?

You should declare the goods and be able to produce information that proves that the goods were exported legally from Russia.

Chapter 3: European Union Member States

Where can I get more information?



Estonia

Muinsuskaitseamet (National Heritage Board)

Uus tn. 18
10111 Tallinn
Tel: +372 6403050
Fax: +372 6403060
e-mail: info@muinas.ee
<http://www.muinas.ee>

Ministry of Culture of the Republic of Estonia

Suur-Karja Street 23
15076 Tallinn
Secretariat: +372 6 282 250
Tel: +372 6 282 222
Fax: +372 6 282 200
e-mail: min@kul.ee
<http://www.kul.ee/>

Estonian Tax and Customs Board

Narva mnt 9j
15176 Tallinn
Tel: +372 6835700
Fax: +372 6835709
e-mail: emta@emta.ee
<http://www.emta.ee>

Contact details for the authorities in Estonia empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in Estonia empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Finland

Cultural co-operation between Finland and Russia operates on a very high and diverse level of activity. There are many common projects as well as projects arranged by Finland in Russia and vice versa.

In recent years, particularly, popular music from Finland has received a lot of publicity in Russia. Almost every week you can listen to a Finnish group or artist in some club in Moscow or St Petersburg. Finland, as a close neighbour, is well known among Russians and, perhaps because of this, Finnish artists have found they have fans in Russia.

When it comes to events arranged by the Embassy of Finland, or events supported by the Embassy, much has been done in the sphere of classical music and arts. In November 2006 the opera festival from Savonlinna visited the Bolshoi Theatre, and in July 2007 the Bolshoi performed two operas in Savonlinna. In March 2007 the Embassy of Finland together with its Russian partners organised a festival celebrating 100 years of Finnish parliament.

Finland and Russia have more than one hundred years of common history and this has been a good base for many other common projects, such as seminars and exhibitions.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN FINLAND AND RUSSIA?

NATIONAL

Act on Restrictions to the Export of Cultural Objects (115/1999)

Decree on Restrictions to the Export of Cultural Objects (189/1999)

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2.

UNESCO Convention of 1970 and UNIDROIT Convention of 1995 (Finland ratified both in 1999)

Agreement between the Government of the Republic of Finland and the Government of the Russian Federation regarding co-operation and mutual assistance in customs matters. (95/1994)

Who is responsible for implementing these regulations?

The National Board of Antiquities is the central licensing authority that gives advice and guidance in matters concerning the export of cultural objects: <http://www.nba.fi>

EU export licences are issued by the National Board of Antiquities and the Finnish Na-



"Seed", silver necklace by Finnish jeweller Eero Lintusaari, shown in an exhibition at Galleria D.O.M. in Moscow in September 2006, organised by the Embassy of Finland. Lintusaari is an accomplished and experimental contemporary jeweller, making unique pieces in a range of conventional and unconventional materials. He has also exhibited in St Petersburg, at Gallery Steklo in 2004. Photo: Eero Lintusaari (<http://www.eerolintusaari.com>).

tional Gallery according to their field of expertise. The former also keeps a record of all export licences for the whole country.

The Finnish National Gallery and the Military Museum are empowered to issue national export licences for cultural goods according to their field of expertise. The following provincial museums are empowered to issue national export licences for cultural objects in their own regions:

- Turku Provincial Museum
- Kymenlaakso Provincial Museum, Kotka
- Satakunta Museum, Pori
- K. H. Renlund's Museums, Kokkola
- Pietarsaari City Museum
- Ostrobothnian Museum, Vaasa
- Northern Ostrobothnia Museum, Oulu
- Tornionlaakso Provincial Museum, Tornio

The National Board of Customs is the authority that supervises the export of cultural objects.

Do I need an export licence?

You must apply for an export licence to take a cultural object out of Finland if the object belongs in the categories listed in the national Act on Restrictions to the Export of Cultural Objects, irrespective of the financial value of the object.



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The Act (115/1999) applies to objects produced in Finland and objects produced abroad that have been in Finland at least 50 of the last 100 years. The Act also applies to objects produced abroad if they have a special value from the standpoint of Finland's national history, irrespective of how long they have been in Finland. The Act is not applied to objects that are owned by an individual who is the producer, designer or creator of the object.

The categories of objects that require a national export licence are listed in detail in the Act. You can also find it in English at: http://www.nba.fi/en/cultural_goods#2

If the financial value of a cultural object that is intended for export outside the EU also exceeds the value thresholds set in Council Regulation 3911/92, an EU export licence for cultural goods must be applied for *instead* of the national licence.

Are there different types of licence? What type of licence do I need?

The national export licence and the EU export licence can be either definitive or temporary. A temporary licence is granted if the object is taken from Finland for a limited time, up to a maximum of two years, and the object must be returned to Finland within this period.

What are my first steps? How do I plan this process and how long might it take?

Before old objects are taken out of the country, an enquiry must be made well in advance to check whether they come under the scope of restrictions on the export of cultural objects. An application for an export licence for cultural objects must be submitted by post or in person (email and fax applications are not permitted). The form must be typewritten or filled in by hand in capitals, with no corrections or amendments.

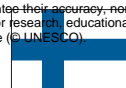
The object's owner or his/her representative applies for the export licence. The licensing authorities make their decision based on the written information and photographs submitted in the application, not by viewing the actual object. It is, however, possible that they may want to examine the object in more detail or take additional photographs.

An application for a national export licence for cultural objects is made on the Suomi-Kulttuuriesineet (Finland – Cultural Objects) form. A special EU-Kulttuuriesineet (EU – Cultural Objects) form is available for the EU licence procedure.

With the licence application, you must attach the following:

- Authorisation for exporting the object, when required
- Any temporary export prohibition
- Three photographs of the object or other identifying explanation or detailed list of objects in triplicate

If the application is incomplete, additional information must be submitted within a time limit set by the licence authority. Failure to observe the time limit shall not prevent making a decision. Nevertheless, the licensing authority may require the applicant to present other necessary information before it reaches its decision.



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A stamped photograph marked with the export licence number or a list for ensuring the identification of the object/objects must be attached to the copies of the export licence given to the applicant.

Before an object is exported outside the EU, the applicant must estimate whether the financial value of the object exceeds the value threshold set for the EU licence. When exporting outside the EU, certain categories of objects require an export licence, whatever the value (see Annex in Chapter 2).

Licence applications are processed promptly but there is no specific timeframe for the delivery of export licences. Delays can occur if the information provided is incomplete.

The licence expires if the object is not taken out of the country within one year of being granted.

More information can be found at: http://www.nba.fi/en/cultural_goods

How do I find if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

There is no Public Inventory for cultural goods of special interest or importance. Many different matters are taken into consideration when making decisions on the export licence. The object may be rare or be becoming rare. It may be particularly significant from the perspective of national cultural heritage or be essentially connected with a valuable cultural environment, significant persons or events of national history. The decision may also be affected by artistic, scientific or historical viewpoints or other special reasons for which an export licence may not be granted.

The licensing authorities are entitled to examine objects which are subject to public sale or for any other justifiable reason, where their export might require an export licence. The licensing authority may temporarily prohibit the export of a cultural object.

A prohibition order may be issued if the object is to be sold or transferred publicly and in all probability an export licence would not be granted. A temporary export prohibition order may also be issued, without hearing the owner, to a seller or other agent acting on behalf of the owner. The temporary export prohibition order remains in force until a decision is reached on the export application. The owner or the party acting on their behalf must give notice of the temporary export prohibition when selling or transferring the object, and the prohibition order must be presented when applying for the export licence.

Are there any exemptions for particular goods?

A national export licence is not required if an object belonging to a public collection or archive, or an object belonging to the Evangelical Lutheran Church, Orthodox Church, their congregation or group of congregations, is taken from the country on loan for an exhibition, for conservation or for scientific research and then returned to Finland.



Finland

A performing artist or a person practising a profession is not required to apply for an export licence for an instrument or other equipment used in their work, which will be returned to Finland after the performance or work is completed.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

The procedure is the same as for definitive export licences, if the cultural objects are to be exported outside EU. The maximum length of time allocated for a temporary export licence is two years.

If an object is taken out of Finland for a fixed period of time and the licensing authorities set the date for its return, the owner of the object must report to the authorities when the object is returned to Finland.

I am a visual artist. Do I need a licence to export my own work?

No. An export licence is not required if the object is owned by an individual who is the producer, designer or creator of the object.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

A performing artist or a person practising a profession is not required to apply for a national export licence for an instrument or other equipment used in their work, which is to be returned to Finland after the performance or work is completed.

If the instrument is not being exported for use in a performance but for conservation, repair or other purposes, a national export licence must be obtained.

If the financial value of an instrument to be exported outside the EU exceeds the value thresholds set in Council Regulation 3911/92, you must apply for an EU export licence for cultural goods.

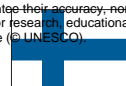
I am a tourist visiting Finland. If I buy a work of art, how do I take it home with me?

You should check the list of categories of objects that fall under national law and Council Regulation 3911/92 on the export of cultural goods. If the object you bought belongs to any of these categories (plus relevant age or age and value criteria), you must apply to the appropriate authority for an export licence.

You should allow enough time for the delivery of the export licence and the goods must remain in Finland until it is granted.

Is there a fee for an export licence?

Yes. The licence is subject to a fee as prescribed in the Government's Basis of Payment Act (150/1992). The National Board of Antiquities charges a licence fee in accordance



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with the Act on Criteria for Charges Payable to the State. Municipal licence authorities can charge a fee for processing a licence. In 2007 the licence fee was 54 €.

However, the fee may be waived if:

- The object belongs to the household effects of a person emigrating abroad
- A person living abroad has received the object as an inheritance or under a deed of partition
- The object is taken from Finland for a limited time (on a temporary export licence) up to a maximum of two years

Does the cultural object need to be valued? If so, who will do this?

The licence authority undertakes the expertise and bears the cost.

Can I appeal against the valuation or refusal of an export licence? If so, how do I do this?

A decision given under the 1999 Act may be appealed to the County Administrative Court as prescribed in the Act on the Application of Administrative Law (586/1996).

The export licence may be refused if the cultural goods in question are covered by national legislation protecting national treasures of artistic, historical or archaeological value in a Member State.

Which customs authorities are empowered to deal with the export of cultural goods?

All customs offices.

What other paperwork do I need to export a cultural object?

For the national licence, the second copy of the application form is the actual export licence that remains in the possession of the applicant. The third copy is submitted to the customs authorities. The export licence with photographs must be presented to the customs authorities before taking the cultural object out of the country.

The EU export licence must be presented, in support of the export declaration, when the customs export formalities are carried out.

No duties/taxes are payable on export.

What are the penalties if I do something wrong?

A person who without appropriate permission or otherwise in violation of import or export provisions or regulations imports, exports or attempts to import or export goods, the import or export of which is prohibited or requires the permission or inspection of an authority, can be sentenced for smuggling to a fine or to imprisonment for up to two years. The offender may also be ordered to forfeit the goods.



Finland

What are the standards of service I can expect to receive?

Information can be found under:

http://www.nba.fi/en/cultural_goods (National Board of Antiquities)

<http://www.tulli.fi> (National Board of Customs)

Are there any special export restrictions on certain objects or other considerations I should know about?

The Act on Restrictions to the Export of Cultural Objects (115/1999) applies to cultural objects produced in Finland or to cultural objects produced abroad which have been in Finland for at least 50 years during the last 100 years. However, if an object produced abroad has special value from the point of view of Finland's national history, the Act is applied to the object however long it has been in Finland.

What are the requirements if I want to import cultural goods into Finland from Russia?

On import, goods brought into the customs territory must be assigned to a customs approved treatment or use. A customs declaration should be made in writing, on a Single Administrative Document (SAD) together with commercial or administrative document.

Information about customs declaration can be found at:

http://ec.europa.eu/taxation_customs/customs/procedural_aspects/general/declaration/index_en.htm

The Customs Authority will, either on its own initiative or on request by the Customs Authority of the other Contracting Party, maintain special surveillance over movements of goods which are known or suspected to give rise to substantial illicit traffic into or from the territory of the other Contracting Party.

The Finnish-Russian Agreement in customs matters (1994) establishes that the Customs Authorities shall, on their own initiative or upon request and without delay, supply to each other all relevant information on activities which constitute or appear to constitute an offence against the customs laws in force in the territory of one of the Contracting Parties in the field of movement of objects of art and antiquity which are of significant historical, cultural or archaeological value of one of the Contracting Parties.

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Where can I get more information?



Finland

Museovirasto (National Board of Antiquities)

Nervanderinkatu 13
FI-00100 Helsinki
Tel: +358 9-40501
Fax: +358 9-40509300
<http://www.nba.fi>

Valtion taidemuseo (Finnish National Gallery)

Kaivokatu 2
FI-00100 HELSINKI
Tel: +358 9 173 361
Fax: +358 9 173 36248
<http://www.fng.fi>

Sotamuseo (Military Museum)

Maurinkatu 1
FI-00170 Helsinki
Tel: +358 9 1812 6381
Fax: +358 9 1812 6390
<http://www.mpkk.fi>

Turun maakuntamuseo (Turku Provincial Museum)

Kalastajankatu 4
FI-20100 Turku
Tel: +358 2 262 0111
<http://www.turku.fi/maakuntamuseo>

Kymenlaakson maakuntamuseo (Kymenlaakso Provincial Museum)

Kotkankatu 13
FI-48100 Kotka
Tel: +358 5 234 4438
Fax: +358 5 234 4277
<http://www.kotka.fi>

Satakunnan Museo (Satakunta Museum)

Hallituskatu 11
FI-28100 Pori
Tel: +358 2 621 1078
Fax: +358 2 621 1061
<http://www.pori.fi/smu>

Chapter 3: European Union Member States

Where can I get more information?



Finland

Pietarsaaren museo (Pietarsaari City Museum)

Isokatu 2

FI-68600 Pietarsaari

Tel: +358 6 785 1111

Fax: +358 6 785 1440

<http://www.jakobstad.fi>

K. H. Renlundin museot (K. H. Renlund's Museums)

Pitkäsillankatu 39

FI-67100 Kokkola

Tel: +358 6 828 9474

Fax: +358 6 828 9575

<http://www.kokkola.fi/museo/>

Pohjanmaan museo (Ostrobothnian Museum)

Museokatu 3

FI-65100 Vaasa

Tel: +358 6 325 3800, +358 6 325 3800

Fax: +358 6 325 3784

<http://museo.vaasa.fi/>

Pohjois-Pohjanmaan museo (Northern Ostrobothnia museum)

Ainolan puisto

FI-90015 Oulu

Tel: +358 8 558 47161

Fax: +358 8 558 47199

<http://www.ouka.fi/ppm/>

Tornionlaakson maakuntamuseo (Tornionlaakso Provincial Museum)

Keskikatu 22

FI-95400 Tornio

Tel: +358 16 432 451

Fax: +358 16 432 453

<http://www.tornio.fi/museo>

Opetusministeriö (Ministry of Education)

P O Box 29

FI-00023 GOVERNMENT

Tel: +358 9 160 04

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Where can I get more information?



Finland

Fax: +358 9 1359335 (Registry)

<http://www.minedu.fi>

Tullihallitus (The National Board of Customs)

Erottajankatu 2

FI-00120 Helsinki

Tel: +358 9 6141

<http://www.tulli.fi>

The UNESCO Cultural Heritage Laws database contains detailed information on Finland in English:

http://portal.unesco.org/culture/en/ev.php-URL_ID=32412&URL_DO=DO_TOPIC&URL_SECTION=201.html

Contact details for the authorities in Finland empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in Finland empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Information on legislation for the protection of cultural heritage in Finland published by the European Commission in 2002:

http://ec.europa.eu/taxation_customs/resources/documents/cgoods_fi_en.pdf

France

There is a strong interest in French culture in Russia, both for its heritage and for contemporary work. The substantial sales of works in translation by French writers and philosophers demonstrate this, as does the success of French cinema, with the third highest box office takings in Russia and audiences of 2.5 million per year.

One cannot imagine a theatre or ballet festival without a significant contribution by French artists. Popular French variétés music artists sell in good number and French classical music is gaining increasing attention.

Two major events confirmed this trend in 2006. Firstly, the Impressionism retrospective at the State Tretyakov Gallery exhibited 55 works and drew 230,000 visitors. Secondly, France was the Guest of Honour at the Moscow International Book Fair. Only the latter event required public and private financing from France.

On the whole, cultural exchange is carried out under the aegis of the embassy or French cultural centres in Russia. The total budget allocated to cultural activities supported by the French state in Russia is some 800,000 €. The overall financial turnover of the exchanges is at least three times higher. This is partly because of the market for cultural products (films and popular music in particular) and partly due to the substantial financial support given to certain French initiatives by Russian private sponsors. This support is often higher than the already significant level of support from French businesses in Russia.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN FRANCE AND RUSSIA?

NATIONAL

Law No 92-1477 of 31 December 1992 on goods subject to movement restrictions and the complementary responsibilities of the police, gendarmerie and customs, as amended by Law No 94-679, Law No 2000-643 on the protection of national treasures, Law No 2002-5 and Order No 2004-178

Decree No 93-124 of 29 January 1993 on cultural goods subject to movement restrictions, as amended by Decree No 95-24, Decree No 97-286, Decree No 20001-894 and Decree No 2004-709

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

UNESCO Convention of 1970 (France ratified in 1997)



France



Michel Houellebecq at a book-signing in one of the main Moscow bookshops in spring 2006. Several works by the award-winning French writer have been translated into Russian. Houellebecq's novels are extremely popular in Russia with editions of 100,000 copies.

In 1995, France signed the UNIDROIT Convention of 1995 but it has not yet ratified it.

Who is responsible for implementing these regulations?

The Ministry of Culture and Communication, through its directorates, is responsible for the implementation of the law. DMF – Directorate of Museums in France (Direction des Musées de France) is responsible for overall management, through the Collections Department (Département des Collections). Under this department, the Office for the Movement of Works and Inventory (Bureau du mouvement des oeuvres et de l'inventaire) undertakes the work in this area.

Three other Directorates are involved in the export authorisation decisions for specific categories of cultural goods: the DAF – Directorate of Archives (Direction des Archives de France), the DLL – Directorate of Books and Reading (Direction du Livre et de la Lecture) and the DAPA – Directorate of Architecture and Heritage (Direction de l'Architecture et du Patrimoine). Their work, as far as export of cultural goods is concerned, is coordinated by the DMF.

The Office for the Movement of Works and Inventory (the Bureau) operates in two fields:

- The movement of collections belonging to the national museums
- Export control of national heritage

In terms of export controls, the Bureau receives all requests for certificates for cultural goods which are dependent on the competence of French museums, according to the national legislation (Law No 92-1477). The Bureau also acts as the Secretariat for the Consultative Commission on National Treasures, a body that gives opinions on



France

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whether certain cultural goods should be retained on French territory, prior to a decision by the Minister of Culture to refuse an export certificate.

It receives all applications for permission for temporary export of national treasures (essentially works of art from the collections of museums in France), as well as applications for temporary export licences for other cultural goods as defined by national legislation. The Bureau also controls the re-importation of all these works.

The French Customs Authorities, through the SETICE (Service des Titres du Commerce Extérieur) office are also closely involved, notably in the issue of EU export licences and in the control of export and import of cultural goods.

Do I need an export licence?

French law differentiates between two types of cultural goods:

- National treasures
- Cultural goods (as defined by Law No. 92-1477)

National treasures are cultural goods defined as being of major interest to French national heritage. Their export is restricted. They may be owned by a public authority or by individuals. Works belonging to public collections in museums in France are automatically considered to be national treasures. French national treasures cannot be exported on a permanent basis. Temporary export for exhibition, restoration, expert appraisal, loan to foreign museum may be authorised but only on the basis of a licence for temporary removal. The goods must be returned to France on a specified date.

Other cultural goods, as defined by national law, are not restricted for export but still require a licence to leave the country. Permanent export licences may be granted for this type of goods. You do not need a licence if the goods have been in France for less than two years. If they were imported lawfully to France less than 50 years ago, they are automatically authorised to leave the country (unless listed as protected cultural goods), but you still need to apply for a national certificate for export authorisation.

The categories of cultural goods that are defined under French national legislation and therefore require a certificate (export authorisation) are virtually the same as those defined in Commission Regulation 3911/92. There are some small differences in a few areas. A comparative table of the categories, value and age thresholds that apply under both legislations is available on the website of the French customs authorities: <http://www.douane.gouv.fr/data/file/3790.pdf>.

If you want to export a cultural good from France to Russia that is defined by the legislation, you will require the national export licence (a *certificat* or certificate) and the EU export licence. The certificate is required to take the cultural goods out of France and the licence is required to export them to a third or non-EU country.

Practical guidance for people leaving France with cultural goods is available on the website of the French customs: <http://www.douane.gouv.fr/page.asp?id=52>.



Are there different types of licence? What type of licence do I need?

There are two different types of licence:

- The certificate (also described as an authorisation) issued under French national legislation
- The EU export licence

You can apply for permanent or temporary export although cultural goods which are listed and thereby defined as national treasures will not normally be granted a permanent export licence. The temporary export authorisation is described in French as an AST (*authorisation de sortie temporaire*).

The certificate is valid indefinitely for goods over 100 years old and for other cultural goods it is valid for 20 years, on a renewable basis. The certificate acts as a kind of passport for the goods and you may find that the cultural goods that you wish to export already have a certificate. If this is the case, you are advised to check the validity – certificates issued before a certain date must be replaced if a new owner wishes to export the goods.

What are my first steps? How do I plan this process and how long might it take?

You must first obtain the certificate/authorisation for export under French legislation from the cultural authorities. Only then can you apply for the EU export licence, which is delivered by the customs authorities.

The application for an export certificate/authorisation under French law must be made through the Bureau at the DMF and, depending on the type of cultural goods, may need to be addressed to one of the other specialist directorates. You should contact them for information on how to present the dossier and what application form to use.

According to the Law, the Minister of Culture and Communications must issue or refuse a certificate within four months of an application. Information available elsewhere suggests that it normally takes around one month to issue a certificate. The French Customs website does advise that it can take a long time to issue a certificate but the cultural authorities should be able to inform you on how long your particular application may take. Note that if the goods were imported into France less than 50 years ago, a certificate will automatically be issued.

For the EU export licence, the application form is available at:
<http://www.minefi.gouv.fr/formulaires/douanes/biens/index-d.htm>

The reference number for the form is CERFA no. 11 033*03 (*Demande d'autorisation d'exportation des biens culturels*).

The EU licence application form can be filled in online. It must be returned to the SETICE section of the French customs authorities and they issue the EU export licence. Note that you must obtain the certificate (or AST – authorisation for temporary exit) *before* you apply for the EU export licence. The certificate/authorisation must be submitted with your application form.



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An application for an EU export licence can be made up to the day before the export is due to take place. Once issued, an EU export licence is valid for one year.

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

The Bureau provides technical assistance for the maintenance of inventories, in liaison with the General Inspectorate of Museums. Cultural goods which are defined as national treasures according to the Law, and this includes all objects which belong to public collections, are subject to export restrictions and will not normally be given a certificate for permanent export.

Further information on national treasures can be found at:
http://www.culture.gouv.fr/culture/dmf/12_TRESONAT.html

You can find there a list of national treasures that have been refused a certificate for export in the past, some of which have since been acquired by the State.

The General Inventory of Cultural Heritage can be consulted at:
<http://www.culture.gouv.fr/culture/inventai/presenta/invent.htm>

There are separate sections of the inventory depending on the type of cultural goods.

The specialist police authority - Office central de lutte contre le trafic des biens culturels (OCBC - Central Office for the Fight against the Trafficking of Cultural Goods) maintains a TREIMA database that lists all works of art stolen in France. If a certificate for export is refused, the cultural goods are entered onto this database.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must apply for authorisation for temporary movement/export (AST) for objects from their collections that they want to send abroad for exhibition, restoration or expert appraisal purposes. Once they have this authorisation, they must also apply for an EU export licence if the goods fall under Commission Regulation 3911/92 and are to be exported outside the EU, to Russia for example.

The Bureau manages the administration of loans and deposits of works in national collections. It has a particular responsibility to study the security conditions of receiving institutions of such works and insurance policies. It manages the requests for and assurances of non-seizure attached to loans of works from foreign museums for temporary exhibition in France.

I am a visual artist. Do I need a licence to export my own work?

No. Art work which belongs to "the originator" (i.e. the artist who created it) does not require an export licence under the EU export licence legislation, whatever its age or value. Therefore you do not need a licence to export your own work if you still own it yourself.



France

Chapter 3: European Union Member States

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel outside the European Union with a musical instrument which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.

I am a tourist visiting France. If I buy a work of art, how do I take it home with me?

You must follow all the procedures as described if the goods fall within the categories, age and value thresholds set out in the French and/or EU legislation.

It may be the case that the cultural goods that you have purchased already have a certificate authorising their movement outside France. If this is the case, you will only need the EU export licence. This can normally be obtained relatively quickly from the customs authorities but you must apply for it in advance, before you leave the country.

The documents will be controlled at the French customs and you must make sure everything is in order before you leave the country. If you have bought the artwork, antique, furniture or other cultural goods from a reputable art or antique dealer, they may be able to advise you on the procedure.

The customs authorities strongly advise people who are transporting art works of an age and value below the thresholds where an export licence and/or certificate are obligatory to carry with them all available proof of the age and value of the cultural object. This is to avoid any delays at customs in cases where there may be a doubt about whether such goods require permission to leave France.

Is there a fee for an export licence?

There is no fee for the EU export licence.

A tax of 4.5 % is payable on the export of cultural goods valued at over 5,000 € when they are exported permanently outside the EU. This tax must be paid at customs. There are certain exemptions, including purchases by museums and public institutions, exports by art market professionals and exports by EU residents. These are defined in Article 36 of the Customs Code.

Does the cultural object need to be valued? If so, who will do this?

The application for the certificate under French law is made in the form of a detailed dossier. Evidence should be provided of the value of the goods. You may be required to present the object for examination.

For the EU export licence application, you must submit valuation, expertise, invoice etc. If the application is complete, normally the object will not need to be subjected to examination.



France

Chapter 3: European Union Member States

Which customs authorities are empowered to deal with the export of cultural goods?

Not all customs offices in France are authorised to deal with the export of cultural goods. You can consult the list of 'BCE' (offices with responsibility for cultural goods) at: <http://www.douane.gouv.fr/data/file/3825.pdf>.

What other paperwork do I need to export a cultural object?

Before you export the goods to a country outside the EU, you must deposit an export declaration for the cultural goods in question with the customs office that you are using.

When you leave France, you must show the certificate and export licence. You will also be subject to 4.5 % tax on the value of the goods, as described above, unless you are exempted for particular circumstances.

When you enter Russia, you must show all the relevant documentation and declare the object at customs, passing through the Red channel. See Chapter 4 for further information.

What are the penalties if I do something wrong?

The Bureau contributes to the search for stolen art in liaison with the OCBC police authority responsible for the protection of cultural goods. The Bureau is also involved in the restitution of art works stolen during the Second World War (so called MNR art works).

According to information published by the European Commission, French customs authorities have special powers to seize goods if they suspect or find an infringement of the law. Customs officers may call for any document relating to the export, question the people involved and have access to commercial or private premises, subject to the authorisation of the judicial authorities.

Criminal penalties, according to the Law no 92-1477, are a two year prison sentence or a fine of 457,347 € imposed on any person exporting or attempting to export from France, on a temporary or permanent basis, cultural goods or national treasures which are not accompanied by the necessary licences.

Customs penalties: any infringement of the regulations may lead to the goods being seized and a fine of between one and two times the value of the object.

What are the requirements if I want to import cultural goods into France from Russia?

You are advised to check with French customs authorities. Only certain customs offices are authorised to control the import of cultural goods. See: <http://vosdroits.service-public.fr/particuliers/F813.xhtml>

Forms for the declaration of goods for individuals arriving in France can be found at: <http://www.cerfa.gouv.fr> (under Douanes et droits indirects – Déclarations des particuliers).

Chapter 3: European Union Member States

Where can I get more information?



France

Direction des Musées de France (DMF – Directorate of Museums in France)

Département des Collections
Bureau du mouvement des oeuvres et de l'inventaire
6 rue des Pyramides
75041 Paris Cedex 01
<http://www.culture.gouv.fr/culture/min/index-dmf.htm>

Further information (in French) on the work and responsibilities of the Bureau du mouvement des oeuvres et de l'inventaire:

http://www.culture.gouv.fr/culture/dmf/03_02_DPTCOL.html

Direction des Archives de France (DAF – Directorate of Archives of France)

56, rue des Francs-Bourgeois
75003 Paris
Tel: +33 1 40 27 63 05
<http://www.archivesdefrance.culture.gouv.fr/>

Direction du Livre et de la Lecture (DLL – Directorate of Books and Reading)

182, rue Saint-Honoré
75033 Paris Cedex 01
Tel: +33 1 40 15 74 51

Direction de l'architecture et du patrimoine (DAPA – Directorate of Architecture and Heritage)

182, rue Saint-Honoré
75033 Paris Cedex 01
Tel: +33 1 40 15 79 97

Direction générale des douanes et droits indirects (French Customs Authorities)

Service des Titres du Commerce Extérieur (SETICE)
8, rue de la Tour des Dames
75436 Paris Cedex 09
Tel: +33 1 55 07 46 69
<http://www.douane.gouv.fr>

Office Central de Lutte contre le Trafic des Biens Culturels (OCBC – Central Office for the Fight against the Trafficking of Cultural Goods)

8, rue de Penthèvre
75008 PARIS

Chapter 3: European Union Member States

Where can I get more information?



France

Tel: +33 1 49 27 49 27 or 1 40 07 60 60

http://www.interieur.gouv.fr/misill/sections/a_l_interieur/la_police_nationale/organisation/dcpj/trafic-biens-culturels/view

Information on the TREIMA inventory of stolen cultural goods at:

<http://www.bnf.fr/PAGES/infopro/journeespro/pdf/surete/darties.pdf>

Legislation (laws, decrees, amendments etc.) can be found at:

<http://www.legifrance.gouv.fr>

Text of Law No 92-1477 (with subsequent amendments):

<http://www.culture.gouv.fr/culture/infos-pratiques/droit-culture/biens-cultur/pdf/92-1477.pdf>

Text of Decree No 93-124 (with subsequent amendments):

<http://www.culture.gouv.fr/culture/infos-pratiques/droit-culture/biens-cultur/pdf/93-124.pdf>

Information on French cultural heritage legislation (including application forms for the certificate and authorisation) can be found on the UNESCO cultural heritage laws database:

http://portal.unesco.org/culture/en/ev.php-URL_ID=24897&URL_DO=DO_TOPIC&URL_SECTION=201.html

Information on the export of cultural goods from AXA insurance:

<http://www.axa-art.fr/Detail3.asp?IdentifiantRubrique=2&lstSousRubrique=4&Detail=113&Archives=1>

Contact details for the authorities in France empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en0020009.pdf

Contact details for the customs offices in France empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Information on legislation for the protection of cultural heritage in France published by the European Commission in 2002:

http://ec.europa.eu/taxation_customs/resources/documents/cgoods_fr_en.pdf

Germany

German–Russian cultural relations have further intensified over the last years and are increasingly embracing the regions outside Moscow and St. Petersburg. Numerous active partnerships involving towns, schools, other institutions and citizens prove the importance of cultural and inter-societal exchange.

The Goethe Institute is active in many parts of Russia. Numerous other German cultural organisations are also represented. With an extensive two-year programme in 2003/2004 under the patronage of the Presidents of the two countries, German–Russian cultural exchange has made an important and innovative contribution to deepening the relations between German and Russian societies.

Examples of Germany’s cultural presence in Moscow in 2006 are the exhibition of magnificent art works from the Green Vault in Dresden and a concert by violinist Anne Sophie Mutter.

In 2007 the audience in Russia looked forward to a unique exhibition about the Merovingian dynasty and a guest performance of the Tanztheater Wuppertal Pina Bausch Company. In Germany, masterpieces from the ‘Big Four’ Russian museums were exhibited, and a unique exhibition brought the rich legacy of the Scythians to the public.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN GERMANY AND RUSSIA?

NATIONAL

1998: *Cultural Goods Protection Law: Kulturgutsicherungsgesetz – KultgutSiG (Act Implementing Directives of the European Communities on the Return of Cultural Objects Unlawfully Removed from the Territory of a Member State and Amending the Act to Prevent the Exodus of German Cultural Property)*

1999 and 2001: *Revised texts of the Act to Prevent the Exodus of German Cultural Property – KultgSchG – <http://bundesrecht.juris.de/kultgschg/index.html>*

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

The legislative procedure for incorporating the UNESCO Convention of 1970 has been initiated in Germany.

Who is responsible for implementing these regulations?

There are two levels of competence: the federal states (*Bundesländer*) level and the federal/national (*Bund*) level. Each applies to different areas of responsibility.



Germany



Hat clasp with the "Dresden green diamond" from the Green Vault (Grünes Gewölbe) in Dresden, 1768–69. It was exhibited at the Kremlin Museum in Moscow from May to August 2006 as part of a major exhibition from the collection. The Grünes Gewölbe enjoys world renown as one of Europe's most sumptuous treasure chambers.
© Staatliche Kunstsammlungen Dresden, Grünes Gewölbe.
Photo: Karpinski.

The 1998 Act, although primarily intended to implement the Council Directive 93/7/EEC, established new procedures for registration of cultural objects of national importance in Germany. This created the legal basis for the control of exports of registered cultural objects which is set out in the later revised texts of the Act. The process of registration of cultural objects of national importance is managed at the *Land* level and described in more detail below.

The decision on the issue of export licences for listed cultural objects (i.e. objects on the register) is the responsibility of the Federal Government Commissioner for Culture and the Media (BKM). The section of the BKM which deals with export licences is Referat K 42.

For the export of cultural goods which are not registered but are covered by EU legislation (see Chapter 2 for the categories, value and age thresholds which apply), licensing authorities in the 16 *Länder* of Germany issue EU export licences. In some *Länder* there is more than one licensing authority, often separate authorities for cultural goods and archives.

Do I need an export licence?

If you want to export cultural goods from Germany to Russia, you must check whether the cultural goods fall within the scope of Council Regulation 3911/92 – there are various categories of goods with age or age and value thresholds, starting with goods over 50 years old. If they are covered by this legislation, you must have an EU export licence to take them to Russia, or another country outside the EU.

If the goods are listed as being of national importance, you will need to obtain a separate licence which allows them to leave Germany.



Germany

Are there different types of licence? What type of licence do I need?

There are two different types of licence:

- The export licence (under German law for protected listed cultural goods)
- The EU export licence (under EU legislation for export to countries outside the EU)

Both are called an *Ausfuhrgenehmigung* in German.

The EU licence can be for temporary or permanent export.

The two licences are issued by different authorities and the procedure is explained in more detail below. For export to Russia of valuable, old cultural goods, you will normally need the EU export licence and you may also need the German export licence.

What are my first steps? How do I plan this process and how long might it take?

If the object is listed, you must apply to the BKM for authorisation to export the cultural goods. There is no printed application form and the licence is issued in writing. Before a decision is made, a committee of experts, set up according to the legislation, reviews the application and gives their opinion to the BKM Commissioner who makes the final decision.

As a rule, listed cultural goods are only granted licences for temporary export. Licences for permanent export are the exception.

If the cultural goods fall under EU legislation because of their age or age and value, you must apply for an EU export licence. You should identify the relevant regional licensing authority in the *Land* where the goods are located. These authorities follow the normal procedures for EU export licence applications, using the standard application form.

As an example, the EU export licence application forms and guidance notes for the Land of Hessen are downloadable at:

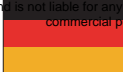
http://www.hessen.de/irj/HMWK_Internet?cid=d43010fa2b8e3ad3c5bd4702225b0251

But you must always apply to the Land where the goods are located – see below for link.

There is no indication of how long it takes to deliver an export licence and it will depend on the individual application.

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

The authorities in each of the 16 *Bundesländer* maintain a register of cultural objects of national importance – *Verzeichnis national wertvollen Kulturgutes*. This includes all relevant cultural objects which are normally located in the particular *Land*. The 16 regional registers form the National Register of cultural and archival property of national importance which is kept by the BKM. This consolidated register is called the *Gesamtverzeichnis national wertvollen Kultur-*



Germany

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gutes. You can check it through the website of the German Customs: <http://www.zoll.de>.

The procedure for listing cultural objects and archives is set out in the revised text of the legislation. It involves review by a committee of experts, using the criteria that the loss of the work (its “exodus”) would constitute “a significant loss for German cultural heritage”. The *Land* authorities can initiate formal proceedings for registration by notifying the owner.

Objects are registered by the *Land* authorities and if the object is moved within Germany, other than for a temporary period, registration is transferred to the new *Land* authority. If a process of registration has been initiated (but the object is not yet listed) export is prohibited until the registration decision is made. Notices of registration are published by the *Land* authorities but the location and owner of the registered cultural object are not named.

A particularity of the current legislation in Germany is that only cultural goods which are privately owned are protected through the registration system. The Act specifically exempts “cultural objects and archival material of national importance in public ownership” from the protection of the registration system. Cultural objects which are owned by churches and other religious institutions can be registered but it is not obligatory.

However, the draft implementing law which is currently in process to incorporate the UNESCO Convention of 1970 aims to amend this. The new legislation is expected to bring public cultural and archive property of national importance under the listing system and protect them from unlawful removal from the country.

Are there any exemptions for particular cultural goods?

Particular circumstances may arise where a private individual wishes to move abroad and owns cultural objects of national importance listed on the register. Normally only temporary export would be permitted and a permanent export licence refused. There is provision in the Act for the *Land* authorities to purchase cultural goods which are refused an export licence and they would have to pay just compensation (understood to be less than the international market value).

Once there is legal provision for the listing of public cultural goods, the authorities will, in such cases, be able to identify any comparable objects in public ownership. This could influence the decision and might allow for exemptions in certain circumstances.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must apply for licences. Any cultural goods that fall under any of the categories described in the EU export licence legislation must be covered by an export licence, whatever the type of applicant or purpose.

A private collector who is lending a work of art for an exhibition abroad must also obtain a licence for temporary export and such an individual is also likely to need a national licence (if the object is listed).



Germany

Chapter 3: European Union Member States

Most temporary licences for listed objects are granted for exhibition purposes and only rarely for conservation purposes. The fragility of the object and the risk of damage during transport are taken into account in deciding whether to grant a licence.

There is no specific statutory limitation as to the period of time an object can be out of Germany in these cases. Nonetheless, temporary export permits are usually granted for short periods (several months) for exhibitions abroad.

I am a visual artist. Do I need a licence to export my own work?

No. Art work which belongs to “the originator” (i.e. the artist who created it) does not require an export licence under the EU export licence legislation, whatever its age or value. Therefore you do not need a licence to export your own work if you still own it yourself.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel outside the European Union with a musical instrument which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.

I am a tourist visiting Germany. If I buy a work of art, how do I take it home with me?

The export regulations apply to anyone who wants to take cultural goods of a certain age or age and value from Germany to Russia (or to another country). You must go through the application process with the German authorities in order for the goods to be cleared for export.

If you are buying art work, an antique, furniture or other cultural goods from a reputable art or antique dealer, check whether the goods are listed before you buy them. If they are listed, you are unlikely to get permission to export them permanently.

While the application is being processed, the goods must remain in Germany. You may therefore have to arrange for transportation at a later date.

If you are in any doubt, check the age and value of the cultural goods. This determines whether an EU export licence is required. In general, the export controls apply to cultural goods which are over 50 years old and of a certain value.

Is there a fee for an export licence?

No – there is no fee for the licence.

Does the cultural object need to be valued? If so, who will do this?

The administrative procedure for the listing of an object involves a committee of experts that decides on the national importance of the object. The Conference of the *Länder* Min-



Germany

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isters of Culture has established common criteria for the listing of objects in the register. The experts usually come from museums and public institutions. The owner of the object does not have to pay for the cost of this expertise.

If an export licence is refused, can I appeal? How do I do that?

Yes. The administrative decisions on listing an object in a register and denying an export licence can both be appealed: first to the relevant administrative authority, and then to the Court (*Verwaltungsgericht*).

Which customs authorities are empowered to deal with the export of cultural goods?

All customs authorities in Germany can deal with export of cultural goods. You can find the contact details at: <http://www.zoll.de/service/dienststverz/index.html>.

What other paperwork do I need to export a cultural object?

When you leave Germany, you must show the EU export licence and the German licence authorising export if the goods are listed. When a licence for the export of cultural goods of national importance is presented, it is checked to ensure that it corresponds to the goods and is genuine, if necessary by consulting the issuing authority.

When you enter Russia, you must show all the relevant documentation and declare the object at customs, passing through the Red channel. See Chapter 4 for further information.

What are the penalties if I do something wrong?

A prison sentence of up to three years or a fine may be imposed for the unlawful removal of cultural goods covered by the Cultural Goods Protection Law. The goods may be confiscated.

What are the standards of service I can expect to receive?

An internal customs regulation describes the procedure for the export of cultural goods in accordance with German applicable legislation and Council Regulation 3911/92. However, this internal regulation is not accessible to the public.

Are there any special export restrictions on certain objects or other considerations I should know about?

If the owner of a protected cultural good which cannot be exported is forced to sell the goods because of economic hardship, the authorities must provide compensation.

What are the requirements if I want to import cultural goods into Germany from Russia?

No special formalities for the import of cultural goods are reported although you are advised to check your situation with the German Customs authorities.

Chapter 3: European Union Member States

Where can I get more information?



Germany

Der Beauftragte der Bundesregierung für Kultur und Medien (Federal Government Commissioner for Culture and the Media – BKM)

Referat K 42

Graurheindorfer Str. 198

53117 Bonn

Tel: +49 1 888/681 4909

Fax: +49 1 888/681 54909

<http://www.kulturstaatsminister.de>

Export licensing authorities in the 16 Bundesländer:

These can be found in the list provided by the European Commission at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Zoll (German Customs Administration)

Zoll-Infocenter (Customs Information Centre)

Friedrichsring 35

63069 Offenbach am Main

Tel: + 49 69 46 99 76-00

Fax: +49 69 46 99 76-99

e-mail: info@zoll-infocenter.de

<http://www.zoll.de>

Information (in German) is available on the export controls for cultural goods on the German Customs administration website:

http://www.zoll.de/b0_zoll_und_steuern/d0_verbote_und_beschraenkungen/g0_kulturgut/index.html

Contact details for the customs offices in Germany empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Information on legislation for the protection of cultural heritage in Germany published by the European Commission in 2002:

http://ec.europa.eu/taxation_customs/resources/documents/cgoods_de_en.pdf

3

CHAPTER

Chapter 3: European Union Member States

Greece

Greece and Russia have been bound by strong cultural ties for more than a thousand years. The driving force for the Greek cultural presence in Russia today is to sustain this historic cultural footprint by using either existing art objects of Greek origin which are in Russia or through cultural affinities between the two peoples.

This has been done, mainly in Moscow and Saint Petersburg, through a series of exhibitions, concerts, theatre plays, films and international scientific congresses that, in one way or another, reflect this type of cultural collaboration.

In the exhibitions, priority was given to the presentation, for the first time, of precious material of a cultural or historical nature that had long remained in the reserves of Russian museums, archives and libraries and was not known to the public. These exhibitions, organised on relatively modest budgets, brought to public awareness some lesser known or forgotten aspects of Greek – Russian historic and cultural relationships and deepened the shared knowledge.

A number of concerts have been organised based on the same concept. With the contribution of important Russian performers (orchestras, choruses, soloists) and Greek artists who live and perform in Russia, a series of musical portraits of prominent Greek composers (N. Skalkotas, Y. Christou, I. Xenakis, M. Theodorakis) and performers (M. Callas, D. Mitropoulos) was presented.

Several theatre companies have been invited from Greece to stage ancient Greek tragedies. Many Greek films have also been shown in film festivals and other contexts.

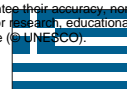
At the same time Russia has had an equally rich cultural presence in Greece through similar events – concerts, exhibitions etc. A further element that strengthens cultural co-operation between the two countries is the organisation of joint exhibitions around the world, based on the famous Kostakis collection of Russian avant-garde painters, part of which is in Greece and part in Russia.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN GREECE AND RUSSIA?

NATIONAL

Law No 3028/2002 on the Protection of Antiquities and Cultural Heritage in general

GO 455B/2004: a) Procedure regarding import/movement and ownership of imported/moved antiquities in compliance with Law 3028/02; b) Procedure regarding export/dispatch of cultural goods from the Greek territory in compliance with Law 3028/02



Greece



Kazimir Malevich,
Portrait, 1910, oil on cardboard.

This painting is part of the Costakis collection which includes 1275 works by important artists of the Russian avant-garde. George Costakis was born in Moscow in 1913 and spent the greater part of his life there, collecting art over three decades. In 1977 Costakis left the Soviet Union and moved to Greece, with the agreement that he would leave part of his collection with the State Tretyakov Gallery in Moscow. In 2000, the other part was purchased by the Greek government from the Costakis family for the recently founded State Museum of Contemporary Art in Thessaloniki. The Costakis collection is a world-renowned repository of art from this period, much of which was lost during the 20th century. Many works have been loaned by both institutions for international exhibitions of Russian avant-garde art. Courtesy of: State Museum of Contemporary Art – Costakis Collection, Thessaloniki – Greece

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

UNESCO Convention of 1970 (Greece ratified in 1981)

Greece ratified the UNIDROIT Convention of 1995 in 2005. It has not yet entered into force as declarations are still to be submitted.

Who is responsible for implementing these regulations?

The Directorate General of Antiquities and Cultural Heritage at the Ministry of Culture, through its competent Directorates, is responsible for implementing the regulations. Further information on the Ministry of Culture website: <http://www.culture.gr>

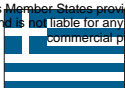
Do I need an export licence?

An export licence is required for:

- All antiquities and cultural goods dated up to 1830
- Classified cultural goods after 1830 which are over 100 years old
- Some other categories of goods, e.g. archives over 50 years old

Even non-classified objects require authorisation in order to be exported.

Greek national legislation (Law 3028/02) sets out a strong framework for the control of the export of cultural goods. Indeed, the starting point is “the export of monuments from Greek territory shall be prohibited”. In Greek law, ‘monuments’ or ‘movable monuments’ are a description of cultural goods. Nevertheless, permits are granted provided the export of the goods does not damage Greek cultural heritage and this is explained in more detail below.



Council Regulation 3911/92 (see Chapter 2) applies to cultural goods which are exported from Greece to Russia, or to any other country outside the European Union. Cultural goods which come under this legislation (according to the categories, age and value thresholds in the Annex) must have an EU export licence.

National legislation applies to export outside the EU (within the EU, movement of cultural goods is called 'dispatch') for any cultural goods protected by national legislation. Under this legislation, an export permit (also described below as a certificate) must be issued by a Ministerial Decision, *before* an export licence is issued.

The regulations for export/dispatch licences apply to anyone who is exporting cultural goods from Greece to another country. They apply, whatever your nationality, citizenship, place of residence or age. They apply whether you are an individual, a company (commercial or non-profit), a public institution or other organisation.

Are there different types of licence? What type of licence do I need?

There are two licensing regimes in operation – national and EU.

Under national legislation (Law 3028/2002), there are various types of certificate:

- Export/movement certificate for:
 - a) export outside the EU for cultural goods which are protected only by the national legislation and do not fall under Council Regulation 3911/92
 - b) dispatch of cultural goods to another EU member state
- Import/movement certificate for cultural goods that are imported/moved into Greece

Under EU legislation there are three types of export licence:

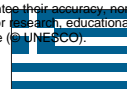
- Standard export licence for permanent export of cultural goods possessed or owned by individuals
- Specific open licence for temporary export of cultural goods possessed or owned by individuals
- General open licence for the temporary export of cultural goods of state museums and collections

If you are exporting cultural goods from Greece to Russia, you will need *either* the national export/movement certificate *or* the EU standard export licence, depending on the case.

What are my first steps? How do I plan this process and how long might it take?

You should contact the appropriate Directorate at the Ministry of Culture. The Directorate of Museums, Exhibitions and Education Programmes is for cultural goods dating from ancient times up to 1830. The Directorate of Modern Cultural Heritage is for cultural goods after 1830. The Directorate will advise you on the procedures for application.

According to the national legislation, an export permit is granted by a decision of the Minister of Culture, following an opinion of the Central Archaeological Council (an advisory body appoint-



ed by the Minister of Culture, according to the legislation). This decision is issued within four months or, in exceptional cases, within six months from the date you submit your application.

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

The Regional Archaeological Services are creating their own databases in order to identify movable cultural goods that belong to their area of competence. Once completed, these databases will be coordinated by the central database of the National Archive of Monuments. No information on financial value is included in the databases. The competent authority at the Ministry of Culture provides the information on the national significance of an object.

Under Law 3028/02, the export of cultural goods ('monuments') is prohibited subject to the following provision: The export of monuments may be allowed upon permit, provided that they are not of special significance to the cultural heritage of the country and that the unity of important collections shall not be affected. For cultural goods which are less than 100 years old, an export permit may be granted "if their presence is not considered necessary for the cultural heritage of the country".

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must apply for export permits and licences.

Export permits for the temporary export of cultural goods for exhibition in museums or similar institutions abroad are only granted on condition that the necessary guarantees are provided for the safe transport, exhibition and return of the goods. An assessment is also made of the significance of the exhibition in terms of the enhancement of the cultural heritage of Greece and whether any reciprocity is offered.

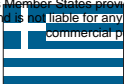
Permits for temporary loans are granted only for exhibitions and for conservation or scientific purposes, provided that the aforementioned guarantees are offered and that the conservation work or study cannot take place in Greece. Temporary loans do not exceed a few months, renewable under certain circumstances.

I am a visual artist. Do I need a licence to export my own work?

No. Art work which belongs to "the originator" (i.e. the artist who created it) does not require an export licence under the EU export licence legislation, whatever its age or value. Therefore you do not need a licence to export your own work if you still own it yourself.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel outside the European Union with a musical instrument which is over a certain age and value must obtain an EU export licence



(as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.

I am a tourist visiting Greece. If I buy a work of art, how do I take it home with me?

The export regulations apply to anyone who wants to take cultural goods of a certain age and value from Greece to Russia (or to another country). You must go through the application process with the national authorities in order for the goods to be cleared for export.

If you have bought the art work, antique, furniture or other cultural goods from a reputable art or antique dealer, ask them about whether the object can be exported or not. Antique dealers and collectors are recognised under law in Greece and the scope of their activities is determined by national legislation. Antique dealers must have a permit to exercise the profession and must register any import or export of cultural goods to and from their shops.

Since the application process can take four months or more, you should note that the goods must remain in Greece until the licence has been granted, after which you can organise transportation or collect the goods in person.

If you are in any doubt, check the age and value of the cultural goods. This determines whether an EU export licence is required. In general, the export controls apply to cultural goods which are over 50 years old and of a certain value, with the exception of archaeological objects which are protected independent of their value. See Chapter 2 for more details.

Is there a fee for an export licence?

No – there is no fee for the licence.

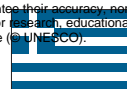
Does the cultural object need to be valued? If so, who will do this?

Under Council Regulation 3911/92, there are value and age thresholds which determine which cultural objects require an EU export licence. Archaeological objects require export licences independent of their value. Therefore, if the age, value or other determinants need to be assessed, the cultural object may have to be inspected.

The valuing of 'movable monuments' is done according to the law by a committee of three specialists set up by a decision of the Minister of Culture, following the recommendation of the Central Archaeological Council.

Can I appeal against the valuation? If so, how do I do this?

You cannot appeal against the valuation for export purposes. It is not possible to appeal on the age and national importance since these are provided for in Law 3028/02.



Greece

Chapter 3: European Union Member States

Which customs authorities are empowered to deal with the export of cultural goods?

Customs offices in Athens and Thessaloniki are empowered to deal with the export of cultural goods.

What other paperwork do I need to export a cultural object?

When you leave Greece you must show the relevant export permits, export certificate and, additionally for temporary export, the loan agreement and insurance certificate.

When you enter Russia, you must show all the relevant documentation and declare the object at customs, passing through the Red channel. See Chapter 4 for further information.

What are the penalties if I do something wrong?

Greek national legislation provides sanctions for the illegal export of cultural goods. The illegal import of cultural goods carries a penalty of not less than one year's imprisonment, if it is not punished more severely by another provision.

The illegal non-return of cultural objects (where a court or tribunal orders the return of cultural objects which have been illegally removed from the territory of another State) is punishable by imprisonment, according to EU legislation and international conventions enforced in Greece.

Are there any special export restrictions on certain objects or other considerations I should know about?

Given Greece's cultural heritage, the primary emphasis of national legislation is on the protection of movable archaeological heritage. Nevertheless, other cultural goods do fall under the scope of national legislation and are assessed for export outside the EU (as well as for dispatch to EU Member States) according to their age.

What are the requirements if I want to import cultural goods into Greece from Russia?

The import of cultural goods is also controlled by national legislation. A special licence, issued by the Ministry of Culture, must be completed. When an object is imported from outside the EU, the licence must be filled in at the customs office, in collaboration with the Archaeological Service. The imported cultural good must be accompanied by documentation such as an export certificate from the country of origin, purchase invoice mentioning provenance, inheritance documentation etc.

Greek national legislation provides for control of provenance for all cultural goods that enter Greek territory. The illegal import of cultural goods is punishable by imprisonment.

Where can I get more information?



Greece

Ministry of Culture

Directorate of Museums, Exhibitions and Educational Programmes

(Cultural goods dated from ancient times to 1830)

Bouboulinas 20-22

10682 Athens

Tel: +30 210 8258672 or 8258678

Fax: +30 210 8259748 or 8212035

e-mail: protocol@tmmdms.culture.gr

<http://www.culture.gr>

Ministry of Culture

Directorate of Modern Cultural Heritage

(Cultural goods dated after 1830)

Ermou 17

10563 Athens

Tel: +30 210 3234390 or 3254148

Fax: +30 210 3240388

e-mail: protocol@dlp.culture.gr

<http://www.culture.gr>

Customs Authorities

http://www.gsis.gr/teloneia/main_teloneia.html

The Hellenic Ministry of Culture web portal: <http://www.culture.gr/> carries the text of Law No 3028/2002 on the Protection of Antiquities and Cultural Heritage (in English and Greek)

UNESCO cultural heritage laws database provides links to various other Greek laws:

http://portal.unesco.org/culture/en/ev.php-URL_ID=25517&URL_DO=DO_TOPIC&URL_SECTION=201.html

Contact details for the authorities in Greece empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in Greece empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Hungary

In the last five years, contemporary Hungarian culture has returned to the intellectual and artistic stage in Russia. After the Heads of State of both countries reached the relevant agreement, Russian – Hungarian cultural relations witnessed a great leap forward. It was agreed to establish new quality principles and forms of cooperation between the Ministries of Culture of Hungary and Russia, as fixed in protocols signed for 2005–2007, and the process of planning for the next three years has already started.

Cultural seasons in both countries from 2004–2006 opened genuinely new chapters in the field of artistic relations between Hungary and Russia. In a parallel way and almost at the same time, over 200 cultural events were organised, not only in both capitals, but also in regional centres. Nearly 800 artists, painters, musicians and scholars took part in those events. Exhibitions such as “The Hungarian Monarchy between two empires” and “Budapest in the eyes of two generations: 1945–2005” in the State Museum of History in Moscow, “100 years – 100 puppets” in both capitals, as well as the exhibition of selected Hungarian art of the early 20th century at the Hermitage became significant elements of the introduction of Hungarian artistic traditions to the Russian public.

At the same time, shows of the most contemporary trends of different Hungarian artistic generations (including multimedia) led to the renewal of contacts between the educational institutions of both countries in the arts fields. The regular and varied presence of Hungarian artistic culture in the exhibition halls and festivals of Russia is completed by the increasing number of books published: in the past three years nearly fifty books by Hungarian authors have been published in Russian and distributed, not only in Moscow but also in larger regional libraries.

The Embassy of Hungary in Moscow together with the Hungarian Cultural, Scientific and Informational Centre in Moscow are the key institutions for the organisation of cultural exchanges between both countries and their activity reaches outside Moscow, including those areas with a similar Finno-Ugrian population. In 2005 the construction of a network of “Hungarian cabinets” was begun in different Russian cities. These have been created for teaching Hungarian language and culture. At present, the cabinets of Saint Petersburg and Khanty-Mansiisk are already functioning and, by the end of 2007, it is planned to open another three such regional cabinets.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN HUNGARY AND RUSSIA?

NATIONAL

Act No. 64 of 2001 on the Protection of Cultural Heritage

Decree 17/2001 on Restrictions to the Export of Cultural Objects



The Great Library of the Reformed College of Sárospatak. In 2006 a valuable and historic collection of books was returned to the Great Library by Russia. The books had been taken to Russia at the end of World War II and stored in the Nizhny Novgorod Regional Scientific Library. In 2006, a law was passed in the Russian Federation authorising their return. Earlier, in 1997, a joint international project between specialist librarians of the All Russia State Library for Foreign Literature, the Nizhny Novgorod Regional Research Library and the Cultural, Scientific and Information Centre of the Hungarian Republic had drawn up a catalogue of the displaced Sárospatak books. More information at: <http://www.gradatio.hu/nagykonyvtar/> and <http://www.iliac.org/seminar/docs/kemp.html>
Photo: András Rácsok

INTERNATIONAL

EU legislation applicable as explained in Chapter 2

UNESCO Convention of 1970 (Hungary ratified in 1978)

UNIDROIT Convention of 1995 (Hungary ratified in 1998)

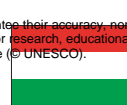
Who is responsible for implementing these regulations?

The National Office of Cultural Heritage – Inspectorate of Cultural Goods (Kulturális Örökségvédelmi Hivatal – Műtárgyfelügyeleti Iroda, <http://www.koh.hu/>) is the authority that issues licences for the export of cultural goods. Among others, it has also the authority to declare the protected status of a good, which can lead to a permanent export prohibition.

The Hungarian Customs has the task of ensuring that no cultural goods older than 50 years are taken out of Hungary without the necessary EU and/or National export licence issued by the National Office of Cultural Heritage. It also controls the import of cultural goods.

Do I need an export licence?

You will need an export licence for a cultural good as defined under Hungarian Law if it is more than 50 years old. Act No. 64 establishes that cultural goods are “outstanding and



Hungary

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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”.

You also need an export licence if your object falls under any of the categories (and age or age and value thresholds) listed under Council Regulation 3911/92 on the export of cultural goods.

In practice, you must bear in mind that the export of any cultural good over 50 years of age is subject to licensing.

Moreover, under certain cases foreseen in Act No. 64, for the export of cultural objects under 50 years of age, you may be required to present a certificate from the National Office of Cultural Heritage. This is not an export licence, since these goods do not need special permission to be removed from Hungary. You are advised to contact the National Office of Cultural Heritage to see if your object needs such a certificate.

Are there different types of licence? What type of licence do I need?

The National Office of Cultural Heritage issues both EU export licences and National export licences. EU export licences are needed for the export outside of the customs area of the EU of cultural goods as defined in Council Regulation 3911/92. National licences are needed for export outside Hungary of cultural goods as defined under national legislation.

Depending on the circumstances, you may therefore find that your object requires one or both licences. The National Office of Cultural Heritage can provide more information.

Export licences can be for permanent or temporary export. Permanent export licences can be used within a year from their date of issue. Temporary export is allowed until the date of return fixed in the licence.

What are my first steps? How do I plan this process and how long might it take?

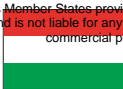
For the issue of an export licence you must apply to the National Office of Cultural Heritage. This authority will take a decision only after relevant expert opinion has been obtained.

How do I find if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

The list of categories of goods that are specially protected is included in Act No. 64. Moreover, the National Office of Cultural Heritage can specifically declare goods to be protected and thus banned from permanent export.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes.



Hungary

I am a tourist visiting Hungary. If I buy a work of art, how do I take it home with me?

If you have purchased an object that is over 50 years old, you must apply to the National Office of Cultural Heritage for an export licence.

If you are not sure whether it has the status of a cultural good, or if it is under that age threshold, you are nonetheless advised to contact them because they can provide you with information on the status of your object (whether it is subject to licensing or exempt from it). In addition, they can provide you a certificate stating that the object is not subject to licensing.

Does the cultural object need to be valued? If so, who will do this?

Yes, the National Office of Cultural Heritage will always request the opinion of an expert before making a decision on issuing the export licence.

If an export licence is refused, can I appeal? How do I do that?

Yes. The export licensing procedure is subject to the general rules of public administration and procedures. Therefore you can lodge an appeal with the authorities against the refusal to issue a licence, or the declaration of protection of the good (which automatically leads to a refusal of the licence). You can also appeal to Court.

Which Customs authorities are empowered to deal with the export of cultural goods?

The link to the list of Customs offices empowered to deal with the export of cultural goods is given below.

What other paperwork do I need to export a cultural object?

You have to present the export licence together with the export declaration.

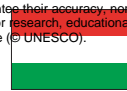
What are the penalties if I do something wrong?

The export of a cultural good without a licence, as well as import in violation of import regulations are both offences in the sense of the Hungarian Criminal Code and can lead to imprisonment sentences.

Violations of Act No. 64 can also be punished with a heritage protection fine imposed by the National Office of Cultural Heritage.

Are there any special export restrictions on certain objects or other considerations I should know about?

Act No. 64 establishes categories of goods that are under special protection (e.g. archaeological finds, movable accessories of monuments, objects of public collections, etc.). The National Office of Cultural Heritage can also declare the protection of other cultural



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goods (not falling under the categories of especially protected under Act No. 64) on the grounds of their being irreplaceable and of outstanding importance.

The permanent export of protected cultural goods, or those for which protection has been declared by the National Office of Cultural Heritage, is prohibited.

The export of an object can also be forbidden if the State decides to initiate a declaration of protection.

What are the requirements if I want to import cultural goods into Hungary from Russia?

You have to declare the goods at the border. You can be asked to produce documentation proving that the goods were taken out of Russia legally.

Where can I get more information?



Hungary

Kulturális Örökségvédelmi Hivatal – Műtárgyfelügyeleti Iroda (National Office of Cultural Heritage – Inspectorate of Cultural Goods)

1014 Budapest, Szentháromság tér 6.

Postal address: 1535 Budapest 1, Pf.721

Tel: +36 1 2245515

Fax: +36 1 2254985

<http://www.koh.hu/>

Hungarian Customs and Finance Guard

Department for Border Control

1095 Budapest, Mester u.7.

Tel: +36 1 4568114

Fax: +36 1 4568191

<http://vam.gov.hu>

A summary in English on the Hungarian export licensing system can be found at:

<http://www.koh.hu/hivatal/rtf/hungary.rtf>

Contact details for the authorities in Hungary empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in Hungary empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Ireland

The close cooperation between Ireland and Russia in the cultural sphere encourages the continuing development of Irish – Russian cultural relations.

The Embassy organises regular literary celebrations. The International James Joyce exhibition was held in Moscow, Saint Petersburg and Voronezh in 2004 and 2005. The Samuel Beckett Centenary exhibition was opened in Moscow, St. Petersburg and Samara in 2006 and Saratov in 2007, and will continue to tour Russian regions together with an exhibition of photographs, 'Ireland through Russian Eyes'. Moscow and St. Petersburg welcomed three Irish authors and the Ireland Literature Exchange, which supports translations of Irish literature, in October 2006. 2007 sees the unveiling of a statue of James Joyce in the courtyard of the Russian State Library of Foreign Literature, and an Irish edition of the journal *Innostrannaya Literatura*.

A cultural exchange is developing between St. Petersburg and Cork. St. Petersburg participated in the Cork 2005 European Capital of Culture, and a delegation from Cork participated in the Irish Cultural Week in St. Petersburg in June 2006, which included the Reel Ireland Irish Film Festival and the annual Bloomsday celebration in the Vladimir Nabokov Museum. Cork will again participate in the Irish Cultural Week in St. Petersburg in June 2007.

The Irish composer John Field (1782–1837), who lived most of his adult life in St. Petersburg and Moscow, where he is buried, is perhaps the most important historical musical link between Ireland and Russia. The Irish pianist Míceál O'Rourke, who is one of the foremost exponents of Field's music, performs regularly with the St Petersburg Philharmonic Orchestra and in solo concerts in Moscow and St. Petersburg.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN IRELAND AND RUSSIA?

NATIONAL

Documents and Pictures (Regulation of Export) Act 1945

National Cultural Institutions Act 1997

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

It should be noted that not all sections of the National Cultural Institutions Act, 1997 have been enabled.

Who is responsible for implementing these regulations?

The Department of Arts, Sport and Tourism is the competent authority for the issuing of



Ireland



Hugh Douglas Hamilton (1740–1808),
“Cupid and Psyche in the Nuptial Bower”
(1792–93), oil on canvas.

Collection: National Gallery of Ireland. This painting was exhibited as part of the Europe–Russia–Europe exhibition at the Tretyakov State Gallery in Moscow in May 2007.

© The National Gallery of Ireland

export licences as part of the work of the Cultural Institutions Division.

<http://www.arts-sport-tourism.gov.ie>

All licences for export of cultural goods to countries outside the EU are issued under European Community legislation (Council Regulation 3911/92). The EU export licences are issued by the Department of Arts, Sport and Tourism.

Under the Documents and Pictures (Regulation of Export) Act 1945, licences are also issued by other bodies in Ireland on behalf of the Department: the National Library, National Museum, National Gallery and the Irish Museum of Modern Art.

Do I need an export licence?

If you are exporting cultural goods from Ireland to Russia, or any other country outside the European Union, you will need an export licence if the goods are covered by the European Community legislation. Certain categories of goods, according to age and value thresholds, must have an EU export licence. This is explained in more detail in Chapter 2.

Are there different types of licence? What type of licence do I need?

For export of cultural goods from Ireland to Russia, you need an EU export licence which is delivered by the Department of Arts, Sport and Tourism.

If the goods are also covered by the National Cultural Institutions Act 1997 (this lists certain categories of goods, according to age and value in Section 49), the Department will check whether the goods are an object of national importance.

It should be noted that the types of cultural goods, age and value thresholds listed in the



Ireland

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national legislation are somewhat different from the EU categories. In some cases they are more restrictive, e.g. paintings over 25 years old with a value threshold which originated in Ireland. In other cases, they are less restrictive, e.g. decorative art objects over 70 years old with a value threshold which were made in Ireland. However, not all the 1997 Act has been enabled (i.e. the law is not in force yet), in particular the sub sections describing goods which are restricted for export. Therefore, you must get advice from the Department of Arts, Sport and Tourism whether the cultural goods you want to export are currently covered by national legislation.

What are my first steps? How do I plan this process and how long might it take?

There are different application forms for export licences, depending on whether the cultural goods fall under national legislation or EU legislation. You can get the forms from the Department of Arts, Sports and Tourism (Cultural Institutions Division).

There is no set time period for delivering a licence. You should ask the Division for advice on how long your application is likely to take.

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

There is a Register of Cultural Objects, as outlined under Section 48 of the 1997 Act. At present this covers paintings in the care of the National Gallery of Ireland and the Hugh Lane Municipal Gallery of Modern Art.

Section 49 of the 1997 Act lists the types of cultural objects which may be subject to export restrictions. In general, the concern is to control the export of archaeological objects and those cultural goods (whether paintings, decorative art objects etc.) of a certain age and value which have been made in Ireland or which have been in the country for a designated length of time.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must apply for licences. Any cultural goods that fall under any of the categories described in the Irish national legislation and/or EU export licence regulations must be covered by an export licence, whatever the type of applicant or purpose.

Museums and galleries applying for a licence for temporary export should follow the same procedure outlined above. There is no statutory limit on the length of time an object can remain outside the country.

I am a visual artist. Do I need a licence to export my own work?

No. Art work which belongs to “the originator” (i.e. the artist who created it) does not require an export licence under the EU export licence legislation, whatever its age or value. The Irish national legislation (1997 Act) excludes from export restrictions a painting in the ownership



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of the person who painted it. Therefore you do not need a licence to export your own work if you still own it yourself.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel outside the European Union with a musical instrument which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.

Depending on the age, value and significance of the musical instrument, you may also find that Irish national legislation applies. Musical instruments are one of the categories of decorative art objects listed in the 'Third Schedule' to which export restrictions may apply (depending on the origin, age and value of the instrument).

I am a tourist visiting Ireland. If I buy a work of art, how do I take it home with me?

The export regulations apply to anyone who wants to take cultural goods of a certain age and value from Ireland to Russia (or to another country). You must go through the application process with the Irish national authorities in order for the goods to be cleared for export.

It is illegal for anyone to attempt to sell for export any object which is covered by Section 49 (the restricted for export items) without an export licence. Therefore, before you buy an art work, you should ask the seller about this. If you are buying the art work, antique, furniture or other cultural goods from a reputable art or antique dealer, they should be able to advise you.

While the application is being assessed, the goods must remain in Ireland until the export licence has been granted. You may therefore have to arrange transportation at a later date or return to Ireland to collect the goods in person.

If you are in any doubt, check the age and value of the cultural goods. This determines whether an export licence is required. In general, the EU export controls apply to cultural goods which are over 50 years old and of a certain value (see Chapter 2 for more details).

Is there a fee for an export licence?

No – there is no fee for the licence.

Does the cultural object need to be valued? If so, who will do this?

Both the EU and Irish national legislation have value and age thresholds which determine which cultural objects require export licences. Therefore, if the age, value, provenance or other factors need to be assessed, the cultural object may need to be inspected.

The national legislation outlines how cultural objects are defined, either as a 'museum heritage object', 'archaeological object', 'library material' or 'cultural object'. It defines which experts are authorised to value cultural goods and assess national importance.



Ireland

If an export licence is refused, can I appeal? How do I do that?

The 1997 Act outlines the process for appeal against valuation or refusal of licence.

Which customs authorities are empowered to deal with the export of cultural goods?

Customs & Excise is a division of the Irish Revenue Commissioners, <http://www.revenue.ie>. They publish a guide to importing and exporting which outlines procedures.

What other paperwork do I need to export a cultural object?

When you leave Ireland, you must present the EU export licence to Customs & Excise at the point of export.

When you enter Russia, you must show all the relevant documentation and declare the object at customs, passing through the Red channel. See Chapter 4 for further information.

What are the penalties if I do something wrong?

It is illegal to export, attempt to export or sell for export any article which is covered by the 1997 National Cultural Institutions Act without holding an export licence. The penalties are fines and/or imprisonment.

What are the standards of service I can expect to receive?

The Customer Charter of the Department of Arts, Sport and Tourism can be downloaded at: http://www.arts-sport-tourism.gov.ie/pdfs/customer_charter.pdf.

It outlines the standards of service customers can expect in terms of response to written, telephone and personal communications, provision of information, complaints procedure and other matters.

Are there any special export restrictions on certain objects or other considerations I should know about?

The 1997 Act designates special conditions for cultural and archaeological objects which are on the National Register but not in the care of a national institution. If an export licence is applied for, the licence must be granted but the article may not be exported for a year. During this period, the State may attempt to purchase the cultural object to ensure it remains in the country.

What are the requirements if I want to import cultural goods into Ireland from Russia?

Guidance on importing goods into Ireland can be found in the Irish Revenue Commissioner's publication on the subject.

Chapter 3: European Union Member States

Where can I get more information?



Ireland

Department of Arts, Sport & Tourism Cultural Institutions Division

Fossa

Killarney

Co. Kerry

Tel: +353 642 7300

Fax: +353 642 7350

<http://www.arts-sport-tourism.gov.ie>

Other national licensing authorities:

National Library of Ireland: <http://www.nli.ie>

National Museum of Ireland: <http://www.museum.ie>

The Irish Museum of Modern Art: <http://www.imma.ie>

National Gallery of Ireland: <http://www.nationalgallery.ie>

Customs & Excise

<http://www.revenue.ie>

Texts of the relevant legislation:

<http://www.irishstatutebook.ie>

Information on the protection of cultural goods and EU export licences can be found at:

http://www.arts-sport-tourism.gov.ie/culture/schemes/cultural_goods.html

A Guide to Importing and Exporting (downloadable publication from the Irish Revenue Commissioners):

http://www.revenue.ie/leaflets/import_export_guide.doc

Contact details for the authorities in Ireland empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in Ireland empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Information on legislation for the protection of cultural heritage in Ireland published by the European Commission in 2002:

http://ec.europa.eu/taxation_customs/resources/documents/cgoods_irl_en.pdf

Italy

Cultural relations between Italy and Russia have deep roots in many fields: from music to ballet, from painting to architecture, cinema and theatre. Through the ages, Italian artists and masters brought new techniques to Russia and took from Russia new inspirations. One can find Italian artistic, historical and literary memories in many Russian cities and towns. In the same way, one can follow the steps of Russian artists and writers who have been living and creating in Italy, leaving there significant traces.

This long-standing tradition, which has been developing in recent years, reached its peak with the year-long festival 'Italy /Russia' in 2005 which brought Italian art, theatre and ballet to Russia.

In the immediate future many significant events are scheduled, such as the festival 'Futurism in Italy and Russia' – including pictures, cinema, music, ballet and literature of that important period. Also programmed are a concert by the Luigi Cherubini Youth Orchestra, directed by M. Riccardo Muti, and the ballet 'Italian Stars in Russia' with Roberto Bolle, étoile of the Italian La Scala Theatre.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN ITALY AND RUSSIA?

NATIONAL

Codice dei Beni Culturali e del Paesaggio, Decreto Legislativo numero 42 del 22 gennaio 2004 (Code of the Cultural and Landscape Heritage, Legislative Decree no. 42 of 22 January 2004)
<http://www.bap.beniculturali.it/organizzazione/leggi/Codice2004.pdf>

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

UNESCO Convention of 1970 and UNIDROIT Convention of 1995 (Italy ratified in 1978 and 1999, respectively)

Who is responsible for implementing these regulations?

The Ministry for Cultural Assets and Activities (Ministero per i Beni e le Attività Culturali), or MIBAC, is responsible for implementation, through the export department for art objects. All competences in this field are regulated and controlled by the Ministry.

There are twelve regional export offices (Soprintendenze – also known as Uffici esportazione di oggetti di arte antica, medievale e moderna) – addresses can be found at: <http://www.arti.beniculturali.it/organizzazione/periferica/esportazione.html>.



Italy



Arnaldo Pomodoro,
"Sfera con Perforazione".

Pomodoro's work was shown in a group exhibition at the Manege in Moscow in 2006 on the theme of 'Myth and Speed'. In 1991 his "Disco Solare", a gift from the Italian Prime Minister's Office to the Soviet Union, was installed in front of the Youth Building in Moscow. The sculpture can now be found in the courtyard of the Moscow Museum of Modern Art.

Do I need an export licence?

If the cultural goods you want to export are covered by the EU regulations and/or the Italian Code, you will need an export licence. If the goods fall under both legislations, you will need two licences. The Italian licence is called a Certificate or Authorisation.

The cultural goods covered by the Italian Code (export is forbidden or restricted) include:

- Any kind of artistic, historical, archaeological or anthropological object over 50 years old
- Any kind of artistic, historical, archaeological or anthropological object belonging to museums, galleries and other public institutions
- Photographic and cinematographic material over 25 years old
- Archives and book collections
- Any goods of great historic importance (political, military, history of art, literature, culture etc.)
- Works of art created by an artist who is deceased

For works by an artist who is deceased, there are specific regulations under the Italian Code which are explained in more detail below.

Are there different types of licence? What type of licence do I need?

If the goods you want to export are covered by the Italian Code, this means that their circulation outside the country is restricted. You will therefore need a Certificate or Authorisation of Circulation (either Temporary or Free Circulation) in order to take them out of Italy. A Certificate of Temporary Circulation is valid for a limited period of time and the goods must be returned to Italy. A Certificate of Free Circulation is required for permanent export.



Italy

Chapter 3: European Union Member States

Normally any object that is covered by the Italian Code (and it includes many categories of cultural goods) will not get permission for permanent export, although it might get permission for temporary export.

If you want to export the goods from Italy to Russia, you will also need an EU export licence (provided they come under the scope of Council Regulation 3911/92). You can apply for a temporary or a permanent export licence.

What are my first steps? How do I plan this process and how long might it take?

An application can be made by either the owner or the caretaker of the object. You should apply to the Export Department at the Ministry for the Certificate of Circulation (in other words, for permission to export).

To apply for a Certificate of Free Circulation (for permanent export), you must make a declaration of this intention and present the objects to the competent export office, indicating the market value. Within three days, the export office notifies the Ministry who have ten days to respond with any additional information. Once the value has been established as fair, the Ministry's Export Department must issue or refuse a Certificate of Free Circulation within 40 days of the initial application. The Certificate is valid for three years.

A similar procedure applies when you apply for a Certificate of Temporary Circulation. The application must also include information on who is responsible for the safekeeping of the object while it is abroad. The timing for delivery of the certificate is the same but it is valid for a maximum of 18 months. The granting of a Certificate of Temporary Circulation is conditional on the property being insured by the applicant. For exhibitions and events promoted abroad by the Ministry or by other government bodies, Italian Cultural Institutes or supra-national bodies, the insurance may be assumed under State risks.

There are specific regulations for works of art by artists who are deceased. In general, works of art over 50 years old are covered by the Code. If, however, the artist has died, any work by this artist (whenever it was created) can come under the Code if the artist's production was for more than 50 years (i.e. their artistic career was at least 50 years long). In this case, the works are deemed to be "of cultural interest" and export will be restricted as with other older cultural goods.

Applications for EU export licences should be made to the Ministry or via the regional Soprintendenze offices which are also authorised to issue EU export licences. You should follow the procedure established under the Council Regulation 3911/92. EU export licences can be issued at the same time as a Certificate of Free Circulation or not longer than 30 months after a Certificate has been granted. The EU export licence is valid for six months.

It takes 15–40 days to issue an export licence.



Italy

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

Export of all cultural goods which are protected under the Italian Code is restricted although there is no national inventory of goods of national significance.

Are there any exemptions for particular cultural goods?

Under the Italian Code, works of art by living artists do not require permission (in the form of a Certificate of Circulation). However, such contemporary artworks do still come under the jurisdiction of the Code (Article 65) and the exporter must demonstrate to the export office that the goods are indeed the work of a living artist.

The same would apply to a work of art by an artist who is deceased, where the work was created less than 50 years ago but the artist's production period was less than 50 years. This would have to be proved to get authorisation for the export of the work.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must apply for licences. Cultural goods that fall under the categories described in the Italian legislation and/or EU export licence legislation must be covered by an export licence, whatever the type of applicant or purpose. The Italian legislation restricts the export of any cultural objects which belong to collections of museums, galleries or other public institutions.

The Italian Code (Article 66) allows for authorisation for cultural goods to leave Italy on temporary export for "art events, exhibits or expositions of great cultural interest, on condition that the integrity and safety of the (objects) are ensured".

Temporary export is permitted for analysis and conservation work which must be carried out abroad. It can also be granted for reciprocal agreements under cultural accords with foreign museums.

A Certificate of Temporary Circulation is valid for 18 months.

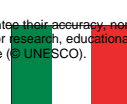
I am a visual artist. Do I need a licence to export my own work?

No. Art work which belongs to "the originator" (i.e. the artist who created it) does not require an export licence under the EU export licence legislation, whatever its age or value. Therefore you do not need an EU licence to export your own work if you still own it yourself.

However, the Italian Code may still apply and you should take advice on this.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel outside the European Union with a musical instru-



Italy

Chapter 3: European Union Member States

ment which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.

I am a tourist visiting Italy. If I buy a work of art, how do I take it home with me?

The export regulations apply to anyone who wants to take cultural goods of a certain age, or age and value from Italy to Russia (or to another country). You must go through the application process with the Ministry in Italy in order for the goods to be cleared for export.

The commercial trade in art, antiques and used objects is subject to various controls in Italy. Anyone who sells such goods to the public or exhibits art work for the purpose of sale must provide the buyer with documentation certifying authenticity or probable attribution and provenance. If this is lacking, a declaration must be provided with all the available information on the provenance, attribution and authenticity. This Certificate of Authenticity and Provenance can form part of your application for an export licence.

If you have bought the art work, antique, furniture or other cultural goods from a reputable art or antique dealer, ask for their advice on how to apply for the export licence. Be advised that a large range of cultural goods (mostly over 50 years old) are covered by the Italian Code and therefore you may not be able to get permission for the permanent export of the goods. In any case, it will take up to 40 days for delivery of the export licences and you will need to take this into account.

Is there a fee for an export licence?

Yes. There is a fixed fee of 14.62 € for the delivery of the export document.

For cultural goods owned by private individuals or by organisations which are not public administrations or institutions, a security bond will be required for temporary export. This deposit can take the form of a bank guarantee or insurance policy worth at least 10 % of the value of the cultural goods. If the objects are not returned to Italy within the established time limit of the Temporary Circulation certificate, the bond will be cashed. The Ministry may waive the requirement for the security bond for institutions of particular cultural importance.

Does the cultural object need to be valued? If so, who will do this?

For objects older than 50 years, a commission is formed of experts on historic, artistic and archaeological objects to evaluate export applications. Part of the application process involves an assessment of whether the valuation provided is fair. Depending on the object, there may also be a “verification of cultural interest”. This is done following guidelines established by the Ministry and may involve examination of the object.



Italy

If an export licence is refused, can I appeal? How do I do that?

If an export licence or Certificate is refused, you can make an appeal in writing. There are different kinds of appeal which can be examined at various levels, from the officer of the Ministry of Cultural Assets up to the Presidential level.

Which customs authorities are empowered to deal with the export of cultural goods?

All registered Italian customs offices can deal with cultural goods export.

What other paperwork do I need to export a cultural object?

When you leave Italy you must show the export licence and Certificate.

When you enter Russia, you must show all the relevant documentation and declare the object at customs, passing through the Red channel. See Chapter 4 for further information.

What are the penalties if I do something wrong?

Italy has ratified both the UNESCO and UNIDROIT Conventions and the Italian Code sets up various penalties and procedures for infringements of these. The legislation sets out penalties ranging from fines to imprisonment.

The Ministry has established a database of stolen cultural property.

Are there any special export restrictions on certain objects or other considerations I should know about?

Potential exporters should note the special export restrictions under the Italian legislation for photographic and cinematographic material which is over 25 years old. The definitions under the legislation include negatives and documentation of such events by any means.

If a Certificate of Free Circulation is requested for a cultural object which is then found to be of special cultural interest, the export office can recommend to the Ministry the compulsory purchase of the object. In this situation, the object remains in the custody of the export office until a decision has been reached. Up to 60 days is allowed for the decision on purchase or issuing a Certificate.

What are the requirements if I want to import cultural goods into Italy from Russia?

Goods of cultural interest which are imported into Italy must be certified by the export office on arrival. Certificates are issued declaring that shipment and importation have occurred, on the basis of documentation suitable for identification purposes. Proof of provenance is also required. These certificates are valid for five years and can be extended on request.

Chapter 3: European Union Member States

Where can I get more information?



Italy

Ministero per i Beni e le Attività Culturali (Ministry for Cultural Assets and Activities)

Via del Collegio Romano, 27

00186 Roma

Tel: +39 0667231

<http://www.beniculturali.it>

Soprintendenze (regional export offices)

<http://www.arti.beniculturali.it/organizzazione/periferica/espportazione.html>

Agenzia delle Dogane (Italian Customs Authorities)

<http://www.agenziadogane.gov.it>

Some information on the procedures for export licensing can be found in Italian at:

<http://www.arti.beniculturali.it/patrimonio/espportazione/europa/>

(mostly refers to export within the EU)

Information on cultural legislation in Italy, including heritage and museums legislation, can be found at:

<http://www.bap.beniculturali.it/organizzazione/normativa.html>

UNESCO cultural heritage laws database – link to English language version of the Code of the Cultural and Landscape Heritage, Legislative decree no. 42 of 2004:

http://portal.unesco.org/culture/en/ev.php-URL_ID=25849&URL_DO=DO_TOPIC&URL_SECTION=201.html

Contact details for the authorities in Italy empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in Italy empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Information on legislation for the protection of cultural heritage in Italy published by the European Commission in 2002:

http://ec.europa.eu/taxation_customs/resources/documents/cgoods_it_en.pdf

Latvia

Cultural cooperation with the Russian Federation, aimed at promoting creative exchange, intercultural dialogue and the mobility of culture operators, is very active and ongoing in all fields of culture and arts and on all levels, both as direct cooperation between institutions and as commercial activities. On March 21, 1995 'The Cooperation Agreement between the Ministry of Culture of the Republic of Latvia and the Ministry of Culture of the Russian Federation' was signed. Since March 14, 2002 the new, amended version of the Agreement is in force. The cooperation programmes, which are regularly drafted and approved for a 3 year period, act as the means of implementing the Agreement.

As part of the cooperation programmes, also with substantial state financial support, numerous Latvian – Russian culture projects have been implemented:

- **Opera** (e.g. in 2006 the ballet of the Latvian National Opera performed at the Moscow Musical Theatre, named after Stanislavski and Nemirovich-Danchenko; a return visit, which followed the tour of the Moscow Musical Theatre in Riga in 2004, as part of the Riga Opera Festival)
- **Theatre** (e.g. Latvian audiences can watch the award-winning performances of Russian Performing Arts Festival 'The Golden Mask'; in 2006 the New Riga Theatre participated in theatre festival 'Baltijskij dom')
- **Libraries** (e.g. the last two years have witnessed active participation of library experts in joint conferences, as well as an exchange of specialists with the aim of continuous education and sharing of experience)
- **Archives** (in 2003 a Agreement was concluded with Russian State Film & Photo Archive on copying documents)
- **Museums** (important exhibitions from Latvian museum collections have been held in the museums of Moscow and St. Petersburg; cooperation with Russian museums allowed the works of Henri Matisse and French glass artists to be seen in Latvia)
- **Music** (private concert agencies regularly invite outstanding Russian artists to perform in Latvia)
- **Visual arts** (e.g. the Ministry of Culture, in cooperation with the Russian State Centre for the Contemporary and State Tretyakov Gallery, is planning an exhibition 'The Art of the 20th Century' at the exhibition hall *Arsenāls* of the National Art Museum in Riga)

Intensive cooperation is also taking place at the municipal level – both as cross-border cooperation and as part of twinning agreements, days of friendship are organised, participation in international culture festivals, exchange tours of artistic groups and exchange of exhibitions (e.g. the annual international competition of young performers 'The New Wave' in Jūrmala).

Latvia



Jēkabs Kazaks,
"Ladies at the Seaside". 1920. Oil on canvas.
This painting was shown at the State Tretyakov
Gallery in Moscow in 2007 as part of the
Europe–Russia–Europe exhibition. Collection
of the Latvian National Museum of Art, Riga,
Latvia.
Photo: Normunds Brasliņš

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN LATVIA AND RUSSIA?

NATIONAL

Law "On Protection of Cultural Monuments"
(11.03.1992)

Regulation of the Cabinet of Ministers No.8
"Exportation of Works of Art and Antiques
from Latvia and Importation into Latvia"
(07.01.2003)

Regulation of the Cabinet of Ministers No.
526 "Procedures for Return of Unlawfully
Removed Art and Antique Objects"
(16.09.2003)

INTERNATIONAL

European Community legislation is applicable
as explained in Chapter 2

Who is responsible for implementing these regulations?

The Inspection for Cultural Heritage Protection (the Inspection):
<http://www.mantojums.lv>

Customs control is provided by the State Revenue Service customs authorities:
<http://www.vid.gov.lv>

Do I need an export licence?

An export permit or licence is required for the export of the categories of cultural goods listed in the Annex to Council Regulation 3911/92, with the following specification: any object belonging to one of those categories, if over 50 years old and valued over 300 Lats needs an export licence for its export abroad. For cultural objects in categories A1, 2, 8 and 11 the export licence must be obtained regardless of their value.

Are there different types of licence? What type of licence do I need?

For export outside the EU, a single licence is issued. There is a distinction between permanent and temporary export on the licence.

What are my first steps? How do I plan this process and how long might it take?

You must apply for the licence if you are the purchaser of the object, either directly or through an authorised person. You should present your application to the specialised Section of the Expertise Department in the Inspection. You will have to fill the application form for the export of cultural goods from the territory of the EU.

Apart from filing the application and providing your data, you must also submit the following:

- The cultural object which you want to export
- Colour photographs (3 copies, not older than ten years)
- A detailed description of the object to be exported
- An authorisation (if the applicant is not the actual owner)

The object is subject to examination and within 15 days after this the Inspection takes a decision to permit or prohibit the export of the cultural object. If it is necessary to make an expert examination of the object or to clarify the status of ownership rights on it, the Inspection can retain the object for up to one month.

How do I find if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

Cultural goods of special importance are listed in the State Registry for Protected Cultural Monuments. The inventory of cultural monuments is made by the Inspection. Public access to the Registry is available through the Inspection. It is therefore possible to obtain information on the status of a good before its purchase.

Are there any exemptions for particular goods?

The temporary export of cultural goods that form part of collections in National Museums is subject to a specific regime: permits (not licences) are issued for these objects by the State Authority on Museums.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

The temporary export of objects from the National Collection has its own specific regime under the Museums legislation of Latvia, different from the regular export licence procedure. Museums do not apply to the Inspection, but to the State Authority on Museums. This Authority issues the relevant temporary export permit, and needs to be notified in writing within two weeks after the cultural object from the National Collection has been re-imported to Latvia.

For the temporary export of other cultural goods, an application must be made to the Inspection, and the procedure for issuing the licence is the same as for the permanent export of cultural goods. The owner or possessor of the goods must also register the object with the Inspection within a period of 15 days after it has been imported back to Latvia.

There is no statutory limit as to the period of time an object of art can remain out of Latvia.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel with a musical instrument which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.

I am a tourist visiting Latvia. If I buy a work of art, how do I take it home with me?

You will have to check if the object you purchased falls within the categories (plus relevant age and value criteria) of Council Regulation 3911/92 and/or within the scope of Latvian legislation on the export of cultural goods.

If it does, you must apply to the Inspection for Cultural Heritage Protection and obtain an export licence that allows you to take it out of the customs area of the EU from Latvia. Only then you can proceed for export clearance of the object with the State Revenue Service.

Is there a fee for an export licence?

Yes. The issuing of export licences is a paid service. Fees are regulated in the Order of the Ministry of Culture No.57 A 'The forms of paid services and pricing in the State Inspection for the Heritage Protection' of 29.04.2003.

Does the cultural object need to be valued? If so, who will do this?

In cases where the object demonstrates a particular historic style or period, has qualities of national art or where there are few examples of its type in the region, it will need to undergo expertise. These criteria are sufficient to decide whether an object is of national importance. The examination is made by experts of the Inspection. If additional expert examination is required, the Inspection may convene a council of experts.

The applicant must cover all expenses incurred by the relevant institution and related to the preparation of an opinion.

Can I appeal against the valuation or refusal of an export licence? If so, how do I do this?

The applicant can appeal against the decision on the value/age/national importance of an object to the Ministry of Culture. The decision of the Ministry of Culture can be appealed in Court. The same procedure applies for an appeal against refusal of an export licence.

Which customs authorities are empowered to deal with the export of cultural goods?

All customs offices are empowered to handle formalities for the export of cultural goods

What other paperwork do I need to export a cultural object?

The export licence is the only documentation that needs to be presented to customs officers.

The export is not subject to duties.

What are the penalties if I do something wrong?

The Code on Administrative Infringements sets out a penalty of 250 Lats for the infringement of the Regulations on the Protection of Cultural Monuments.

Regulations for the export of cultural goods state that a violation of the requirements on the export or import of cultural goods leads to the refusal of a new permit or certificate for that object.

What are the standards of service I can expect to receive?

Neither the Inspectorate nor the State Revenue Service has special standards of services for procedures involving the export/import of cultural goods although the timing for inspection and decision-making is set out in the law.

Are there any special export restrictions on certain objects or other considerations I should know about?

In principle there are no special export restrictions, but you must be aware that your object will be subject to expert examination by the Inspection and that, if it is determined that the object is of national importance, its export can be prohibited.

What are the requirements if I want to import cultural goods into Latvia from Russia?

You have to complete and present a customs declaration.

If you do not declare an object that you import into Latvia, it is considered that the object has been purchased in Latvia. This means that when re-exporting it abroad, you will be subject to Latvian legislation on the export of cultural goods.

Chapter 3: European Union Member States

Where can I get more information?



Latvia

Inspection for Cultural Heritage Protection

Maza Pils Street 17/19/21

Riga

Latvia LV 1050

Tel: +371 7229272

Fax: +371 7228808

<http://www.mantojums.lv>

State Revenue Service (Latvian Customs Authorities)

Smilšu ielā 1

Riga

Latvia LV-1978

Tel: +371 67 028703

Fax: +371 67 028704

Infoline on customs issues: +371 67507254

<http://www.vid.gov.lv>

A number of laws and regulations can be consulted in English on the website of the **Translation and Terminology Centre**, established in 1996 by the Government of Latvia:

TTC

Kr. Valdemāra ielā 37,

Riga

LV-1010

Tel: +371 7331814

Fax: +371 7336038

<http://www.ttc.lv>

Contact details for the authorities in Latvia empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Customs offices in Latvia empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Lithuania

In the cultural sphere the main objective is to facilitate bilateral dialogue between Russia and Lithuania at all levels. The Lithuanian cultural programme has many different events, presenting exhibitions, concerts, poetry readings, film and theatre shows. The embassy holds scholarly conferences on the heritage of the Grand Duchy of Lithuania and supports translation and publishing projects.

In 2003 Lithuania launched a long-term cultural programme called 'Window to Lithuania' to introduce Lithuanian culture and business to the regions of Russia. The programme started in Moscow and to date has been held successfully in Voronezh, Nizhny Novgorod, Ufa, Yaroslavl, Kazan, Kaluga, Pskov, Smolensk and Irkutsk. The Russian public have been introduced to St. Christopher Chamber Orchestra, photographers Antanas Sutkus and Rimantas Dichavicius, Oskaras Korsunovas theatre and contemporary Lithuanian films.

In 2009 Lithuania celebrates the millennium of the country's first appearance in historical documents. The country's capital Vilnius was awarded the title of European Capital of Culture 2009. Bilateral Russia – Lithuania events will also be a part of this wider celebration.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN LITHUANIA AND RUSSIA?

NATIONAL

Law No I-1179 of the Republic of Lithuania of 23 January 1996 on Protection of Movable Cultural Property (as last amended on 4 November 2004 – No IX-2534)

Resolution No 1424 of the Government of the Republic of Lithuania of 9 November 2004 on the Approval of the Regulations for the Export of Movable Cultural Property and Antiques from the Republic of Lithuania and the List of Movable Cultural Property and Antiques the Export Whereof from the Republic of Lithuania Requires a Permit Issued by the Department of Cultural Heritage Protection under the Ministry of Culture (as amended on 30 August 2005 – No 951)

Order No IV-444 of the Minister of Culture of the Republic of Lithuania of 31 December 2004 on the Approval of the Form of a Permit for the Export of Movable Cultural Property and Antiques from the Republic of Lithuania (Territory of the European Community), the Printing Requirements, the Rules for Filling in and Formalisation, and the Regulations for the control over the export of Movable Cultural Property and Antiques According to Permits (as amended on 12 September 2005 – No IV-383 – the New Form of a Permit)



Scene from 'Faust' by Goethe, directed by Eimuntas Nekrosius and performed in Moscow in November 2006 at the Novaya Opera Theatre in the Stanislavsky Season Festival. Nekrosius has also directed theatre and opera productions in various venues, including the Bolshoi Theatre. He has won many awards in his native Lithuania and in 1995 he was awarded the 'Baltijsky dom' Festival prize for the best director's work in St Petersburg. In 2004 he won the special journalists and theatre critics prize 'Golden Mask' for the best performance staged in Russia.

Law No I-1115 of the Republic of Lithuania of 5 December 1995 on Documents and Archives (as last amended on 19 December 2006 – No X-992)

Resolution No 181 of the Government of the Republic of Lithuania of 15 February 2005 on the Approval of the Regulations for the Export of Documents from the Republic of Lithuania

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

Lithuania has ratified both the UNESCO Convention of 1970 (in 1998) and the UNIDROIT Convention of 1995 (in 1998)

Who is responsible for implementing these regulations?

The Department of Cultural Heritage Protection under the Ministry of Culture issues export permits for movable cultural property and antiques: <http://www.heritage.lt>.

The Lithuanian Archives Department under the Government issues export permits for documents: <http://www.archyvai.lt>.

The Customs Department under the Ministry of Finance ensures the control of the exit and entry of cultural goods through the customs border of Lithuania: <http://www.cust.lt>.



Lithuania

Do I need an export licence?

Under Lithuanian legislation on the protection of national heritage, you need to obtain an export permit or licence for movable cultural property, antiques and documents. Since Lithuania is a Member State of the European Union, Council Regulation 3911/92 on the export of cultural goods also applies. Therefore, for the export of cultural goods outside the EU, you will need to apply for the EU export licence if your object falls under one of the categories in the Annex to the Council Regulation.

Under Law No I-1179, *movable cultural property* is defined as “movable material creations and other objects ... possessing considerable cultural value, including those of importance in an ethnic, archaeological, historical, artistic, scientific, technical, religious and other sense”. Such objects also describe “typical as well as specific phenomena of national existence and are included in the State records of movable cultural property”.

The definition of *antiques* is “all movable material creations and other objects ...created 50 years ago and earlier, regardless of their remaining cultural value”.

It is obligatory to obtain a permit for the export of movable cultural property and antiques if the item(s) is included in the list of movable cultural property and antiques, specified in Resolution No 1424.

http://www.heritage.lt/t_aktai/lrv/04_1424_engl.htm (EN) Resolution No 1424

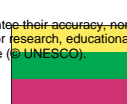
As a rule, items of movable cultural property are included in State Records of Movable Cultural Property, such as the inventory lists of movable cultural property preserved in the museums and libraries of Lithuania, or the Register of Movable Cultural Property. When the object is on such a list, it cannot be exported permanently but temporary export may be allowed.

Export of such items of movable cultural property may be permitted in accordance with interstate agreements in the following circumstances:

- Exchange of items of movable cultural property, on determination by a Commission of Experts for the Appraisal of Movable Cultural Property that the item of movable cultural property received on an exchange basis is unquestionably more significant to Lithuania's culture than the item of movable cultural property given in exchange
- The return of the item of movable cultural property to the State from which it had been removed unlawfully

Other Lithuanian legislation applies to *documents*. Permanent export of documents from the National Documentary Fond is prohibited, except when such export is permitted under international agreements on the reconstruction of national archival heritage of a State.

Documents of the National Documentary Fond which are 10 years old may be temporarily exported from Lithuania for cultural exchange or other purposes with a permit issued by the Lithuanian Archives Department. Export from Lithuania of documents over 50 years old is allowed only with a permit issued by the Lithuanian Archives Department.



Lithuania

Are there different types of licence? What type of licence do I need?

You may find, when you apply for export of an object out of Lithuania to Russia, that it falls both under the scope of national legislation and Council Regulation 3911/92. In this case, you need to apply for both the Lithuanian export permit and the EU export licence (also called permit in Lithuania).

In addition, you need to state whether the permit or licence is for permanent or temporary export.

What are my first steps? How do I plan this process and how long might it take?

You (the owner) must apply in writing for the export permit either to the Central Office of the Department of Cultural Heritage Protection (for the export of movable cultural property and antiques) or to the Lithuanian Archives Department (for the export of documents).

The application forms and procedure are the same, whether your object is covered by national legislation and/or Council Regulation 3911/92 on the export of cultural goods.

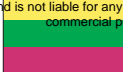
For the definitive or temporary export of movable cultural property and antiques you must present the following documents to the Department of Cultural Heritage Protection:

- A written application with details of the applicant and the list of cultural objects intended for export
- Photographs of the movable cultural property/antiques (measuring at least 8×12 cm); when exporting from the territory of the European Community – 3 copies for each item of movable cultural property or antique object
- Available documents about the movable cultural property/antiques (expert appraisals, invoices, other documents certifying the right of ownership or acquisition)
- A power of attorney (where an applicant submits documents through a representative)
- For temporary export – documents indicating reasons for export (copies of contracts or invitations to cultural and artistic events)

In order to establish the cultural value of items of movable cultural property and antiques and to appraise them, the Minister of Culture forms a Council of Experts for the Export of Movable Cultural Property.

It takes up to 15 days to issue a permit for the export of movable cultural property and antiques, from the date of request. The Minister of Culture has the right to extend this period for up to 30 days if the application is for a large number of antique objects intended for definitive export.

Any permit issued for definitive or temporary export of movable cultural property and antiques from Lithuania is valid for a maximum of 12 months. If a permit expires without having been used, the applicant must return it to the Department of Cultural Heritage Protection.



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If you want to apply for the temporary export of documents of the National Documentary Fond, together with the application you must present the following information to the Lithuanian Archives Department:

- The purpose of the export of documents, destination place and period, conservation and exhibition conditions (copies of documents confirming this information)
- Accounting information, quantity, names (titles), dates, physical condition, possible insurance value

If you want to apply for the permanent export of documents of the National Documentary Fond, together with the application you must present the following information to the Lithuanian Archives Department:

- Link to the official site on the Internet of the international agreement which is the basis for the intended export of the documents
- Accounting information, quantity, names (titles), dates of the documents

When exporting documents over 50 years old, you must indicate the destination country and the names (titles) of the documents.

Permanent export from Lithuania of documents of the National Documentary Fond is prohibited, except when such export is permitted under the international agreements on the reconstruction of national archival heritage of a State.

The National Documentary Fond may ask for copies or photographs of the exporting documents.

It takes up to 15 days to issue a permit for the export of documents, from the date of request. The Lithuanian Archives Department has the right to extend this period for up to 30 days, where the Commission of Experts is involved. Any permit issued for the export of documents is valid for a maximum of 12 months.

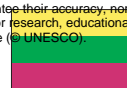
How do I find if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

Yes, there are such sources of information available to the public. You should contact the Department of Cultural Heritage Protection or the Lithuanian Archives Department depending on which type of object you want to export.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes, the same procedures must be followed as described.

When an application is made for the temporary export of antiques or movable cultural property for the purposes of cultural and artistic events, exhibition, restoration or repair, the normal criteria which justify the refusal of an export permit do not apply. Such an appli-



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cation is subject to the invitation from the organiser of the event or evidence of contracts for exhibition, event or restoration.

When a permit is issued for the temporary export of movable cultural property and antiques from Lithuania, the Department of Cultural Heritage Protection has the right to establish the time of their return to Lithuania. The period of temporary export will not exceed three years.

Where the Department of Cultural Heritage Protection has established a period for returning the movable cultural property and antiques on temporary export, their owner must inform the Department of Cultural Heritage Protection, in writing, within a month of the date of their return to Lithuania.

When issuing a permit for the temporary export of documents from Lithuania, the Lithuanian Archives Department has the right to establish the time of their return. The period of temporary export will not exceed three years.

I am a tourist visiting Lithuania. If I buy a work of art, how do I take it home with me?

You should check the applicable Lithuanian legislation and Council Regulation 3911/92 on the export of cultural goods to see if your art object meets any of the defined categories.

If you find that your object is an antique as defined by Lithuanian Law, you must apply to the Department of Cultural Heritage Protection of the Ministry of Culture for a permit. The same applies if it is a cultural good under EU legislation and you intend to take the object to Russia.

If it is an item of movable cultural property, it is very unlikely that you can take the object with you on a permanent basis.

If you intend to export a document, be aware that Lithuania has strict regulations that limit their export. Most probably you will have to apply to the Lithuanian Archives Department for the relevant permit.

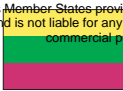
Once you have got the permit, you can proceed to customs clearance. You must present the permit plus the export declaration.

Is there a fee for an export licence?

A state charge applies when a permit for the export of movable cultural property, antiques or documents from Lithuania is issued. It is calculated according to the quantity of cultural goods being exported.

Does the cultural object need to be valued? If so, who will do this?

The Council of Experts for the Export of Movable Cultural Property (the Council) appraises items of movable cultural property (not kept at state depositories) and antiques intended



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for export. It establishes the cultural value of antiques and delivers conclusions on the issue of export permits.

If the Council finds no reasons of scientific, artistic or cultural importance for retaining an antique object in Lithuania, an export permit will be issued. A permit for the export of antiques from Lithuania will not be issued where the Council determines that:

- The antique object is rare or in danger of becoming rare
- The antique object is particularly representative of national cultural heritage
- The antique object is closely linked with a valuable cultural environment
- The antique object is related to distinguished persons or historical events of State
- There are other important reasons preventing the export of the antique object

For the temporary export of antiques from Lithuania, for cultural events, exhibition or restoration, these five criteria do not apply.

When issuing a permit for the export of antiques from Lithuania, the rarity factor (“the antique object is rare or in danger of becoming rare”) will not apply where:

- The antique object is a household article of a person moving to live abroad
- A person living abroad has inherited the antique object intended for export or the antique object has been transferred to him after property settlement

If the Council determines that the antique object intended for export is significant for the cultural heritage of Lithuania and its export would impoverish the cultural heritage of Lithuania, a permit for permanent export will not be issued. In this case, the antique object may, with the consent of the owner, be entered in the Register of Cultural Property or be purchased by the State.

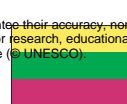
When the Council gives its conclusions regarding the issue of a permit, the applicant must pay a state fee for the issue of a permit and present the receipt to the Department of Cultural Heritage Protection.

Documents intended for export from Lithuania are appraised, the cultural value is established and conclusions regarding the issue of permits for their export are submitted by the Lithuanian Archives Department. If necessary, the Department consults with a Commission of Experts which it sets up.

A permit for the temporary export of documents from Lithuania will not be issued where the Lithuanian Archives Department determines that there are important reasons preventing the export of the documents. For documents over 50 years old, a permit will not be issued where the Department determines that the absence of the documents would impoverish the cultural heritage of Lithuania.

Can I appeal against the valuation or refusal of an export licence? How do I do that?

You can appeal against administrative decisions to the competent Court in Lithuania.



Lithuania

Which customs authorities are empowered to deal with the export of cultural goods?

All customs offices can deal with export of cultural goods.

What other paperwork do I need to export a cultural object?

When movable cultural property, antiques or documents are exported from the territory of the European Community, the permit must be presented to the customs office together with the customs declaration used by the customs authorities for the export of cultural property.

You must bear in mind that export duties also apply.

What are the penalties if I do something wrong?

You can be fined from 145 € to 870 €.

Are there any special export restrictions on certain objects or other considerations I should know about?

Items of movable cultural property may only be exported on a temporary basis from Lithuania for cultural and artistic events, exhibitions, restoration or repair, subject to invitation and/or contract.

The export of documents included in the National Documentary Fond is subject to strict restrictions.

What are the requirements if I want to import cultural goods into Lithuania from Russia?

You have to declare the goods and have proof of their origin and legal export from Russia.

Items of movable cultural property and antiques stolen or illegally exported from foreign countries neither Member States of the European Union nor parties to the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects will be returned to the foreign country requesting their return on the decision of a court of Lithuania. The institution authorised by the foreign state may submit its request in accordance with the limitations determined by the Civil Code of the Republic of Lithuania, unless international treaties parties to which are Lithuania and the requesting foreign state provide otherwise.

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Where can I get more information?



Lithuania

Department of Cultural Heritage Protection under the Ministry of Culture

Snipiskiu 3

LT-09309 Vilnius

Tel: + 370 5 273 42 56

Fax: + 370 5 272 40 58

e-mail: centras@heritage.lt

<http://www.heritage.lt>

Lithuanian Archives Department under the Government of the Republic of Lithuania

Mindaugo 8

LT-03106 Vilnius

Tel: +370 5 265 11 37

Fax: +370 5 265 23 14

e-mail: arch.dep@archyvai.lt

<http://www.archyvai.lt>

Customs Department under the Ministry of Finance of the Republic of Lithuania

A.Jaksto str. 1/25

LT-01105 Vilnius

Tel: +370 5 266 61 11

Fax: +370 5 266 60 05

e-mail: info@cust.lt

<http://www.cust.lt>

Links for texts of Lithuanian national Laws, Orders and Resolutions (as listed above):

http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=246295 (LT) Law No IX-2534

http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=279447 (EN) Law No IX-2534

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=261389 (LT) Resolution No 951

http://www.heritage.lt/t_aktai/lrv/04_1424_engl.htm (EN) Resolution No 1424

http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=248367 (LT) Order No IV-444

http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=262040 (LT) Order No IV-383

<http://www3.lrs.lt/c-bin/getgr?C1=bin&c2=262040&c3=14197> (LT) Form of a Permit

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=290420 (LT) Law No X-992

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=291470 (EN) Law No X-992

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=250487 (LT) Resolution No IV-181

Contact details for the authorities in Lithuania empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

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Where can I get more information?



Lithuania

Contact details for the customs offices in Lithuania empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

UNESCO Cultural Heritage Laws Database
(Copyright and Disclaimer apply)

Luxembourg

Luxembourg is proud of its long-standing tradition in cultural cooperation with Russia. For many years now, Russian artists have found their way to the Grand-Duchy in order to engage in an intercultural dialogue with their peers from Luxembourg. In the same manner have Luxembourg's finest artists been keen to share their work with the Russian public.

Among the many recent projects, some major events should be underlined that demonstrate the variety of the artistic fields in which mutual cultural exchange gains its full expression.

In 2001, an agreement was made to launch a Luxembourg cultural and language centre based at a university in Moscow. Others have followed. Several exhibitions of Russian painters have taken place in Luxembourg. Russian musicians and orchestras regularly play in Luxembourg. In 2003, Luxembourg contributed two projects to the Tricentennial of St. Petersburg.

In 2006, the Centre national de littérature in Mersch hosted an exhibition on 'Alexander Pushkin: his life and works', presented in collaboration with the Pushkin Museums of Moscow and St. Petersburg within the framework of the bilateral cultural agreement. Various further activities are planned in the framework of Luxembourg and Greater Region – European Capital of Culture 2007.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN LUXEMBOURG AND RUSSIA?

NATIONAL

Law of the 21st of March 1966, which contains provisions on the protection of movable cultural heritage

Law of the 18th of July 1983, on the protection of national monuments

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2.

Bilateral agreement signed on the 28th of June 1993 in Moscow between the Government of the Grand-Duchy of Luxembourg and the Government of the Federation of Russia on cooperation in the fields of culture, education and science (Art. 13 The Parties engaged to take measures to prevent illicit traffic and transfer of propriety rights on cultural values of each State in conformity with international law; Cooperation programme of the agreement: Article 22: Art exhibitions, Article 24, Article 25: Cultural goods and Article 26: Protection of historical and cultural monuments)



Luxembourg Philharmonic Orchestra performing in Luxembourg in January 2007 under the Russian conductor Vladimir Fedoseyev.

Who is responsible for implementing these regulations?

The Ministry of Culture, Higher Education and Research: <http://www.mcesr.public.lu>

Do I need an export licence?

The situations in which you must obtain an export licence are defined in the 1966 Law (article 6) and in EU legislation on the export of cultural goods, which is explained in more detail in Chapter 2.

The basic criteria under Luxembourg's national legislation are:

- Cultural goods over 100 years old
- If the artist died over 50 years ago

Are there different types of licence? What type of licence do I need?

Only one licence is needed in the case of export of a cultural good outside the European Union: the EU export licence.

What are my first steps? How do I plan this process and how long might it take?

You can apply for the export licence as the owner of the object or you can authorise some-

one to apply on your behalf. You should contact the Ministry of Culture, Higher Education and Research for the application forms at the Culture Department (International Relations or Legal Affairs section).

If you are exporting cultural goods from Luxembourg to Russia, only the EU export licence for cultural goods is required. It is also required for goods falling under the scope of the 1966 Law. When requesting a licence, the applicant has to be able to prove their authority for the cultural goods. Only the application form and a photograph of each cultural good destined to be exported need to be submitted.

The legal time limit for processing the licence application is one month, after which the authorisation for export is presumed to have been given. In practice, an export licence is issued within 14 days.

How do I find if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

No such inventory of cultural goods of national interest exists at present. Luxembourg is working on establishing one in the near future.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. The application procedure is the same as for other organisations. There is no statutory time limit for a temporary loan.

I am a tourist visiting Luxembourg. If I buy a work of art, how do I take it home with me?

You must apply for an export licence to the Ministry of Culture, Higher Education and Research if the object you intend to export is covered by either national or EU legislation.

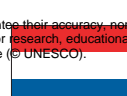
When you leave Luxembourg you must show pages 2 and 3 of the export licence to the Luxembourg customs authorities.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel outside the European Union with a musical instrument which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.

Is there a fee for an export licence?

No duty is payable for the export licence.



Luxembourg

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Does the cultural object need to be valued? If so, who will do this?

Expertise is carried out whenever there is any doubt about the value or the national interest of a cultural good which is to be exported. A national expert is charged by the Ministry to conduct the expertise. No additional charge is made for the expertise.

Can I appeal against the valuation or refusal of an export licence? If so, how do I do this?

If an export licence is refused, it is possible to challenge the expertise as part of the overall appeal against the decision. You can appeal against a decision to refuse an export licence at the administrative tribunal of Luxembourg.

Which customs authorities are empowered to deal with the export of cultural goods?

The customs authorities which deal with the export of cultural goods are the Direction des Douanes et Accises, the Bureau des Douanes et Accises de Luxembourg-Aéroport and the Bureau des Douanes et Accises à Luxembourg Centre douanier.

What are the penalties if I do something wrong?

Sanctions under the 1966 Law include fines and/or imprisonment from eight days to six months.

What are the standards of service I can expect to receive?

No specific standards of service exist. See legislation applicable to the export of cultural goods.

Where can I get more information?



Luxembourg

Ministry of Culture, Higher Education and Research Culture Department: International Relations or Legal Affairs

20, Montée de la Pétrusse
L-2912 Luxembourg
Tel: +352 478 6616 or +352 478 6637
Fax: +352 29 21 86
<http://www.mcesr.public.lu>

Direction des Douanes et Accises (Luxembourg Customs Authorities)

B.P.1605 L-1016 Luxembourg
<http://www.do.etat.lu/>

Contact details for the authorities in Luxembourg empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in Luxembourg empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Information on legislation for the protection of cultural heritage in Luxembourg published by the European Commission in 2002:

http://ec.europa.eu/taxation_customs/resources/documents/cgoods_lu_en.pdf

Malta

Relations between the Russian state and the Sovereign Military Order of Malta (Knights of Malta) were first established in 1698, when Peter the Great's ambassador Boris Petrovich Sheremetev was received with honour in Valletta. He received a diamond studded gold cross of the Order of St John, becoming the first Russian knight of the order.

The Maltese knights came to Russia, where they were granted lands and high office. The residence of the order was transferred to St. Petersburg where the architect Giacomo Quarenghi built a Maltese chapel. Cooperation between St Petersburg and Malta is active in present times and in 2006 the historic organ of the Maltese chapel in the Vorontsov Palace was restored with sponsorship from a Malta-based hotel group.

The Russian Centre for Science and Culture (RCSC) was set up Malta in 1990 to promote cultural, scientific, educational, business, artistic and humanitarian contacts between Russia and Malta. The RCSC is housed in a historical 16th Century building. The Russian government has restored and taken care of this historical monument in Valletta.

The Centre has a reference and a lending library in English and Russian; a concert hall named after Piotr Tchaikovsky. The hall has seen many successful conferences, public lectures, talks, concerts, piano recitals, folk music groups and video sessions. There is a library with books, music and video from Russia as well as a Russian language school licensed by the Ministry of Culture in Malta.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN MALTA AND RUSSIA?

NATIONAL

2002 Cultural Heritage Act: Chapter 445 (As amended in 2002 and 2005)
http://docs.justice.gov.mt/lom/legislation/english/leg/vol_14/chapt445.pdf

L.N.: 246 of 2003 Cultural Heritage Act (Act No. VII of 2002)

Subsidiary Legislation 35.03 Fees for the Examination of Works of Art and Antiques Regulations, Legal Notice 4 of 1968, as amended by Legal Notice 104 of 1981

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

Malta has entered into bilateral agreements with Russia on Co-operation in Culture (1994) and the Russian Cultural Centre (1998).



Aerial view of Valletta, capital of Malta. As one of the most concentrated historic areas in the world, Valletta is a UNESCO World Heritage Site. The Russian Centre for Science and Culture is housed in a historical 16th century building in Merchants Street.

Photo: courtesy of Superintendence of Cultural Heritage, Malta

Who is responsible for implementing these regulations?

The Superintendence of Cultural Heritage is responsible for the monitoring and control of the import and export of goods which are of cultural significance, whether the movement is temporary (for example, for exhibition or restoration purposes) or permanent. The Superintendence issues permits needed for such movements.

Further information at: <http://www.culturalheritage.gov.mt/page.asp?p=3052&l=1>

Do I need an export licence?

As far as the Maltese regulations are concerned, the Cultural Heritage Act defines cultural heritage as “movable and immovable objects of artistic, architectural, historical, archaeological, ethnographic, palaeontological and geological importance and includes information or data relative to cultural heritage pertaining to Malta or to any other country. This includes archaeological, palaeontological or geological sites and deposits, landscapes, groups of buildings, as well as scientific collections, collections of art objects, manuscripts, books, published material, archives, audio-visual material and reproductions of any of the preceding, or collections of historical value...” Any item over 50 years old is considered as cultural property and benefits from the Cultural Heritage Act.

The Cultural Heritage Act states: “No person may export, re-export or remove from Malta (including territorial waters thereof) any cultural property without written permission of the Superintendent”.

The export of cultural property to third countries (non-EU Member States) requires endorsement by the Superintendence of Cultural Heritage.

Packing lists compiled for customs purposes must be accompanied by a declaration form stating that no cultural goods as defined in the Cultural Heritage Act are included. The Superintendence of Cultural Heritage endorses accompanying customs documentation on the basis of this declaration and reserves the right to inspect such property prior to export.

You can download a copy of the declaration form at:

<http://www.culturalheritage.gov.mt/page.asp?p=3077&l=1>

Packers are also expected to inform the Superintendence in advance as to when and where they will be packing goods for export and/or movement purposes. Any necessary procedural inspections can therefore be carried out on the date.

Cultural goods which fall within the categories, age and value thresholds of Council Regulation 3911/92 will need an EU export licence for export from Malta to Russia.

Are there different types of licence? What type of licence do I need?

The modalities for the export of cultural goods are:

- Export
- Temporary export
- Re-export

What are my first steps? How do I plan this process and how long might it take?

You need to apply to the Superintendence of Cultural Heritage and follow the procedures set out on the website at: <http://www.culturalheritage.gov.mt/page.asp?p=3077&l=1>. The owner or their agent may apply for the licence. It will be approved or refused by the Superintendence. A list of the goods to be exported must be supplied together with a description of the item. Photographs may be required.

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

The Cultural Heritage Act establishes a National Inventory of Cultural Property that includes moveable cultural goods. You can seek information on the status of a good.

An object may be deemed to be of national importance depending on its value, rarity and association with Maltese history, tradition and identity.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must normally apply for licences. Permission may be given for temporary export for the purpose of restoration or exhibition without the need to pay the valuation duty referred to below. The Cultural Heritage Act sets out “Special Powers of the State” that give discretion to the Superintendent of Cultural Heritage when cultural goods are exported for exhibition or restoration.

When you apply for a temporary export permit, you must provide the following additional documentation:

- A status report on the conservation of the items including photographs
- A declaration by a qualified conservator on the fitness to be transported of the cultural goods
- Insurance details
- Itinerary details

A temporary export permit will set a time limit for the return of the goods. This may be extended following application to the Superintendence.

I am a tourist visiting Malta. If I buy a work of art, how do I take it home with me?

The export regulations apply to anyone who wants to take cultural goods of a certain age and value from Malta to Russia (or to another country). You must go through the application process with the Maltese national authorities in order for the goods to be cleared for export.

Since cultural goods, as defined in the Cultural Heritage Act, cannot be exported without permission, you should get advice before committing to an expensive purchase since you may not be able to take it out of the country.

Is there a fee for an export licence?

Yes. You must pay duty on the valuation of the object. This is 5 % of the value of the goods, as set out in the Schedule to the Act.

Does the cultural object need to be valued? If so, who will do this?

Cultural goods are subject to expertise when the value is in doubt. The evaluation is undertaken by the Superintendence and costs are regulated by the relevant legal notice.

Can I appeal against the valuation or against the refusal of a licence? How do I do that?

Yes. The Cultural Heritage Act sets out the procedure for setting up an Appeals Board if required. You should write to the Minister responsible for the Culture Sector.

Which customs authorities are empowered to deal with the export of cultural goods?

The Customs Economic Procedures Unit (CEPU) deals with the export of cultural goods.

What other paperwork do I need to export a cultural object?

When you leave Malta, you must show written authorisation from the Superintendence of Cultural Heritage. This may take the form of an endorsed stamp, a letter of authorisation, or Customs Export Declaration, related invoices and export licence.

The packers must give notice to the customs authorities of the export of cultural goods so that an inspection can be made if required.

When you enter Russia, you must show all the relevant documentation and declare the object at customs, passing through the Red channel. See Chapter 4 for further information.

What are the penalties if I do something wrong?

These are set out in the Cultural Heritage Act – a breach of the Act is a criminal offence and the penalties include fines and imprisonment.

Are there any special export restrictions on certain objects or other considerations I should know about?

The Cultural Heritage Act gives special powers to the State in terms of a “right of preference” to purchase certain cultural goods. If an application is made for export (also for sale, exchange and other cultural goods transactions), the Superintendent has the right, with the approval of the Minister in consultation with the Committee of Guarantee (an expert committee set up under the Act), to purchase the goods and take priority over other buyers. This right of preference can be exercised up to two months after an export application is made.

What are the requirements if I want to import cultural goods into Malta from Russia?

Cultural goods which are imported into Malta are brought to the attention of the Superintendence, for the purposes of evaluation, at the Customs Department. A Certificate is issued by the Superintendence of Cultural Heritage. Cultural goods carry a zero rate of duty on importation. If there is a suspicion that the goods have been illicitly exported from outside the EU, customs will withhold the goods and inform the Police for further investigations.

Chapter 3: European Union Member States

Where can I get more information?



Malta

The Superintendence of Cultural Heritage

138 Melita Street

Valletta VLT 08

Tel: +356 21 230711

Fax: +356 21 251140

e-mail: heritage.superintendence@gov.mt

<http://www.culturalheritage.gov.mt>

Customs Department Lascaris Wharf

Valletta CMR 01

Tel: +356 25 685101

Fax: +356 21 246150

<http://www.maltacustoms.gov.mt>

Customs Economic Procedures Unit (CEPU)

Tel: +356 25 685186

Contact details for the authorities in Malta empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in Malta empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

The Netherlands

The Netherlands has a specific cultural interest in Russia. This is connected with historic ties, mutual cultural heritage and contemporary exchange of cultural events. Peter the Great visited Holland and became particularly interested in Dutch art, handicraft and museums. Amsterdam and its canals was his model for the construction of St Petersburg.

In 2003 the Netherlands organised a large cultural festival with six hundred participants in St Petersburg to commemorate the foundation of the city. Since then the Netherlands organises annual cultural festivals in various cities in Russia. Nizhny Novgorod, Yekaterinburg and Moscow are the target cities in that respect.

The Netherlands Embassy has a special budget for the financing of cultural projects in Russia. These projects are carried out in close cooperation and preferably proposed by Russian partners. Contemporary music, baroque music and jazz are some of the disciplines that have received special attention. Also modern dance, architecture and design, film and photography are much in demand.

Then there is intensive cooperation between museums in both countries. In Amsterdam the museum 'Hermitage on the Amstel' opened in 2004 and shows different annual exhibitions from the Hermitage museum in St Petersburg. In the field of cultural heritage research is being undertaken in a number of archives in Russia to trace ties with the Netherlands.

On the other side, artists from Russia are well informed about the artistic scene in the Netherlands and exhibitions of Russian art and culture regularly take place in the Netherlands.

Some fifty cultural Netherlands events are organised in Russia each year, often in combination with master classes and educational links. Since 1992 the Netherlands has been implementing an educational cooperation programme with Russia that also has a cultural impact.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN THE NETHERLANDS AND RUSSIA?

NATIONAL

Cultural Heritage Protection Act 1984 (Wet tot behoud van cultuurbezit)

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2



In the early 1990s Professor Mikhail Piotrovsky, director of the State Hermitage Museum in St Petersburg was considering the possibility of having satellites of the museum in the West. Ernst Veen, director of the Nieuwe Kerk, suggested that Amsterdam would be the ideal location for a branch of the Russian museum, given the historical links between the two cities over the past 300 years. The Hermitage Amsterdam opened in 2004 in the Amstelhof. A second development phase is underway and, in spring 2009, the Hermitage Amsterdam will have a building ten times the size of the present accommodation.
Photo: State Hermitage Museum St Petersburg

Who is responsible for implementing these regulations?

There are two agencies with responsibility in this area. Export licences are issued by the State Inspectorate for Cultural Heritage (Erfgoedinspectie) in association with the Tax Authorities/Customs – Central Licensing Office for Import and Export in Groningen (CDIU).

Do I need an export licence?

You should consult the regulations on export licences which are explained in the brochure produced by the State Inspectorate for Cultural Heritage:

http://www.erfgoedinspectie.nl/_media/publications/Uitvoer_boekje_ENG.pdf.

If you are exporting cultural goods of a certain age or value and age (as defined by Council Regulation 3911/92) from the Netherlands to Russia, or any country outside the EU, you will need an export licence.

According to the guidance brochure, customs can demand proof from the holders of goods that do not need an export licence that these goods are genuinely as old and valuable as the exporter says. In other words, you cannot undervalue goods to avoid applying for an export licence. Invoices, valuation reports, insurance documents and the like can be produced as proof of the age and value.

If necessary, the CDIU can supply a written statement which confirms that the goods do not need a licence.

Are there different types of licence? What type of licence do I need?

Under EU legislation there are three different types of licence for the export of cultural goods from the Netherlands to Russia:

- Standard export licence
- Specific open licence
- General open licence

If you are exporting goods on a temporary or permanent basis, you will normally need a standard licence which is valid for 12 months.

Repeated temporary exports of a specific cultural object (e.g. a musical instrument by a professional musician) are covered by the specific open licence which is valid for three years.

The general open licence is used for temporary and frequent export of cultural goods which are part of a permanent collection of a museum or other organisation. Various conditions apply and the licence is valid for three years.

For objects falling under the Dutch national legislation (Cultural Heritage Preservation Act) special permission is also required.

What are my first steps? How do I plan this process and how long might it take?

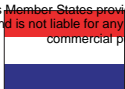
All the procedures for export licences of cultural goods are explained in English in the downloadable booklet:

http://www.erfgoedinspectie.nl/_media/publications/Uitvoer_boekje_ENG.pdf

This is published by the State Inspectorate for Cultural Heritage and can be found under publications on its website.

You must get the application forms from the CDIU in Groningen. Completed forms must be returned to the same office together with the documentation necessary for identification. For permanent export, three identical colour photographs of the object must be included. It is possible to apply for one export licence for several objects if they belong to the same category and are sent in one shipment to one destination. In the case of temporary export, they must also be returned in one shipment. You must apply for separate licences if there are different categories of goods (such as paintings and archaeological objects) in the same shipment.

The State Inspectorate for Cultural Heritage then reviews the application to determine whether a licence is required. It checks whether the goods fall under the protective national legislation of another EU member state. If there is no objection, a licence is issued by the CDIU. Customs and/or the State Inspectorate for Cultural Heritage have the right to inspect the goods before a licence is granted.



If the application is complete with all required documents (photos, invoices etc.) it takes about five working days to issue an export licence.

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

If an object falls under the Cultural Heritage Preservation Act, special permission is always required, even for temporary export.

You must address your request for permission to the Minister of Education, Culture and Science through the State Inspectorate for Cultural Heritage. Owners of protected cultural goods in the Netherlands are informed about this regulation by the Minister.

According to European Commission research, in 2002 some 200 objects and 30 collections in the Netherlands were protected by the Cultural Heritage Protection Act. All the objects were listed and their protected status was known by the owners. There is provision within the Act for an object to be placed under immediate protection but at that point the procedure had only been used twice and never in the context of a refusal of an export licence.

Export licences will not be issued for cultural goods that fall under the protective national legislation of another EU member state. It is only possible to obtain an export licence with the permission of the country of origin. This mutual assistance between EU Member States is based on a European Directive and is explained in Chapter 2.

Are there any exemptions for particular cultural goods?

No exemptions are reported although, if necessary, it is possible to get a written statement from the CDIU to confirm that goods do *not* require an export licence.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must apply for licences. Any cultural goods that fall under any of the categories, age and value thresholds described in the EU export licence legislation must be covered by an export licence, whatever the type of applicant or purpose.

Museums and galleries applying for a licence for temporary export follow the same procedure outlined above. Once it has been approved, the licence is valid for one year.

Some institutions in the Netherlands are granted a general open licence which enables temporary and frequent exports of cultural goods for exhibition in a country outside the European Union. These licences can be issued to museums and other organisations for objects which are part of a permanent collection. The objects must be listed in advance and the licence is valid for three years. The applicant must provide all necessary guarantees that the objects will be returned in good condition.

It should be noted that the cultural objects covered by a general open licence must be exported to one address and returned from there. This type of licence may therefore not be suitable for a touring exhibition with multiple venues in different countries.

I am a visual artist. Do I need a licence to export my own work?

No. Art work which belongs to “the originator” (i.e. the artist who created it) does not require an export licence under the EU export licence legislation, whatever its age or value. Therefore you do not need a licence to export your own work if you still own it yourself.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel outside the European Union with a musical instrument which is over a certain age and value must obtain an EU export licence. This applies whether the export is temporary, e.g. for a concert tour, or permanent.

A professional musician who travels frequently with their musical instrument to countries outside the EU for their work can apply for a specific open licence. This will enable them to take their instrument to countries outside the EU for professional purposes on repeated, short-term, temporary occasions. The applicant must give all necessary guarantees that the instrument will be returned to the Netherlands in perfect condition. This type of licence is valid for three years.

I am a tourist visiting the Netherlands. If I buy a work of art, how do I take it home with me?

The export regulations apply to anyone who wants to take cultural goods of a certain age and value from the Netherlands to Russia (or to another country). You must go through the application process as described in order for the goods to be cleared for export.

If you have bought the art work, antique, furniture or other cultural goods from a reputable art or antique dealer, ask their advice on how to apply for the export licence.

While the application is being processed, the goods must remain in the Netherlands until the licence has been granted. You may therefore have to arrange for transportation at a later date.

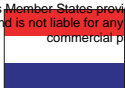
If you are in any doubt, check the age and value of the cultural goods. This determines whether an export licence is required. In general, the export controls apply to cultural goods which are over 50 years old and of a certain value.

Is there a fee for an export licence?

No – there is no fee for the licence.

Does the cultural object need to be valued? If so, who will do this?

The EU legislation for export of cultural goods has value and age thresholds which deter-



mine which cultural objects require licences. Therefore, if the age, value or other determinants need to be assessed, the cultural object may have to be inspected.

The CDIU states that it generally only receives applications for cultural objects valued above the thresholds and that the valuation provided with the application (such as an invoice) is acceptable. If there are any doubts on the value, for instance from the customs authorities at Schiphol Airport, they can request information from the State Inspectorate for Cultural Heritage.

Which customs authorities are empowered to deal with the export of cultural goods?

All customs authorities in the Netherlands deal with the export of cultural goods.

What other paperwork do I need to export a cultural object?

When you leave the Netherlands, you must show the export licence.

When you enter Russia, you must show all the relevant documentation and declare the object at customs, passing through the Red channel. See Chapter 4 for further information.

What are the penalties if I do something wrong?

Anyone who exports cultural goods from the Netherlands without the necessary licence can be convicted under the Economic Crimes Act with penalties ranging from fines, imprisonment and confiscation of goods.

Are there any special export restrictions on certain objects or other considerations I should know about?

The Netherlands has set up an agency called Herkomst Gezocht (Origins Unknown) to deal with the recuperation of art works which were sold, stolen or confiscated during World War II. The website: <http://www.herkomstgezocht.nl> has reports on the work of the agency and other useful information including a database of art objects which have come into the custody of the Dutch State, known as the NK Collection.

Further information on restitution claims and procedures can be found at: <http://www.netherlands-embassy.ru/downloads/restitution.pdf>

What are the requirements if I want to import cultural goods into the Netherlands from Russia?

No special formalities for the import of cultural goods are reported although you are advised to check your situation with the Dutch customs authorities.

Chapter 3: European Union Member States

Where can I get more information?



The Netherlands

State Inspectorate for Cultural Heritage (Erfgoedinspectie)

Rijnstraat 50
PO Box 16478 (IPC 3500)
NL-2500 BL The Hague
Tel: +31 70 412 4012
Fax: +31 70 412 4014
e-mail: info@erfgoedinspectie.nl
<http://www.erfgoedinspectie.nl>

Tax Department/Customs – Central Office for Import and Export (CDIU)

PO Box 30003
NL-9700 RD Groningen
Tel: +31 50 523 2600
Fax: +31 50 523 2183
e-mail: cdiu.sgs@tiscali-business.nl

Customs Authorities

<http://www.douane.nl/>

The text (in Dutch) of the Cultural Heritage Protection Act 1984 can be found at:

<http://www.overheid.nl/>
(search for *Wet tot behoud van cultuurbezit*)

Contact details for the authorities in the Netherlands empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in the Netherlands empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Information on legislation for the protection of cultural heritage in the Netherlands published by the European Commission in 2002:

http://ec.europa.eu/taxation_customs/resources/documents/cgoods_nl_en.pdf

Poland

Polish – Russian cultural relations are founded on the solid basis of the intergovernmental agreement on cooperation in the field of culture which was signed on 25th of August 1993. The additional protocol, which is signed every two years between the respective Ministries of Culture, helps to keep the legal base up to date and makes it more responsive to the needs arising in day-to-day cooperation.

The last protocol agreed upon by both sides was signed for the period of 2006–2008. It plans the organisation of ‘The Year of Russian Culture in Poland’ in 2007 and ‘The Year of Polish Culture in Russia’ in 2008. Poland and Russia already have good experience of organising such projects. A similar promotion in Poland and Russia in 2004 and 2005, encompassing the whole spectrum of culture and arts, was a big success. These events presented in a complex and interdisciplinary way the cultural achievements of both countries, e.g. theatre, ballet, films and exhibitions.

Polish culture has been well known and enjoyed wide popularity in Russia since the period of the USSR. Before 1989 Polish culture and science, being less subject to ideological limitations, served as a small window to the outside world through which some new cultural and scientific trends found their way into the USSR. Throughout recent years Polish – Russian cultural cooperation has been a good example of how to shape the image of the countries in a positive way and to bring the two societies even closer.

There are several institutions dealing with the promotion of Polish culture in Russia such as Cultural Section of the Polish Embassy, Polish Cultural Institutes in Moscow and St. Petersburg, General Consulates in Kaliningrad and Irkutsk. All together, annually they organise about 250 cultural events.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN POLAND AND RUSSIA?

NATIONAL

Act of 23 July 2003 on protection and caretaking of cultural goods (Dz. U. 162, pos. 1568)

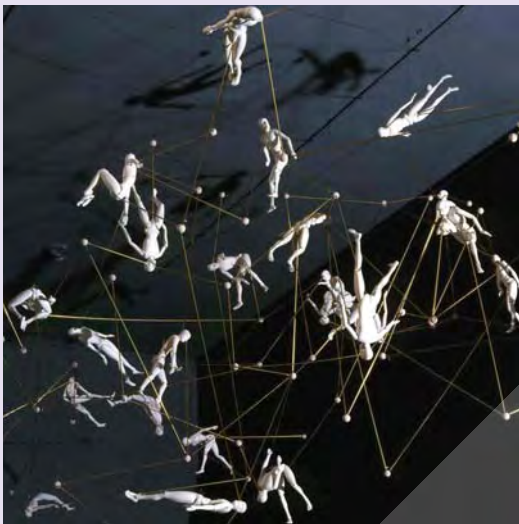
Ordinance of the Minister of Culture of 19 April 2004 on export abroad of cultural goods and objects representing features of cultural goods (Dz.U. No. 84, pos. 789 of 2004)

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

The Polish People’s Republic adopted and ratified the UNESCO Convention of 1970 in 1974.

Poland



Jarosław Kozakiewicz,
"Relations", 2004, installation.
Kozakiewicz's work was exhibited in
'Beyond the Red Horizon', a vast exhibition
of contemporary Polish and Russian art
which took place at Warsaw's Centre for
Contemporary Art at Ujazdowski Castle in
late 2004 and at the National Centre for
Contemporary Arts in Moscow in spring 2005.
The exhibition was the first confrontation of
this size of the newest artistic currents from
both countries. It aimed to be "a platform of
communication, a forum for dialogue between
works created in Poland and Russia".

© Centre for Contemporary Art Ujazdowski
Castle in Warsaw

Photo: Mariusz Michalski

*Bilateral agreement in the field of culture,
science and education (Dz. U. 94.36.133 of
21 March 1994)*

*Protocol signed in 2006 between the
Ministry of Culture and National Heritage and
Roskultura for 2006–2008 (paragraph 14: co-
operation of Polish and Russian institutions
dealing with protection and conservation of
cultural goods)*

Who is responsible for implementing these regulations?

The Minister of Culture and National Heritage (Minister Kultury i Dziedzictwa Narodowego) is responsible for issuing 'one-time permits' for exports of cultural goods. This is done after consultation with a committee of experts in the areas of protection and safeguard of cultural goods.

The institution authorised to deal with the permanent export of cultural goods abroad is the State Centre for Protection of Public Collections. However, applications first pass through provincial 'Voivodship' offices for the protection of cultural goods, where a preliminary examination of the object is made. There are some 50 Voivodship offices and they are under the authority of the Ministry of Culture and National Heritage.

The Voivodship offices for the protection of cultural goods also issue permits for the temporary export of cultural goods and certificates confirming that objects mentioned in art. 59 of the Act of 23 July of 2003 do not require a permit for export abroad. Other institutions which issue these permits and certificates are authorised National Museums (National Museum in Warsaw for the Mazovia Voivodship, National Museum in Wrocław for the Lower Silesian Voivodship). The National Library and the Supreme Directorate of State Archives is-

sue permits for the export of library and archival materials, respectively (for the latter, the Supreme Directorate is empowered to issue temporary export permits).

The link for the contact details of these institutions is given at the end of this chapter (see box with link to the list of authorities empowered to issue export licences for cultural goods, published in the Official Journal of the EU).

Customs takes care of all import and export formalities of cultural goods.

Do I need an export licence?

Export permits are required for all cultural goods, except:

- Cultural goods which have not been entered onto the National Register of Cultural Goods and are not older than 55 years
- Cultural goods which are technical objects, not entered onto the Register, not older than 25 years
- Cultural goods brought from abroad, which are subject to the temporary import procedure in the meaning of the Customs Code
- Cultural goods brought from abroad by persons who have privileges or diplomatic immunity, including objects brought for the purpose of furnishing the interiors of diplomatic premises and consular offices
- Works of living artists
- Library materials created after 31 December 1948
- Other objects having features of cultural goods, which are not cultural goods

Are there different types of licence? What type of licence do I need?

Under Polish legislation there are various types of permit for the export of cultural goods:

- One-time permit for the permanent export of a cultural good abroad
- One-time permit for the temporary export of a cultural good abroad (valid for a maximum of one year from the date of issue)
- Multiple individual permit for the temporary export of a cultural good abroad (valid for a maximum of three years from the date of issue)
- Multiple general permit for the temporary export of cultural goods abroad (valid for a maximum of five years from the date of issue)

What are my first steps? How do I plan this process and how long might it take?

The owner or other authorised person must apply for the permit for the export of cultural goods.

If cultural goods are exported outside the customs area of the EU, you must use the EU export licence application forms. Therefore, in all cases of export of cultural goods to Russia from Poland the EU application form must be used.

If a cultural good is to be exported permanently, you must present your application at the

office of the Voivodship conservator. It will then be sent to the State Centre for Protection of Public Collections. Your application must include the following:

- Report on examination of the object in the Voivodship Conservator of Relics office
- Information on ownership
- Authorisation for the person following-up the export formalities (if appropriate)
- Assessment by an expert
- 2 or 3 (for export outside the EU) photographs size 9 x 13 cm
- Confirmation of payment of 25 % of the object's value to the account of the Treasury Department, Warsaw, Central District

It should take not longer than one month to obtain a decision on an export permit. Applications which require the opinion of experts from outside of the Export Committee of the Minister of Culture and National Heritage will take longer but should not exceed two months.

How do I find if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

There is a National Register of Cultural Goods (kept by the National Centre for Research and Documentation of Cultural Goods). This collects the registers of cultural goods kept by the Voivodship Conservators of cultural goods. Under Polish law there is no category of cultural goods of special importance.

The State Centre for Protection of Public Collections in Warsaw keeps a National Register of stolen cultural goods or cultural goods illicitly exported abroad. This has been created to assist institutions dealing with detection of thefts and illicit export of relics, but it is also available, in a limited scope, free-of-charge to individual researchers.

Are there any exemptions for particular goods?

There are various exemptions which are listed above.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. The procedure is the same as for permanent export permits.

I am a visual artist. Do I need a licence to export my own work?

No. Works of art by living artists do not require an export licence under Polish national legislation.

I am a tourist visiting Poland. If I buy a work of art, how do I take it home with me?

If you intend to export your work of art permanently to Russia, you may need an export permit. This is always the case if the object meets the criteria for cultural goods under national Polish Law or the EU legislation on the export of cultural goods. You must submit your application to the Voivodship conservator as described above.

On leaving Poland, you must present the export permit to the customs authorities.

Is there a fee for an export licence?

The following charges apply:

- For a permit for the temporary export of cultural goods abroad (all kinds) – PLN 44
- For a permit for the permanent export of cultural goods abroad – 25 % of the value of the cultural goods as determined by experts
- For a document stating that a power of attorney (authorisation) has been granted and its transcript, excerpts or copy – PLN 17
- For a certificate that the object does not need a permit for export abroad – PLN 17

Does the cultural object need to be valued? If so, who will do this?

Yes. In case of export the object must be subject to an expert opinion. The criterion for evaluation of the national importance of the object is whether national heritage would be damaged by its export.

In principle, the expert opinion is issued by the office of the Voivodship conservator of cultural goods or by an institution authorised by the conservator. For applications for permits for the permanent export of cultural goods, the opinion is issued by a committee composed of experts specialising in particular fields of protection and safeguard of cultural goods, established by the Minister of Culture and National Heritage.

Others also authorised to issue opinions in matters concerning cultural goods are the experts of the Minister of Culture and National Heritage, as well as appointed freelance experts.

Can I appeal against the valuation or refusal of an export licence? If so, how do I do this?

Yes, appeals can be filed with the Minister of Culture and National Heritage.

Which customs authorities are empowered to deal with the export of cultural goods?

Currently, all customs offices are empowered to handle the formalities connected with the export of cultural goods.

What other paperwork do I need to export a cultural object?

Only the permit for export of the cultural good abroad is required. No duties or taxes apply to the export itself.

What are the penalties if I do something wrong?

Export of cultural goods without a permit or lack of re-import once the term of validity for a temporary export has expired can be subject to imprisonment from three months to five years. You may also have to forfeit the object.

What are the standards of service I can expect to receive?

It takes a maximum of one month to obtain the export permit. In special cases, when the permit issuing requires additional paperwork, it may take up to two months.

You can get in touch with the authorities by post, phone and e-mail.

What are the requirements if I want to import cultural goods into Poland from Russia?

Import of cultural property is treated in the same way as other goods. The same procedures and conditions specified in the Customs Tariff are in force.

As far as illicit import is concerned, if information on this is received from the country of export, action may be taken. The basis for such action is provided by the UNESCO Convention of 1970. Also a bilateral agreement can be a basis for such actions.

Where can I get more information?



Poland

Ministry of Culture and National Heritage (Ministerstwo Kultury i Dziedzictwa Narodowego)

ul. Krakowskie Przedmieście 15/17

00-071 Warszawa

<http://www.mkidn.gov.pl>

State Office for Protection of Public Collections (Ośrodek Ochrony Zbiorów Publicznych)

ul. Okrężna 9

02-916 Warszawa

<http://www.oozp.org.pl>

This site contains information for the public on the procedures for the export of cultural goods from Poland.

National Register of Cultural Goods (kept by the National Centre for Research and Documentation of Cultural Goods – Krajowy Ośrodek Badań i Dokumentacji Zabytków)

ul. Szwoleżerów 9

00-464 Warszawa

Tel: 022 629 37 91

<http://www.kobidz.pl>

Customs Service Department of the Ministry of Finance

ul. Świętokrzyska 12

00-916 Warszawa

Tel.: 022 694 55 55

<http://www.mofnet.gov.pl>

Contact details for the authorities in Poland empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in Poland empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Portugal

Fully aware of the importance of cooperation with Russia, Portuguese cultural authorities are committed to the encouragement and development of projects that contribute to the dissemination of cultural heritage between both countries, as well as the understanding of heritage as a pillar of common identity.

As an expression of this commitment, a significant part of the collection of The State Hermitage Museum (St. Petersburg) was presented in Lisbon in the temporary exhibition 'From Peter the Great to Nicholas II: Art and Culture of the Russian Empire in the Hermitage Collection'. Portuguese treasures were also presented in the Tretyakov Gallery in Moscow in May 2007, representing Portuguese National Museums in the exhibition 'Europe – Russia – Europe'. A fruitful cooperation with Russian museums was demonstrated by the exhibition 'Amadeo de Souza-Cardoso: Avant-garde dialogues', presented in the Calouste Gulbenkian Foundation in Lisbon in 2006.

In recent years, Portugal has been developing different projects in cooperation with Russian institutions. Two major exhibitions were inaugurated in Russia: 'Mirror, Mirror – Portugal as seen by Magnum photographers', in the Central Hall of Exhibitions Manège, Moscow in 2005 and 'De dentro – V glubinu', a show of six prestigious contemporary Portuguese artists, presented in the National Centre for Contemporary Arts – NCCA, Moscow and Nizhny Novgorod in 2006.

In the framework of the 2005 NET – International Theatre Festival in Moscow, the production *Flatland*, with Patricia Portela Group, was presented. More initiatives are scheduled for 2007, including: an exhibition on the lifework of the architect Álvaro Siza Vieira in the Schusev State Museum of Architecture in Moscow; the presentation of the dance production *Pedro and Inês* by the Portuguese National Ballet Company in the Stanislavsky Music Theatre, as part of the Dancelnversion Festival; and a concert of the Shostakovich-Ensemble (DSCH) in the Tchaikovsky Conservatory, with works by Portuguese and Russian composers.

By promoting the mobility of works of art between the two countries, Portugal and Russia face the challenging task in the creation of conditions for exhibiting and safeguarding the diversity of our cultural heritage. Sharing knowledge, values, good practice and procedures plays a key role in this joint work.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN PORTUGAL AND RUSSIA?

NATIONAL

National Law nr. 107/2001: establishes the basis of the cultural heritage policy and the regime for the protection and valorisation of Portuguese cultural heritage.



Portugal



Amadeo de Souza Cardoso (1887–1918), "Sem título" (Untitled), c.1913, oil on board. The exhibition of Souza Cardoso's work 'Avant-garde dialogues', presented at the Calouste Gulbenkian Foundation in Lisbon in 2006, involved a fruitful collaboration with Russian museums.

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

UNESCO Convention of 1970 (Portugal ratified in 1985) and UNIDROIT Convention of 1995 (Portugal ratified in 2002)

Portugal and Russia signed the Cultural, Educational and Scientific Co-operation Agreement in Moscow in 1994. In Article 8 both countries agree to adopt measures that impede the illicit import and export of cultural property belonging to the other party as well as ensuring its safety when it is temporarily staying in their territory. This agreement was approved under Portuguese law in 1995.

Portugal also follows the following guidelines in relation to exchanges and loans of cultural goods between museums and institutions:

- General Principles on the Administration of Loans and Exchange of Cultural Goods Between Institutions (Bizot Group Administration of Loans statement, 1995/2005) http://www.museumcollectionsonthemove.org/references/Bizot_Admin_of_loans.pdf
- International Council of Museums (ICOM) Code of Ethics for Museums <http://icom.museum/ethics.html>

Who is responsible for implementing these regulations?

The Portuguese Institute of Museums (IPM), which acts under the Ministry of Culture, is responsible for the control and registration of the export of cultural goods. Within the same field, the IPM is also responsible for the development and promotion of standards for procedures related to the mobility of collections.

In addition to its responsibilities for export control, Portuguese Customs (DGAIEC) is



the agency responsible at first hand for the control and registration of the import of cultural goods. The IPM collaborates with DGAIEC on the import of cultural goods, as covered under Law 107/2001.

Do I need an export licence?

You need an export licence if you are exporting cultural goods defined under the Portuguese national legislation (Law 107/2001) and/or falling under the scope of Council Regulation 3911/92.

Chapter 4 in the Portuguese national legislation outlines the export regulations and refers to the process of classification of cultural goods of national significance.

Are there different types of licence? What type of licence do I need?

There are two different types of licence:

- The Portuguese export licence (under national legislation)
- The EU export licence (under EU legislation for export to countries outside the EU)

If you are exporting cultural goods from Portugal to Russia, check whether you need both licences. The national export licence ensures that the goods are cleared for export from Portugal and is required when they are part of the national cultural heritage or of other special significance. The EU export licence is required for cultural goods of a certain age or value when they are to be moved from a Member State to a country outside the EU. This is explained in more detail in Chapter 2.

You can apply for either a definitive or a temporary licence.

What are my first steps? How do I plan this process and how long might it take?

The export licence application can be made by either the owner of the goods or by their representative. You must apply to the IPM which assesses the application before submitting it to the Ministry of Culture for the final decision.

There are different procedures for the EU export licence and the national Portuguese export licence. A guidance booklet is available in Portuguese on the IPM website together with the application form: <http://www.ipmuseus.pt/pt/servicos/A264/SL.aspx>

For cultural goods covered by EU legislation (i.e. goods of a certain category, age and value being exported outside the EU), use the EU application form. The form must be filled out in triplicate, be legible and without corrections. You should send this to IPM with a photograph of each object. A copy of the invoice for the purchase of the goods or a declaration of ownership must also be provided.

For cultural goods (whether for temporary or definitive export) that do not fall under the EU legislation but do come under Portuguese legislation, an application must be submitted to the IPM. This is done in the form of a letter with the object ID and the following infor-



Portugal

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mation: a photograph of each object and the invoice for the purchase of the goods or a declaration of ownership.

An application for an export licence must be made at least 30 days in advance of the export. This decision period is set under Portuguese law.

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

The IPM is responsible for the public registry of cultural goods that are considered of special importance. These are protected by Portuguese law under a process which has existed since 1930. The procedure involves classification and listing, according to various categories (national treasure, national importance, national interest).

Further information on listed movable heritage can be found on the IPM website at: <http://www.ipmuseus.pt/en/iniciativas/l24446/TA.aspx>.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must apply for licences. Any cultural goods that fall under any of the categories described in the Portuguese national legislation and/or EU export licence regulations must be covered by an export licence, whatever the type of applicant or purpose.

If the cultural goods belong to a public collection (museums, libraries, archives) and are to be presented in a temporary exhibition the following documents from the borrowing institution must be also attached with the application:

- The borrower's request and facility report
- A synopsis of the exhibition
- The loan agreement or loan form
- The lender's assessment on the objectives and benefits of the export and of the travelling conditions

There is no statutory limit on the period of time an art object can remain outside Portugal. However, it is common understanding and practice that long-term loans between museums should not exceed three years.

I am a visual artist. Do I need a licence to export my own work?

No. Art work which belongs to "the originator" (i.e. the artist who created it) does not require an export licence under the EU export licence legislation, whatever its age or value.

Under Portuguese national law, the works of living or contemporary artists, which are less than seventy years old and which are the property of the respective artists or come under



the current Código do Direito de Autor e dos Direitos Conexos (Copyright Law), do not need to present an Export Licence.

However, an artist must give notification to register the departure of the cultural goods in question. The notification must be sent to the IPM Board and include the following:

- Identification of the work (denomination/title; authorship; dimensions; material and colour photo)
- Identification of the owner of the work
- Final destination of the work

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel with a musical instrument which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.

I am a tourist visiting Portugal. If I buy a work of art, how do I take it home with me?

The export regulations apply to anyone who wants to take cultural goods of a certain age and value from Portugal to Russia (or to another country). You must go through the application process with the IPM in order for the goods to be cleared for export.

If you have bought the artwork, antique, furniture or other cultural goods from a reputable art or antique dealer, ask their advice on how to apply for the export licence.

Since the application process takes 30 days, you should note that the goods must remain in Portugal until the licence has been granted and you may have to arrange transportation at a later date.

If you are in any doubt, check the age and value of the cultural goods. This determines whether the EU export licence is required. In general, the export controls apply to cultural goods which are over 50 years old and of a certain value.

Is there a fee for an export licence?

No – there is no fee or duty for the licence.

Does the cultural object need to be valued? If so, who will do this?

All applications for an export licence may be subject to expertise by the IPM. The national legislation defines the criteria for deciding whether an object must be given any legal protection. The highest level of protection is ‘national treasure’.

Can I appeal against the valuation? If so, how do I do this?

The owner can appeal against the decision according to Portuguese law on administrative procedures.



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If an export licence is refused, can I appeal? How do I do that?

You can appeal against a decision to refuse an export licence in the Portuguese Courts of Law.

Which customs authorities are empowered to deal with the export of cultural goods?

The offices of the Portuguese customs (DGAIEC – Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o Consumo) empowered to deal with the export of cultural goods are: Lisbon Maritime, Lisbon Airport, Alverca, Leixões, Porto Airport, Funchal and Ponta Delgada.

What other paperwork do I need to export a cultural object?

When you are granted an EU export licence, you keep one copy, the second copy is kept by the responsible department and the third accompanies the exported heritage, being presented to the customs officials.

When you enter Russia, you must show all the relevant documentation and declare the object at customs, passing through the Red channel. See Chapter 4 for further information.

What are the penalties if I do something wrong?

Under Portuguese Law 107/2001, crimes related to the import and/or export of cultural goods may be punished with sanctions such as fines, penalties and imprisonment.

What are the standards of service I can expect to receive?

The Portuguese Customs authority has a standard of procedures which is available at: <http://www.dgaiec.min-financas.pt/>.

Are there any special export restrictions on certain objects or other considerations I should know about?

The framework for protection of movable cultural goods in Portugal includes works by, or attributable to, a Portuguese author, works created or produced on Portuguese territory and works which have been in Portugal for 50 years. There are some other categories of movable cultural goods subject to protection under national heritage legislation.

What are the requirements if I want to import cultural goods into Portugal from Russia?

The import of cultural goods is controlled under Law 107/2001. An application for an import licence must be made at least 30 days in advance.

If it is suspected that the cultural goods have been illicitly exported from another country, national legislation sets out procedures for conserving them and returning them to their country of origin. This is ordered according to the UNESCO and UNIDROIT Conventions, both ratified by Portugal.



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The import of cultural goods which have been acquired for public collections may benefit from fiscal incentives under Portuguese customs regulations.

Under certain circumstances, where imported cultural goods have been in Portugal for ten years, they may be subjected to the highest forms of legal protection under Portuguese law.

UNESCO Cultural Heritage Laws Database
(Copyright and Disclaimer apply)

Where can I get more information?



Portugal

Portuguese Institute of Museums (IPM – Instituto Português de Museus)

Palácio Nacional da Ajuda

Ala Sul, 4º andar

1349-021 Lisbon

Tel: +351 21 365 08 00

Fax: +351 21 364 78 21

e-mail: contactos@ipmuseus.pt

<http://www.ipmuseus.pt>

Portuguese Customs (DGAIEC – Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o Consumo)

Rua da Alfândega, n.º 5, r/c

1149-006 Lisbon

Tel: +351 21 881 37 00

e-mail: dgaiec@dgaiec.min-financas.pt

<http://www.dgaiec.min-financas.pt>

Office of International Cultural Relations

<http://www.grci.pt>

Downloadable legislative texts are available at the IPM website:

<http://www.ipmuseus.pt/en/ipm/F47/GL.aspx>

English language FAQs on the IPM website includes useful sections on classifying and exporting portable cultural heritage:

<http://www.ipmuseus.pt/en/servicos/A22/SL.aspx>

Under 'Normas et Regulamentos' on the Portuguese language side of the IPM website, you can download the guidance booklet on export of cultural goods and EU application form:

'Guia de Procedimentos relativos à Expedição e Exportação de Bens Culturais Móveis'

<http://www.ipmuseus.pt/pt/servicos/A264/SL.aspx>

Contact details for the authorities in Portugal empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in Portugal empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

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Where can I get more information?



Portugal

Information on legislation for the protection of cultural heritage in Portugal published by the European Commission in 2002:

http://ec.europa.eu/taxation_customs/resources/documents/cgoods_pt_en.pdf

UNESCO Cultural Heritage Laws Database
(Copyright and Disclaimer apply)

Romania

Russian – Romanian cultural, educational and scientific cooperation is carried out according to the Bilateral Agreement between the Romanian and Russian Governments concerning the cultural, educational and scientific fields. This was signed in 1993 and is still in force.

Many sessions of the Romanian – Russian Joint History Commission have taken place in both countries. In the cultural field, many wonderful events have taken place in Moscow. The most recent of these was the Chroma exhibition in 2007 by Romanian contemporary glass artist, Ioan Nemtoi.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN ROMANIA AND RUSSIA?

NATIONAL

Law no. 182/2000 on the Protection of Movable National Cultural Heritage
<http://www.cultura.ro/Laws.aspx?ID=15>

Hotarare nr. 518/2004 (modifies Law no. 182/2000): Procedures for Definitive or Temporary Export of Movable Cultural Goods <http://www.cultura.ro/Laws.aspx?ID=62>

Decision HG1221/2000: Romanian Indemnity Scheme – Governmental Guarantees
<http://www.cultura.ro/Documents.aspx?ID=184>

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

UNESCO Convention of 1970 (Romania ratified in 1993) and UNIDROIT Convention of 1995 (Romania ratified in 1997)

Who is responsible for implementing these regulations?

The Ministry of Culture and Religious Affairs (MCC – Ministerul Culturii si Cultelor) is the competent institution for issuing certificates and licences for the export of cultural goods: <http://www.cultura.ro>.

The 42 County Directorates for Culture, Religious Affairs and National Cultural Heritage are responsible for issuing export licences for non-classified cultural goods.

The Institute for Cultural Memory (CI MeC) manages the database of movable heritage of exceptional importance: <http://www.cimec.ro/>.



Sibiu, European Capital of Culture 2007.

The fortified town of Sibiu/Hermannstadt in Transylvania was chosen as Romania's first European Capital of Culture in partnership with Luxembourg and Luxembourg Grand Region for 2007. The city hosted an extensive cultural programme throughout the year. The Moscow theatre company, Creative Group of Irina Keruchenka, performed in Sibiu as part of the International Theatre Festival in May 2007.

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Do I need an export licence?

The Romanian heritage protection laws set out the requirements. There are specific procedures for classified cultural goods which are listed in the national inventory (described as 'tezaur' or treasure).

Council Regulation 3911/92 sets out the categories of cultural goods, with age and value limits, where you must obtain an export licence for export to countries outside the European Union, such as Russia. If you want to export cultural goods over 50 years old, you should check this to see if your goods come under this legislation (further information in Chapter 2).

Are there different types of licence? What type of licence do I need?

You can apply for an EU export licence for temporary or definitive (i.e. permanent) export.

Under Romanian national legislation, there is an Export Certificate which may also be for temporary or definitive export.

What are my first steps? How do I plan this process and how long might it take?

There are different procedures for cultural goods which are in public ownership and for those in private ownership. Variations also apply if the goods are classified or



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non-classified (i.e. if they are on the national inventory). The procedures are set out in Hotarare nr. 518/2004.

For classified goods, the temporary export licence is issued by the Ministry and signed by the Minister of Culture. For unclassified goods, the export licences are issued by the County Directorates.

Certain timeframes are stated in the legislation and it should take a maximum of 30 days to issue an export certificate.

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

Romanian cultural heritage legislation sets out the procedure for the classification of cultural goods through a National Database of Movable Cultural Heritage. There are two categories of protected cultural objects: Treasure (universal – exceptional value) and Fund (national – outstanding value), neither of which can be exported permanently. At present cultural objects are all classified as Treasure in one inventory but it is planned to differentiate between the two types in future work on the classification system.

The present day inventory contains some 7,500 objects, is updated weekly, and can be consulted online at: <http://www.cimec.ro/scripts/PCN/Clasate/Clasate.asp>.

According to information from the European Heritage Network database (<http://www.european-heritage.net>) the inventory work on cultural heritage in Romania is carried out by specialists employed by museums, various institutes of art, archaeology, ethnography and folklore, and socio-human research.

CIMEC is the main public institution of the Ministry of Culture for the documentation of cultural heritage and keeping the databases of cultural heritage. It receives the dossiers of classified goods from the Ministry of Culture and Religious Affairs (Museums, Collections and Government Guarantees Department). Each object has a dossier with application, expertise, classification proposal, photos etc. together with a copy of the Order of the Minister of Culture regarding the classification of the object. CIMEC maintains the records, updates the database and publishes the inventory of classified goods.

An EU-funded PHARE project for an information system has been initiated which will allow all those concerned – CIMEC, the customs offices, Ministry of Finance, County Directorates for Culture and Heritage and the Heritage Police – to have direct online access to the databases. This will allow them to check the export licence, list of classified cultural goods, database of stolen art objects etc. This system is expected to be operational by 2009.

Are there any exemptions for particular cultural goods?

According to Hotarare 518/2004 cultural goods which are exempt from needing an export



certificate are works by living artists (visual arts, photography, decorative arts, ethnographic and popular art).

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must apply for licences. Any cultural goods that fall under any the Romanian national legislation and/or EU export licence legislation must be covered by an export licence, whatever the type of applicant or purpose.

According to the legislation, cultural goods which are in public ownership can only be exported on a temporary basis for the purposes of exhibition, restoration, laboratory investigation or expertise. Contracts must be provided with the application giving details of transport, conservation and security measures and other documentation according to the legislation.

Romania has adopted measures for the insurance of temporarily exported movable cultural goods/cultural property through a Government Guarantee Certificate. This can be issued to museums and galleries in Romania to offer state indemnity protection for cultural goods identifiable as 'national treasures' which are brought into Romania for temporary exhibitions. Similar national treasures from Romania which are sent abroad for exhibitions can travel without insurance if a Government Guarantee Certificate is provided by the receiving country. Information is available in English at:
<http://www.cultura.ro/Documents.aspx?ID=184>.

I am a visual artist. Do I need a licence to export my own work?

No. Art work which belongs to "the originator" (i.e. the artist who created it) does not require an export licence under the EU export licence legislation, whatever its age or value. Therefore you do not need a licence to export your own work if you still own it yourself.

Romanian legislation also has exemptions for work made by living artists, as described above.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel outside the European Union with a musical instrument which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.

I am a tourist visiting Romania. If I buy a work of art, how do I take it home with me?

You must consult the export regulations for Romania and Council Regulation 3911/92 to determine whether your art work falls under any of the categories which require an export



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licence. The cultural goods must remain in Romania until the certificate and/or licence have been issued.

Is there a fee for an export licence?

Yes, a fee is charged for the expertise when it is done by the County Directorates. Fees are around 2€ for a small object and up to 15€ for a large object. You can consult the list of fees at the website of the Bucharest Directorate:

<http://www.bucuresti.djc.ro/DocumenteHtml.aspx?keyword=informatii>

Does the cultural object need to be valued? If so, who will do this?

The application process involves advice and expert opinion from the National Commission of Museums and Collections. Accredited experts with the Commission carry out the expertise and their details can be found at:

<http://www.cimec.ro/scripts/RegistruExpertii/PatrimoniulMobil/sef.asp>

What are the penalties if I do something wrong?

There is a protocol for collaboration between the Ministry of Culture and Religious Affairs (MCC) and the Ministry of Administration and Interior (MAI) on the protection of movable cultural goods: <http://www.cultura.ro/Documents.aspx?ID=180>

What are the standards of service I can expect to receive?

There is a law concerning transparency in decision-making in public administrations in Romania (Law nr. 52/2003): <http://www.cultura.ro/Documents.aspx?ID=54>

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Where can I get more information?



Romania

Ministry of Culture and Religious Affairs (Direcția generală Patrimoniul cultural național)

Soseaua Kiseleff, nr. 30, Sector 1

011374 București

Tel: +40 21 224 44 21

Fax: +40 21 223 31 57

<http://www.cultura.ro>

Direcții județene pentru Cultură, Culte și Patrimoniul Cultural Național

(County Directorates for Culture, Religious Affairs and National Cultural Heritage)

<http://www.cultura-net.ro/InstitutiGrupe.aspx>

cIMeC – Institute of Cultural Memory

Piața Presei Libere nr. 1, sector 1,

013701 București

CP. 33-90

Tel: +40 21 317.90.72, 317.90.63,

Fax: +40 21 317.90.64

e-mail: cimec@cimec.ro

<http://www.cimec.ro>

Romanian Customs Authorities

<http://www.customs.ro>

Links for relevant legislation can be found on the cIMeC website:

http://www.cimec.ro/Resurse/Legislatie_culturala.htm

Information on the protection of cultural heritage, legislation and other details can be found on the Romanian Customs Authorities website:

<http://www.customs.ro/vami/pdf/4699.pdf>

<http://www.customs.ro/vami/Main?categPage=1&categId=4861>

The application form for an export licence, tariff list for fees and other information can be found on the website for the Bucharest Directorate of Culture, Religious Affairs and National Cultural Heritage:

<http://www.bucuresti.djc.ro/DocumenteHtml.aspx?keyword=informatii>

Slovakia

The cultural relationship between Slovakia and Russia in the present time is conditioned by long-time traditions of the relative closeness of both Slavic cultures and of their mutual interest in each other's spiritual values. Current Slovak – Russian cultural cooperation aims to stimulate communication and an equal partner dialogue of cultures and to provide measured support to the exchange of high quality cultural projects.

The Slovak Institute in Moscow implements cultural activities in the fields covered by bilateral agreements currently in force. These include exhibitions, music concerts, theatre presentations, literary events and film shows. A number of activities are undertaken in the regions outside Moscow. The Russian organisations with which the Institute collaborates include the Institute of Slavic Studies of the Russian Academy of Sciences, the Gogol Theatre of Moscow, the Museum House of Marina Tsvetaeva, the Tretyakov Gallery and the Chamber Orchestra Kremlin.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN SLOVAKIA AND RUSSIA?

NATIONAL

Act No. 115/1998 Coll. on museums and galleries and on the protection of objects of museum and gallery value as amended. The Act is the binding norm for museums and galleries as collection-creating institutions, but it also applies to private persons.

http://www.culture.gov.sk/uploads/Oj/fB/OjfBEogOxkja4EheF_1oEw/act_museumgal.pdf

Act No. 387/2001 Coll. that changes and amends Act No. 115/1998 Coll. on museums and galleries and on the protection of objects of museum and gallery value and the amendment to Act No. 563/1991 Coll. on accounting as amended. The Act also regulates the manner of the export of cultural objects – objects of museum and gallery value – apart from ownership or the administration of collection-creating institutions, relating to collections in museums and galleries and citizens.

http://www.culture.gov.sk/uploads/Pf/DI/PfDIHT1ZIRMZ06iFUWvw6w/act_museum.pdf

Act No. 183/2000 Coll. on libraries, on the amendment to Slovak National Council Act No. 27/1987 Coll. on the state preservation of monuments and on changes and amendments to Act No. 68/1997 Coll. on Matica Slovenska.

Act No. 49/2002 Coll. on the protection of the monuments fund

<http://www.culture.gov.sk/kulturne-dedicstvo/ochrana-pamiatok/legislatva/zkony/49/2002>

Act No. 395/2002 Coll. on archives and registries and on the amendment to some acts



Slovakia



Martin Kellenberger,
"Space Statistics".

Kellenberger is a contemporary Slovak painter, award-winning children's book illustrator and graphic artist. This painting was shown as part of his exhibition at the Slovak Institution in Moscow in autumn 2006 and subsequently at the Tula Museum of Fine Arts.

Act No. 416/2002 Coll. on the return of illegally exported cultural objects in the wording of Act No. 149/2005 Coll. (through which the Slovak Republic adopted Regulation No. 93/7/EEC as of 1993 on the return of cultural objects illegally exported from the territory of a member state)

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

Slovakia is party to both the UNESCO Convention of 1970 (by notification of succession in 1993) and UNIDROIT Convention of 1995 (ratified in 2003)

Who is responsible for implementing these regulations?

The Ministry of Culture through its Division of Cultural Heritage: <http://www.culture.gov.sk>

The Ministry of Interior, Division of Public Administration, Section of Archives and Registries: <http://www.civil.gov.sk>. The Ministry of Interior issues permits for the export of archive documents and foreign archive documents and conducts proceedings for the return of archive documents illegally exported or imported.

The Customs Directorate:
<http://www.colnasprava.sk>

Do I need an export licence?

For the export from Slovakia to outside the EU of a cultural good as defined by Council Regulation 3911/92, you need to apply for an export licence to the Ministry of Culture. However, if it is archives and archival documents, you should apply to the Ministry of Interior, the authority that issues licences for those goods.



Slovakia

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Are there different types of licence? What type of licence do I need?

If you are exporting a cultural good from Slovakia out of the EU, you need the EU export licence, issued by the designated Ministry. Export can be either permanent or temporary.

What are my first steps? How do I plan this process and how long might it take?

In Slovakia a standard form (European Community Cultural Goods Application) is used for applications for the export of objects of a cultural nature outside the Member States of the EU in accordance with EU legislation. This form is published on the website of the Ministry of Culture: <http://www.culture.gov.sk/files/files/pamiatky/kt.pdf>

Together with the application you must present the following:

- All relevant information on the object or objects, their legal status, etc.
- Photographs

The Ministry may request the physical presentation of the object.

The licence can be denied if the export of the specific object is banned or restricted under Slovak national heritage legislation.

It takes varying lengths of time to issue a licence depending upon the kind of object and the type of export. According to Act No. 115/1998 Coll:

- For permanent export through exchange, the Ministry of Culture shall decide within 30 days from the date the application is received.
- For the permanent export of an object which is not kept in any museum or gallery, the Ministry of Culture shall decide within 60 days from the date the application is received.
- For the temporary export of a cultural monument, the deadlines are set out in Act No. 71/1967 Coll. on administrative proceedings (Administrative Code): within 30 days from the date the application is received or, in more serious cases, within 60 days from the date of receipt of application.

How do I find if the art object I want to export is of national significance? Is there a Public Registry of cultural goods of special interest or importance?

There is no such source of information. The Ministry of Interior keeps a database of stolen works of art.

Are there any exemptions for particular goods?

No.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

In case of the temporary export of *collection objects*, the application is submitted to the



founder or establisher of the museum or gallery who decides on the application. The permit is issued by the founder or establisher who sends a copy of the permit to the Ministry of Culture. The decision on issuing the permit is made within 15 days from the date of delivery of the application.

The maximum term for temporary export is three years.

According to Act No. 49/2002 Coll. on the protection of the monuments fund, a permit application for the temporary export of a *cultural monument* is submitted to the Ministry of Culture sufficiently in advance since it requires cooperation with the Office for the Preservation of Historical Monuments.

The applicant submits the application directly or through the Office for the Preservation of the Historical Monuments.

No cultural monument or its part may be permanently exported from the territory of Slovakia. It may be temporarily exported from the territory of Slovakia but for no longer than three years, and only based on a permit of the Ministry following the opinion of the Office for the Preservation of Historical Monuments.

The Ministry of Culture may base the issuing of a permit for the temporary export of a cultural monument on condition of an insurance contract or of a guarantee related to the value of the cultural monument as designated by expert opinion, or on the fulfilment of other conditions. Any costs connected with the permit for temporary export are payable by the applicant or the party in whose interest the permit is issued.

I am a visual artist. Do I need a licence to export my own work?

An export licence or permit is only required for works of art that are more than 50 years old and do not belong to their authors.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel with a musical instrument which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.

I am a tourist visiting Slovakia. If I buy a work of art, how do I take it home with me?

If you have bought a cultural good as defined by Council Regulation 3911/92 on the export of cultural goods (the list of categories of cultural goods covered by it is included in Chapter 2 of this Guide), then you must apply for an export licence to Slovak authorities. First of all, check the age and value categories to determine whether your good falls under the scope of the Regulation.



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It is likely that you will have to apply to the Ministry of Culture, unless you intend to export archives or archival documents over 50 years old, in which case you apply to the Ministry of Interior.

The procedure for issuing a licence can last a number of weeks, so you may have to leave the object in Slovakia and then arrange for its transport to Russia. In any case, the object has to be presented to Slovak customs together with the export declaration.

Is there a fee for an export licence?

No, you do not have to pay a fee for the issuing of a licence.

Does the cultural object need to be valued? If so, who will do this?

The Ministry of Culture decides on the permanent export of an object of museum or gallery value based on the recommendation of the advisory body of the Ministry of Culture – the Commission for the Protection of Parts of the Cultural Heritage – which also verifies whether the object is recorded as a cultural monument in the Central List of Historical Monuments Fund. The applicant is obliged to submit an expert opinion on request and bears the costs of this opinion.

Can I appeal against the valuation? If so, how do I do this?

Assessment of the objects is conducted by experts in the relevant field. Under the national legislation it is possible to file a complaint. Complaints against the experts while performing their expert activities are handled by the Ministry of Justice.

If an export licence is refused, can I appeal? How do I do that?

According to Act No. 71/1967 Coll. on administrative proceedings (Administrative Code) in the wording of Act No. 215/2002 Coll., an appeal against the decision on the rejection of an export permit is possible.

Which customs authorities are empowered to deal with the export of cultural goods?

All customs offices.

What other paperwork do I need to export a cultural object?

You need to present the export licence to Slovak customs together with the export declaration.

What are the penalties if I do something wrong?

According to the regime for issuing export permits as set out in Article 9 of Council Regulation 3911/92, each Member State shall establish sanctions for violations of provisions of this Regu-



lation. Such sanctions are not directly established in the laws of the Slovak Republic. Sanctions only apply to the failure to adhere to obligations in the case of the export of objects of museum and gallery value as set out in Act No. 115/1998 Coll. and to objects protected by special regulation (i.e. national cultural monument, archive documents, library document or fund).

Issues relating to the protection of the cultural heritage and antiques are partially governed by the new Criminal Act No. 300/2005 Coll. More specifically, it is included in § 249 – Damaging and Devaluation of Cultural Heritage and in other paragraphs such as § 212 – Theft.

Sanctions for the violation of obligations in the case of the export and import of goods of cultural character can be imposed by two bodies:

- The Ministry of Culture can impose fines in relation to objects of museum and gallery value, collection objects (Act No.115/1998 Coll). In relation to cultural monuments, sanctions of the following kinds may apply: a) offences (regulated by Act No.49/2002 Coll); b) other acts of administrative misconduct (regulated by Act No.49/2002 Coll).
- The Ministry of Interior can impose fines of up to 100,000 Sk for those who export archival documents without a licence or who import such documents without a permit from their country of origin (sanctions as set out in Act No. 395/2002 Coll. on archives and registries and on amendments to some acts in the valid wording).

Are there any special export restrictions on certain objects or other considerations I should know about?

Yes. Slovak legislation protects specific categories of goods, so you may find that the licence you apply for is denied, or that only temporary export is allowed for the object you want to export.

Goods that are considered as historical monuments or parts thereof cannot be permanently exported from Slovakia.

The permanent export of a collection object is possible through exchange, based on a permit issued by the Ministry of Culture. In exceptional cases the Government, based on the proposal of the Ministry of Culture, will issue a permit for the permanent export of a collection object for reasons other than exchange.

For library documents of a historical character, permanent export is also exceptional, on decision of the Government based on the proposal of the Ministry of Culture. Otherwise, their temporary export can be allowed by the Ministry of Culture.

Archival documents that form part of the archival heritage of Slovakia cannot be permanently exported from the country.

What are the requirements if I want to import cultural goods into Slovakia from Russia?

There are no specific formalities related to such imports. You must fill in a special declaration form and present it to customs.



Slovakia

Chapter 3: European Union Member States

Under Slovak legislation, goods of cultural character and objects of historical monument value may only be imported into the Slovak Republic with the written consent of the relevant body of the country of export. This means that when importing the goods into Slovakia from Russia, you must be able to produce evidence that the objects were exported from Russia in a legal way (i.e., Russian export permit, if mandatory under Russian Law).

Where can I get more information?



Slovakia

The Ministry of Culture of the Slovak Republic Division of Cultural Heritage

Nám. SNP 33
813 31 Bratislava 1
Tel: +421 2 59391414
Fax: +421 2 59391476
<http://www.culture.gov.sk>

The Ministry of Interior of the Slovak Republic Division of Public Administration, Section of Archives and Registries

Križkova 7
811 04 Bratislava 1
Tel: +421 2 52497629,
Fax: +421 2 524945 30,
e-mail: oar.svs@mvsr.vs.sk
<http://www.minv.sk>
<http://www.civil.gov.sk>

The Customs Directorate of the Slovak Republic

Mierová 23
815 11 Bratislava
<http://www.colnasprava.sk>

Information regarding the national database of stolen works of art is published on the website of the Ministry of Interior of the SR.

<http://www.minv.sk/POLICIA/umdiela/index.htm>

Contact details for the authorities in Slovakia empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Customs offices in Slovakia empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Slovenia

Cultural ties between Slovenia and Russia are long-standing and precede the establishment of state relations. This circumstance is most clearly reflected in the traditional ceremony at the Russian Orthodox Chapel near the Vršič mountain pass in the Slovenian Alps where, each year late in July, Slovenians and Russians gather in an emotional ceremony to pay their respects to the memory of Russian soldiers who perished there as Habsburg prisoners of war in an avalanche during World War I.

The establishment of diplomatic relations between Ljubljana and Moscow in 1992 allowed for the creation of a formal framework for the systematic promotion of cultural contacts. The aim is to deepen the existing cooperation in the classical arts, especially in theatre and ballet (both the Bolshoi and the Mariinsky theatres are regular performers at the Ljubljana Summer Festival), and extend them to the more 'popular' contemporary spheres as well. In this sense it is important to draw attention to the retrospective exhibition of works of the preeminent modern Slovenian painter France Mihelič at the State Tretyakov Gallery in 2003 and the regular appearances in Russia of the Slovenian avant-garde music band Laibach, which held its most recent concert in Moscow in 2005.

Slovenia and Russia are also interacting within the framework of the Forum of Slavic Cultures, which was established in Ljubljana in 2004. The goal of the initiative is to help deepen the cultural dialogue between Slovenia and Russia, as well as among the rest of the Slavic-speaking countries. This is all the more important in light of the fact that, with its enlargement in 2004, the European Union acquired a new quality, obtaining for the first time also a 'Slavic dimension'.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN SLOVENIA AND RUSSIA?

NATIONAL

Protection of Cultural Heritage Act (Ur.l. RS, 7/99)

Rules on the Procedure for Issuing Export and Transfer Licences for Objects of Cultural Heritage (Ur.l. RS, 48/2004, 106/2006)

Rules on Identifying Cultural Heritage Objects (Ur. l. RS, 73/2000)

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

UNESCO Convention of 1970 (in force for Slovenia since 1992) and UNIDROIT Convention of 1995 (Slovenia ratified in 2004)



France Mihelič,
"Vizija" (Vision), 1980.
Mihelič (1907–1998) is one of Slovenia's most influential modernist painters and printmakers. Recognised internationally as a distinctive and original master of fantasy, a retrospective exhibition of his work took place in the State Tretyakov Gallery in Moscow in 2003

Who is responsible for implementing these regulations?

The Ministry of Culture processes and issues export licences: <http://www.kultura.gov.si>

The Customs Administration is in charge of the customs control of cultural goods: <http://www.carina.gov.si>

Do I need an export licence?

You need an export licence if you are exporting objects that are cultural goods as described in the EU legislation (see Chapter 2) and/or of Slovenian Law (namely, the Cultural Heritage Protection Act and the Rules on Identifying Cultural Heritage Objects). Slovenian Law has a list of categories of objects that, depending on their age and/or value, are considered as cultural goods and therefore need an export licence.

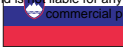
Are there different types of licence? What type of licence do I need?

Yes. The Rules on Procedure for Issuing Export and Transfer Licences for Objects of Cultural Heritage identify the following types of licence:

- Standard export licence
- Specific open export licence
- General open export licence
- Standard transfer licence
- Specific open transfer licence
- General open transfer licence

The transfer licences are only applicable for export to other EU countries. Therefore they are not required for the export of cultural goods from Slovenia to Russia. For this situation, export licences are required.

The standard export licence is issued for the temporary or permanent export for a single object or a group of objects.



A specific open export licence is issued for the repeated temporary export of a specific object whose owner or lawful possessor is a specific person or organisation who will use or exhibit the object. The licence is valid for a maximum of five years.

A general open export licence can be issued to museums and other institutions to cover repeated temporary exports of objects which are part of a permanent collection. The licence is valid for a maximum of five years.

Specific and general open export licences were introduced following the provisions of Council Regulation 1526/98. This was approved by the Slovenian authorities since these types of licence significantly simplify the multiple export of the same object, particularly for cultural heritage protection institutions that export objects for exhibition purposes.

What are my first steps? How do I plan this process and how long might it take?

If your object is a cultural good as defined by EU legislation on the export of cultural goods and/or Slovenian law, you must apply for an export licence to the Ministry of Culture. The application can be made by you (the exporter) or a person authorised by you.

The application form is in English and Slovene and conforms to the regulations on the EU export licence. You must present the application with a stamp confirming that you have paid the administrative duty applicable to this procedure.

The object will be subject to expert opinion from one of the competent national museums. They have 14 days to give an opinion from the time they are requested by the Ministry of Culture.

If you have an object that you intend to export temporarily several times over a maximum period of five years (such as an old musical instrument you need for performances abroad), the expert opinion will also assess whether you offer all necessary guarantees for the return of the object to Slovenia in good condition. It will also require the object to be described and labelled in such a way that during the period of the temporary export there is no doubt that the object being exported is the same as the one described in the special open licence.

For permanent export abroad the procedure for issuing the licence can take up to three weeks.

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

There is a Centre for Information and Documentation on Cultural Heritage attached to the Directorate for Cultural Heritage in the Ministry of Culture.

Under Slovenian legislation, if it is established during the procedure of issuing an export licence or transfer licence that an object does not belong to any of the cultural goods



categories under Council Regulation 3911/92 or the Slovenia Rules on the Identifying of Cultural Heritage Objects, the Ministry of Culture issues a certificate guaranteeing that the export or transfer of the object is permitted.

This possibility was introduced once experience showed that in many cases, neither of the parties concerned nor the customs authorities could evaluate with certainty whether an object was a cultural good, as defined by the legislation.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must apply for licences. Any cultural goods that fall under any of the categories described in the Slovenian national legislation and/or EU export licence legislation must be covered by an export licence, whatever the type of applicant or purpose.

If the cultural goods belong to a public collection (museums, libraries, archives) and is to be presented in a temporary exhibition outside Slovenia, a standard export licence must be applied for.

Slovenian legislation also provides for the so-called general open export licences. These are valid for a maximum of five years and allow for multiple temporary export of an object that is part of the permanent collection of a museum or other institution housing a collection. The licence may be used for any combination of objects in a permanent collection on any occasion of temporary export. It may also be used for a range of various combinations of objects, either progressively or simultaneously. In all cases, before any export out of Slovenia, the Ministry of Culture must be notified at least five days before the start of the procedure or transport.

For general open export licences, the expert opinion must include an assessment of the existence of necessary guarantees for the return of the object to Slovenia.

I am a visual artist. Do I need a licence to export my own work?

No. You can get written confirmation from the Ministry of Culture that your work is not covered by Council Regulation 3911/92 or by Slovenian legislation.

If you own your work or if you want to exhibit the work of a living artist, and you intend to exhibit it abroad with the possibility of sale, you are recommended to get such confirmation. It will facilitate customs procedures and the free circulation of the work from and to Slovenia.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel with a musical instrument which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.



Most often, musicians with old instruments who regularly travel for concerts outside Slovenia apply for the specific open licence. This allows them unlimited export and re-import of the instrument for a period of up to five years.

I am a tourist visiting Slovenia. If I buy a work of art, how do I take it home with me?

The export regulations apply to anyone who wants to take cultural goods of a certain age and value from Slovenia to Russia (or to another country outside the EU customs area). You must go through the application process with the Ministry of Culture of Slovenia in order for the goods to be cleared for export.

If you have bought the art work, antique, furniture or other cultural goods from a reputable art or antique dealer, ask their advice on how to apply for the export licence.

Since the application process takes up to three weeks, you should note that the goods must remain in Slovenia until the licence has been granted and you may have to arrange transportation at a later date.

If you are in any doubt, check the age and value of the cultural goods. This determines whether an EU export licence is required. In general, export controls apply to cultural goods which are over 50 years old and of a certain value. You have to check also whether your object falls under the categories covered by national legislation in Slovenia.

Is there a fee for an export licence?

Yes, when applying for an export licence in Slovenia an administrative duty (*upravna taksa*) has to be paid. Public institutions are exempted from payment of this duty.

Does the cultural object need to be valued? If so, who will do this?

Yes, in the licence-issuing procedure the Ministry of Culture obtains expert opinions from the competent national museums in Slovenia. Such opinion must be prepared within 14 days of being requested by the Ministry.

Can I appeal against the valuation? If so, how do I do this?

No.

If an export licence is refused, can I appeal? How do I do that?

You can put a lawsuit at the Administrative Court of the Republic of Slovenia (Tržaška 68a, Ljubljana) within 30 days of receiving the refusal.

Which customs authorities are empowered to deal with the export of cultural goods?

All customs offices in Slovenia are entitled to deal with the export of cultural goods. The details of the Customs Administration of Slovenia are given below.

What other paperwork do I need to export a cultural object?

When you are granted an export licence in Slovenia, you keep one copy, the second copy being presented to the customs officials.

What are the penalties if I do something wrong?

The Protection of Cultural Heritage Act sets out the penalties for individuals and organisations that attempt to export cultural goods without the relevant licence. Usually, export without a licence also implies violation of customs rules, and the relevant additional penalties apply. For more serious cases of illegal export or import of cultural goods, the Criminal Code regulations can apply.

If a responsible officer or national museum establishes that there is suspicion that an object has been imported contrary to the legislation of the exporting country, or that it has in some other way been unlawfully obtained or deliberately damaged so as to reduce its value, they take action in accordance with the Criminal Procedure Act.

What are the standards of service I can expect to receive?

Detailed information and details on the procedures can be found on the website of the Ministry of Culture of Slovenia (in Slovenian): <http://www.kultura.gov.si/index.php?id=2938>

Are there any special export restrictions on certain objects or other considerations I should know about?

The permanent export or transfer of an object can be prohibited by the Minister of Culture by means of a decision. This takes place if the expert opinion establishes that a given object forms part of the national treasure of Slovenia.

What are the requirements if I want to import cultural goods into Slovenia from Russia?

You do not need a special permit for such import. Since Russia, like Slovenia, ratified the UNESCO Convention of 1970, Slovenian customs will only need to check the export documentation issued in Russia for the relevant cultural goods.

Chapter 3: European Union Member States

Where can I get more information?



Slovenia

Ministry of Culture of Slovenia

Maistrova 10
1000 Ljubljana
Tel: +386 1 3695900
Fax: +386 1 3695901
<http://www.kultura.gov.si>

Directorate for Cultural Heritage within the Ministry of Culture

Tel. +386 1 3695857

Slovenian Customs

Customs Administration of the Republic of Slovenia
Šmartinska cesta 55
1523 Ljubljana
Tel: +386 1 4783885
Fax: +386 1 4783904
<http://www.carina.gov.si/en/>

Slovenian Police

Ministry of Internal Affairs of the Republic of Slovenia
General Police Administration
Administration of Crime-Fighting Police
Štefanova ul. 2
1501 Ljubljana
Tel: +386 1 4724742 or 4725315

Downloadable legislative texts and regulations can be found in Slovenian language at:
<http://www.kultura.gov.si/index.php?id=2758&L=sj>

Contact details for the authorities in Slovenia empowered to issue export licences for cultural goods under the EU licence scheme can be found at:
http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in Slovenia empowered to handle formalities for the exportation of cultural goods can be found at:
http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Spain

Cultural cooperation between Spain and Russia took an important step forward when diplomatic relationships were re-established in 1977 and currently it is developing intensively due to a number of factors.

One can highlight three such factors:

- The arrival of democracy in Spain led to a cultural and economic boom, and parallel processes are taking place in Russia after the fall of the Berlin Wall
- The dramatic increase of visitors and, most significantly, the ever growing number of Russian tourists in Spain
- The opening of Instituto Cervantes in Moscow in February 2002, as a response to the growing demand for Spanish language courses and for knowledge of Spanish and Iberoamerican culture

Spanish – Russian cultural cooperation covers a wide range of areas, since it relates to two of the most powerful European cultures. Exchanges are constant and increasing. The success of the Instituto Cervantes in Moscow is only one of the most relevant examples.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN SPAIN AND RUSSIA?

NATIONAL

Law 16/1985 on Spain's Historical Heritage

Royal Decree 111/1986 implementing Law 16/1985

Royal Decree 64/1994 partially amending Royal Decree 111/1986

INTERNATIONAL

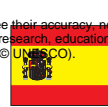
European Community legislation applies as explained in Chapter 2

Spain is party both to the UNESCO Convention of 1970 (ratified in 1986) and the UNIDROIT Convention of 1995 (ratified in 2002)

Who is responsible for implementing these regulations?

Within the Ministry of Culture, the Directorate General for Fine Arts and Cultural Goods has the overall responsibility for the preservation of national heritage (see contact details below).

Within that Directorate General, the procedure for licensing the export of cultural goods is the responsibility of the Sub-directorate General for the Protection of Historic Herit-



Spain



copyright Miguel Angel Invarato

age with the participation of the Board or *Junta* for the Classification, Appraisal and Export of Goods that form part of Spanish Historical Heritage.

A number of regions have competences in the field of the protection of national heritage. Their competent authorities are involved in some of the relevant procedures: examination of export permit applications, start of procedures for the classification and protection of specific objects, etc. Some regions have the right to refuse the issuance of an export permit. In all cases, though, export permits are issued by the Directorate General.

The Tax Inspectorate's Customs Department, together with the Guardia Civil perform the control of exports and imports at Spain's borders (see contact details below).

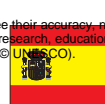
Do I need an export licence?

Spanish legislation protects the goods that form part of the *Patrimonio Histórico*, or Historic Heritage. According to Law 16/1985, the Historic Heritage comprises goods (movable and immovable) of artistic, historic, palaeontological, archaeological, ethnographic, scientific or technical value. Historic Heritage also includes goods of documentary and bibliographic heritage, as well as archaeological findings and areas.

Under Spanish legislation, there are three categories of cultural property belonging to Historic Heritage that are under special protection, and thus their removal from Spanish territory is controlled by the Ministry of Culture and Customs:

1. Goods of Cultural Interest
2. Objects included in the General Inventory of Movable Goods
3. Objects over 100 years old

Photograph by Miguel Angel Invarato, exhibited at the Instituto Cervantes in Moscow in 2007. Invarato's exhibition 'De la Oscuridad al la Luz' (From Darkness to Light) presented a series of photographic works documenting the Fontanelle Cemetery in Naples.



Goods in the first category are under the highest degree of protection. Goods of Cultural Interest can only be exported temporarily, with no right to sell them abroad. A cultural good of the Historic Heritage is declared as being of Cultural Interest by an administrative decision of the authorities, whether it is in public or private ownership.

You have to obtain a permit if you intend to export a cultural good of the Historic Heritage that is over 100 years old or is included in the General Inventory of Movable Goods. The General Inventory includes goods that are not “of Cultural Interest” but do have some specific relevance.

When an object is pending classification as a Good of Cultural Interest or registration in the General Inventory of Movable Goods, the authorities can ban its definitive export. Only temporary export will be allowed, with no right to sell the object abroad.

For cultural goods between 50 and 100 years old and above the relevant financial threshold, Council Regulation 3911/92 applies. Therefore an EU export licence must be applied for. For goods of that age but under the relevant value thresholds, you must also apply for a permit, and the Ministry of Culture issues a certificate for customs stating that the object does not require a permit for export.

Are there different types of licence? What type of licence do I need?

According to Spanish legislation, there are three kinds of export permits:

- For definitive export
- For temporary export
- For temporary export with the right to sell the goods abroad

Temporary export permits are given for specific purposes, such as exhibitions abroad, restoration and scientific research. In such cases goods can remain out of Spain for a maximum of five years, although this period can be extended to ten or twenty years depending on the category of the goods.

If you are exporting a cultural good covered by Council Regulation 3911/92, the EU export licence form is used. The Spanish application form is used for goods protected under Spanish legislation but not deemed to be cultural goods under Community legislation.

What are my first steps? How do I plan this process and how long might it take?

If you are the owner of the good or an authorised person, you must apply for the permit to the Board for the Classification, Appraisal and Export of Goods that form part of Spanish Historical Heritage, located in Madrid. The application form, together with the list of supporting materials to be presented, can be found on the website of the Ministry of Culture at: <http://www.mcu.es/patrimonio/CE/Explmp/Exportacion/Introduccion.html>

If the object is located in one of the Autonomous Communities that has assumed competences in Historic Heritage matters, then the application must be presented there. You can



Spain

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check with the Directorate General to find out if the relevant Autonomous Community has such competences and what specific organisation to apply to. A list of regional authorities and links to their websites can also be found on the website of the Ministry of Culture. Such regional authorities may either deny the export permit (if they find that the object is of Cultural Interest or banned from export) or, if there are no objections for export on their part, they pass on the application to the Board.

Once the application is made, the Board may order you to present the object for expert examination.

The decision to issue or deny the export permit is made by the Directorate General on the basis of the opinion issued by the Board. The decision must be made within two months from the date of application. If the decision has not been made within that time, the applicant can request a decision from the Directorate General. The latter can then make a decision without the need for an opinion from the Board. If no decision has been issued after a month from the applicant's request to the Directorate General, it is understood that the export permit has been refused.

You should bear in mind that permanent export is not allowed for Goods of Cultural Interest. If the Directorate General finds that the object is not classified as such, but should be considered of Cultural Interest, it will refuse the export and initiate the process for classification.

How do I find if the art object I want to export is of national significance? Is there a Public Registry/Inventory of cultural goods of special interest or importance?

You can check online whether your good is included in the General Inventory of Movable Goods or in the Register of Goods of Cultural Interest. These can be accessed via the Ministry of Culture website: <http://www.mcu.es>

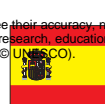
Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. There are no exemptions based on the type of organisation.

The procedure for issuing a temporary export permit (e.g. for an exhibition abroad) is the same as the general procedure. If, however, the object is a Good of Cultural Interest or the Ministry has included it in the list of objects banned from export, the opinion of the Board is always necessary, and the decision of the Directorate General has to be expressly given in writing.

As a rule, cultural goods can remain up to five years out of Spain. But subsequent extensions can be applied for, up to 20 years abroad in total (10 years for Goods of Cultural Interest and goods banned from export).

Goods kept in libraries and registered as part of the Bibliographical Heritage of Spain, if not classified as Goods of Cultural Interest or registered in the General Inventory of Mov-



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able Goods, can be exported temporarily, under certain conditions, with a specific permit from the Library and Book Directorate of the Ministry of Culture.

I am a visual artist. Do I need a licence to export my own work?

No. Goods of living or deceased artists produced in the last 50 years do not need an export permit. You may have to produce some documentation proving the age of the goods at the customs control.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel outside the European Union with a musical instrument which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). For old instruments, Spanish Law may also require an export permit, regardless of the value. This applies whether the export is temporary, e.g. for a concert tour, or permanent.

I am a tourist visiting Spain. If I buy a work of art, how do I take it home with me?

If your good is between 50 and 100 years old, you should check whether it belongs to any of the categories listed in the Annex to Council Regulation 3911/92. If it is there and is valued over the relevant financial thresholds, you must apply to the Board for an export licence.

If the good is over 100 years old, it is likely to be protected by Spanish legislation on Historic Heritage. You may also want to check the General Inventory of Movable Goods or the Register of Goods of Cultural Interest online to see if it is listed there. In such cases, you also need to apply to the Board for an export permit.

You should also find out from the Directorate General whether your application needs to be made to regional authorities. It depends on where the goods are located and some authorities are authorised to do this.

The processing of the permit usually takes up to two months. In the meantime the object has to remain in Spain, and you might be asked to present it for examination.

Once you obtain the permit, you have to declare the object at customs and present the export permit.

Is there a fee for an export licence?

It depends on the kind of export. Export outside the EU is subject to a fee when it is either a definitive export or a temporary export with the right to sell the object abroad (only payable when a sale takes place). Therefore, for exports to Russia no fee is payable in the following cases:

- Export of goods imported in accordance with art. 32 of Law 16/1985 (see below for goods that undergo voluntary registration when imported)



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- Temporary exports
- Export of goods under 100 years old not included in the General Inventory of Movable Goods
- Goods between 50 and 100 years old, if under the values applicable under Council Regulation 3911/92
- Goods under 50 years old

In definitive exports, the fee is calculated as a percentage of the value declared for export, in accordance with the following scale:

- | | |
|-------------------------------------|------|
| • Up to 6,000 Euros: | 5 % |
| • Between 6,001 and 60,000 Euros: | 10 % |
| • Between 60,001 and 600,000 Euros: | 20 % |
| • Above 600,001 Euros | 30 % |

With temporary exports with the right to sell abroad, the fee is payable according to the scale above, but only if a sale takes place. The calculation is made on the basis of the sale price. The holder of the export permit must inform the Spanish authorities within a year whether the sale took place or the object was re-imported into Spain.

Does the cultural object need to be valued? If so, who will do this?

The Board is responsible for issuing a binding opinion on whether the goods can be exported. In some cases, it can order that the object be presented for examination.

Can I appeal against the valuation? If so, how do I do this?

You cannot appeal against the opinion issued by the Board on the age, value and other characteristics of the object. This opinion forms part of an administrative procedure, the final result of which is the decision of the Directorate General, whether to issue an export permit.

If an export licence is refused, can I appeal? How do I do that?

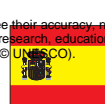
Yes. Under Spanish law, the decision of the Directorate General is an administrative act. You can appeal to the Minister of Culture. Against the decision of the Minister you can appeal to Administrative Court.

Which customs authorities are empowered to deal with the export of cultural goods?

In Spain not all customs offices are empowered to deal with the export of cultural goods. The list of authorised offices is given below.

What other paperwork do I need to export a cultural object?

You need to present the export permit together with the customs declaration to one of the customs offices authorised in Spain for dealing with the export of cultural goods.



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What are the penalties if I do something wrong?

The illicit export of an object pertaining to Spanish Historic Heritage is a criminal offence if the object is valued over 18,000 Euros. Under that sum it constitutes an administrative offence.

What are the standards of service I can expect to receive?

There are no specific standards of service, but there is detailed information on procedures for import and export on the website of the Ministry of Culture. Most of the information is provided in Spanish, but you can access to the main chapters if you click on the English version of the Ministry's website.

Are there any special export restrictions on certain objects or other considerations I should know about?

For the following categories of goods, only a permit for temporary export can be applied for:

- Goods of Cultural Interest
- Those goods for which the procedure of classification as of Cultural Interest has already been initiated
- Goods banned from export as a preventive measure
- Publicly owned goods

You should also know that when you apply for the definitive export of a good, or for its temporary export with right to sell abroad, Spanish Law gives the State a pre-emptive right of purchase of the good for its value declared for export.

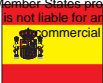
What are the requirements if I want to import cultural goods into Spain from Russia?

When importing the goods, you have to declare them at customs and be able to produce documentation proving that the import is legal, if required to do so.

There are two administrative procedures that you can do right after the import, which have a number of advantages.

Firstly, once you import a cultural good, you can apply to the authorities of the Autonomous Community where it is going to be located for registration of the good in the General Inventory of Movable Goods or for its classification as a Good of Cultural Interest. If such registration or classification takes place within a year from the date of import, you can get an Income Tax reduction for part of the expenses incurred in the purchase of the good abroad. This is provided that the good remains in Spain as your property for at least four years.

Secondly, if within three months of import you present the Directorate General in Madrid with an import declaration (the form is available on the website of the Ministry of Culture), together with the SAD (Single Administrative Document) for import and proof of your ownership rights (e.g. an invoice), your good will have special status for ten years (extendable



Spain

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for another ten years). This confers a number of privileges if you intend to re-export the good within that period of time, such as:

- The authorities will not deny the right the export of the good
- No fee will be payable to issue a permit
- No use will be made of the Spanish State's pre-emptive right to acquire the good
- It will not be classified as a Good of Cultural Interest, unless you apply for this personally

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Where can I get more information?



Spain

Ministerio de Cultura (Ministry of Culture)

Dirección General de Bellas Artes y de Bienes Culturales (Directorate General for Fine Arts and Cultural Goods)

Subdirección General de Protección del Patrimonio Histórico (Sub directorate General for the Protection of Historic Heritage)

Plaza del Rey, 1

28004 Madrid

Tel: +34 91 701 70 35

Fax: +34 91 701 73 81

<http://www.mcu.es>

Agencia Tributaria (Tax Inspectorate)

Departamento de Aduanas e Impuestos Especiales (Departments for Customs and Special Taxes)

Tel: +34 901335533

<http://www.aeat.es/>

Ministerio del Interior (Interior Ministry)

Dirección General de la Guardia Civil (Directorate General of the Guardia Civil)

C/Guzmán el Bueno, 10

28003-Madrid

Tel: +34 915146000

<http://www.guardiacivil.org/directorio/index.jsp>

Contact details for the authorities in Spain empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in Spain empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Information on legislation for the protection of cultural heritage in Spain published by the European Commission in 2002:

http://ec.europa.eu/taxation_customs/resources/documents/cgoods_es_en.pdf

Sweden

Contacts between Sweden and Russia have a history of over a thousand years including cultural exchanges. Today Sweden faces the challenge to intensify its cultural exchanges with Russia.

During four months in the spring of 2006 the Swedish Embassy carried out its largest ever cultural project in Russia. It gave a broad presentation of contemporary Swedish culture in nine Russian cities (Moscow, St Petersburg and seven cities along, or in the vicinity of, the Volga). Entitled 'Sweden:Upgrade', the project presented film (mostly new films plus an Ingmar Bergman retrospective), music (concerts of classical music, jazz, pop and DJs at clubs), contemporary art, photography, literature (new Swedish drama and children's literature), contemporary dance performances, theatre (including plays for children) and seminars. Within this project a large group of Swedish cultural workers were able to meet with Russian colleagues.

The groundwork that was laid during 'Sweden:Upgrade' is now being built on. The present dynamic Russian cultural scene opens new prospects for intensified exchange. Sweden already regularly participates in art and photo exhibitions, such as the Moscow art and photo biennales, and film festivals (first of all the Moscow Film Festival). Swedish DJs regularly play at clubs in Russian cities. Sweden actively supports the translation of both fiction and children's literature. Guest performances by internationally well known Swedish artists are planned for the near future (such as the Dramatic Theatre and the Cullberg Ballet).

This development is most welcome. Yet, much remains to be done. A market for cultural international exchange has emerged. A precondition for making exchanges flourish under the new conditions is a better knowledge of present regulations in the cultural sphere.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN SWEDEN AND RUSSIA?

NATIONAL

Heritage Conservation Act (1988:950)

(including amendments up to and including SFS 2002:1090)

Heritage Conservation Ordinance (1988:1188)

(including amendments up to and including SFS 2002:970)

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

UNESCO Convention of 1970 (Sweden ratified in 2002)



"Aluminium 2" by the Cullberg Ballet with dancers Johanna Lindh and Rafi Sadi. The company performed in Moscow in the 1990s and are planning a guest performance in Russia in 2008. Founded in 1967 by Birgit Cullberg, a prominent choreographer who had staged ballets abroad, including in the Soviet Union, the ensemble is an important cultural ambassador for Sweden and gives foreign audiences a taste of Swedish culture at its best. Photo: Lesley Leslie-Spinks

Who is responsible for implementing these regulations?

The National Heritage Board (Riksantikvarieämbetet) has overall responsibility for implementing the regulations – <http://www.raa.se> (full contact details below).

There are five different authorities in Sweden that make the actual decisions on export permits: the National Heritage Board, the Nordiska Museet, the National Library of Sweden, the National Museum with Prince Eugens Waldemarsudde and the National Archives – contact details below.

Do I need an export licence?

Older Swedish cultural goods and foreign cultural goods that may be of major importance to the national cultural heritage may not be taken out of Sweden without special permission.

The term, 'Swedish cultural goods' refers to objects that were actually or presumably made in Sweden or in some other country by a Swede. The term, 'foreign cultural goods' refers to objects made in another country by someone other than a Swede.

For the purposes of determination under national legislation, the boundaries of Sweden on 1 July 1986 decide whether an object is deemed to be Swedish cultural goods.



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For foreign cultural goods, a permit is only required if the goods have been in Sweden for more than 100 years.

The Government has made regulations about categories, age and value thresholds and other determining factors (see the Heritage Conservation Ordinance, sections 24 & 25) concerning which cultural goods may not be taken out of Sweden without special permission.

In addition to the Swedish national legislation, the EU legislation (as described in Chapter 2) applies to cultural goods which are exported from Sweden to Russia, or to any other country outside the European Union. Cultural goods which come under this legislation (relevant categories apply, plus age and value thresholds) must have an EU export licence.

The regulations for export licences apply to anyone who is exporting cultural goods from Sweden to another country. They apply, whatever your nationality, citizenship, place of residence or age. They apply whether you are an individual, a company (commercial or non-profit), a public institution or other organisation.

They are explained in English and Swedish at: http://www.raa.se/cms/extern/en/cultural_heritage/legislation_and_responsibility/exportation_of_cultural_objects.html

Are there different types of licence? What type of licence do I need?

There are two different types of licence:

- The 'export permit' (under Swedish national legislation)
- The 'custom permit', also known as EU export licence (under EU legislation for export to countries outside the EU)

If you are exporting cultural goods from Sweden to Russia you will need both licences, in order to comply with national and international regulations. The national 'export permit' ensures that the goods are cleared for export from Sweden and is required when they are part of the national cultural heritage or of other special significance. The EU export licence is required for cultural goods of a certain age or age and value when they are to be moved from a member state to a country outside the EU. This is explained in more detail in Chapter 2.

What are my first steps? How do I plan this process and how long might it take?

Whatever the type of cultural object, you only have to deal with one authority – the National Heritage Board. You can get application forms from the National Heritage Board, which is also where you send the applications. Different application forms apply for the national and EU licences but you follow the same application procedure.

First of all, you must complete the application documents. If you want to export the object outside the European Union, you should note that you need two different forms. Attach two photographs of the object to the application.

The application procedure is described in more detail with downloadable forms at:



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http://www.raa.se/cms/en/cultural_heritage/legislation_and_resposibility/exportation_of_cultural_objects/applying_for_a_permit.html (English)

http://www.raa.se/cms/extern/kulturarv/lagar_och_ansvar/utforsel_och_export_av_kulturfremal/att_soka_tillstand.html (Swedish)

The documents are forwarded by the National Heritage Board to the permit authority responsible for the particular category of art object you are applying for. You need to make sure that the art object is accessible if the authority wants to inspect it.

Five different authorities with expert knowledge make the actual decisions. The National Library of Sweden and the National Archives take care of applications concerning books and manuscripts. The Nordiska Museet is responsible for furniture and the National Museum with Prince Eugens Waldemarsudde makes decisions about various kinds of art work. The National Heritage Board is in charge of ancient relics and archaeological objects, among other things.

The waiting period for delivery of the permit can vary depending on which permit authority is handling your application. It is recommended that you apply in good time, at least four weeks before you plan to export the object.

Once it has been approved, the permit is valid for one year from the date of decision.

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

There is an index with pictures and descriptions of 'Old cultural objects prohibited to export' (furniture and inventories prohibited to export outside the European Union) at:

<http://www.eco.org/link1.html>

Are there any exemptions for particular cultural goods?

Swedish archaeological objects, whatever the material and value, that date from before 1650 and that are owned by the State are exempted from the obligation to obtain a national export licence. Swedish archaeological objects, owned by the State, will need an EU export licence for export outside the EU.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must apply for licences. Any cultural goods that fall under any of the categories described in the Swedish national legislation and/or EU export licence legislation must be covered by an export licence, whatever the type of applicant or purpose.

A museum or gallery is more likely to be arranging a temporary loan of an object for an exhibition abroad rather than seeking a permanent export. Even if the goods are of major



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importance to the national cultural heritage, permission will be given for their export from Sweden in the following cases where:

- The goods are to be taken out of Sweden by a public institution in Sweden, an institution receiving a grant from the State, a municipality or a county council and are to be brought back to Sweden again
- The goods are to be taken out of Sweden by an individual for use in connection with public cultural activities and are to be brought back to Sweden again
- The goods are temporarily located in Sweden

Even if the goods are of major importance to the national cultural heritage, permission may be given for their export if they are acquired by an institution abroad.

Museums and galleries applying for a licence for temporary export should follow the same procedure outlined above. They should note that once it has been approved, the permit is valid for one year from the date of decision.

I am a visual artist. Do I need a licence to export my own work?

No. Art work which belongs to “the originator” (i.e. the artist who created it) does not require an export licence under the EU export licence legislation, whatever its age or value. The same applies under Swedish national legislation. Therefore you do not need a licence to export your own work if you still own it yourself.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. Any musician who wishes to travel outside the European Union with a musical instrument which is over a certain age and value must obtain an EU export licence (as described in Chapter 2). This applies whether the export is temporary, e.g. for a concert tour, or permanent.

As far as the Swedish authorities are concerned, if the goods are to be taken out of Sweden by an individual for use in connection with public cultural activities and are to be brought back to Sweden again, an export licence will be granted. But you still need to go through the application process.

I am a tourist visiting Sweden. If I buy a work of art, how do I take it home with me?

The export regulations apply to anyone who wants to take cultural goods of a certain age and value from Sweden to Russia (or to another country). You must go through the application process with the Swedish national authorities in order for the goods to be cleared for export.

If you have bought the art work, antique, furniture or other cultural goods from a reputable art or antique dealer, ask their advice on how to apply for the export licence.

Since the application process can take around four weeks, you should note that the goods must remain in Sweden until the permit/licence has been granted. You may therefore have



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to arrange for transportation at a later date. Alternatively you can return to Sweden to collect the goods in person when the export licences have been granted.

If you are in any doubt, check the age and value of the cultural goods. This determines whether an export licence is required. In general, the export controls apply to cultural goods which are over 50 years old and of a certain value (see Chapter 2 for more details).

Is there a fee for an export licence?

No – there is no fee for the licence. There are no duties or taxes to be paid on export but there may be customs duties to pay.

Does the cultural object need to be valued? If so, who will do this?

Both the EU and Swedish national legislation have value and age thresholds which determine which cultural objects require export licences. Therefore, if the age, value or other determinants need to be assessed, the cultural object may have to be inspected.

The five national licensing authorities in Sweden provide the expertise to determine the age and value of the object and may request an examination of the actual object. The cost of the valuation is borne by the licensing authorities.

If an export licence is refused, can I appeal? How do I do that?

If an export permit application has been refused by a licensing authority, you can make an appeal at a general administrative court. Special permission ("leave to appeal") is required if you want to make an appeal to an Administrative Court of Appeal. The court can decide on valuation.

Which customs authorities are empowered to deal with the export of cultural goods?

All customs authorities in Sweden are empowered to deal with the export of cultural goods.

What other paperwork do I need to export a cultural object?

When you leave Sweden, you must show the export permit and, if export is to a country outside the EU, you must also show the 'custom permit' (EU export licence).

When you enter Russia, you must show all the relevant documentation and declare the object at customs, passing through the Red channel. See Chapter 4 for further information.

What are the penalties if I do something wrong?

Anyone who exports an art object from Sweden without a permit can be convicted according to the law of smuggling. Both smuggling and attempting to smuggle is punisha-



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ble. If you are convicted for smuggling an object, the object will be confiscated. Sentences range from fines to two years imprisonment. For serious crimes, the sentence can be up to six years imprisonment.

The provisions concerning penalties for the illegal export of cultural goods from Sweden and for attempted offences of this kind are contained in the Smuggling Penalties Act (2000:1225).

What are the standards of service I can expect to receive?

The National Heritage Board abides by the principle of public access to official documents. For more information see: <http://www.sweden.gov.se/sb/d/2853/a/18096>.

Are there any special export restrictions on certain objects or other considerations I should know about?

Permission for the export of cultural goods from Sweden will be given if the goods are not of major importance to the national cultural heritage. Even if the goods are of major importance to the national cultural heritage, permission will be given for their export from Sweden if:

- The owner migrates from Sweden to settle in another country
- The goods have been acquired through inheritance, legacy or partition by an individual resident in another country
- The goods are taken out of Sweden by a public institution in this country or an institution receiving a grant from the State, a municipality or a county council and are to be brought back to Sweden again
- The goods are taken out of Sweden by an individual for use in connection with public cultural activities and are to be brought back to Sweden again
- The goods are temporarily in Sweden

Even if the goods are of major importance to national cultural heritage, permission may be given for their export if they are acquired by an institution abroad.

What are the requirements if I want to import cultural goods into Sweden from Russia?

As is normal, when importing goods from a country outside the EU, the importer has to report to the Swedish customs office, fill in a declaration and pay the charges. There is no duty payable on “works of art, collectors’ pieces and antiques” but the VAT (25 %) must be paid.

If the goods are imported temporarily and it is planned to re-export them later (e.g. works for an exhibition), you must still contact the customs office and fill in the declaration. In these circumstances, a security for the VAT must be paid and this will be returned when the goods leave Sweden. The goods must not be repaired or altered in any way during the period in Sweden in this case.

The ATA-carnet is a way of simplifying the procedure for temporary importation and if you use this, a security must still be paid by the importer.

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Where can I get more information?



Sweden

Riksantikvarieämbetet (National Heritage Board)

Box 5405
11484 Stockholm
Tel: +46 8 51918000
Fax: +46 8 660 72 84
<http://www.raa.se/cms/extern/index.html>

Nordiska Museet

Djurgårdsvägen 6-16
Box 27820
11593 Stockholm
Tel: +46 8 519 54600
<http://www.nordiskamuseet.se>

Riksarkivet (National Archives)

Box 12541
10229 Stockholm
Tel: +46 8 737 6350
<http://www.ra.se/RA/kontakt.html>

Kungl. Biblioteket (National Library of Sweden)

Box 5039
10241 Stockholm
Tel: +46 8 463 4000
<http://www.kb.se/ENG/kbstart.htm>

National Museum

Södra Blasieholmshamnen
Box 16176
10324 Stockholm
Tel: +46 8-5195 4300
<http://www.nationalmuseum.se/>

Tullverket (Swedish Customs Authorities)

http://www.tullverket.se/se/Kontakta_oss_startsidan/

Brief information in English on the Heritage Conservation Act:

http://www.raa.se/cms/en/cultural_heritage/legislation_and_responsibility/heritage_conservation_act.html

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Where can I get more information?



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Information in English on the Exportation of Cultural Objects:

http://www.raa.se/cms/extern/en/cultural_heritage/legislation_and_responsibility/exportation_of_cultural_objects.html

How to apply for a permit (in English – with downloadable application forms):

http://www.raa.se/cms/en/cultural_heritage/legislation_and_resposibility/exportation_of_cultural_objects/applying_for_a_permit.html

How to apply for a permit (in Swedish – with downloadable application forms):

http://www.raa.se/cms/extern/kulturarv/lagar_och_ansvar/utforsel_och_export_av_kulturforemal/att_soka_tillstand.html

Information in English on the Swedish law preventing the export of cultural goods: this website contains a visual index of objects denied an export licence by the Nordiska Museum (mainly furniture and other antique artefacts) since the year 2000:

http://www.eoco.org/index_en.html

Contact details for the authorities in Sweden empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in Sweden empowered to handle formalities for the exportation of cultural goods can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Information on legislation for the protection of cultural heritage in Sweden published by the European Commission in 2002:

http://ec.europa.eu/taxation_customs/resources/documents/cgoods_sv_en.pdf

United Kingdom

Cultural cooperation between the UK and Russia has a long history and continues to play an important role in the relationship between our two countries. Through the British Council, the UK's organisation for international cultural cooperation, the UK is committed to bringing to Russia high-quality, innovative arts events which reflect both contemporary UK and its long cultural tradition.

In recent years the number of Russian cultural events in the UK has increased dramatically, reflecting a growing interest among UK residents in Russia and Russian culture. The British Council plans to capitalise on this by organising, in conjunction with the Russian Ministry of Culture, a Year of UK in Russia in 2010 and a Year of Russia in UK in 2011.

In December 2006, to celebrate the 150th anniversary of the Tretyakov Gallery, the British Council organised a major exhibition of James McNeill Whistler, the first time such a comprehensive survey of the artist's work has been seen in Russia. Including loans from major museums in the UK and the USA, this exhibition demonstrated both the demand for such shows in Russia and the willingness of western institutions to lend major works to Russian museums.

WHAT LEGISLATION APPLIES TO THE IMPORT/EXPORT OF CULTURAL GOODS BETWEEN THE UK AND RUSSIA?

NATIONAL

Statutory Instrument 2003 No. 2759: The Export of Objects of Cultural Interest (Control) Order 2003. The Export of Objects of Cultural Interest (Control) Order 2003

Open General Export Licence 2004

<http://www.culture.gov.uk/NR/rdonlyres/6A0AAD3F-448E-4F34-BA74-765D1A6A6BB5/0/OPENGENERALEXPORTLICENCEOF1MAY2004.pdf>

Dealing in Cultural Objects (Offences) Act 2003

INTERNATIONAL

European Community legislation is applicable as explained in Chapter 2

UNESCO Convention of 1970 (the UK ratified in 2002)

Who is responsible for implementing these regulations?

The Department for Culture Media and Sport (DCMS) is responsible for protecting the nation's cultural objects and for policy in the area of export of cultural property:

http://www.culture.gov.uk/what_we_do/Cultural_property/



United Kingdom



Henry Moore,
"Mother and Child Studies and Reclining
Figure", 1977,
lithograph in two colours 382 x 310mm, edition
of 20 + 5 on T.H. Saunders 705 x 559mm,
Printer: Curwen Prints Ltd, London 1978.
In 2007 the British Council presented Henry
Moore's graphics in twelve museums across
Russia, under the heading of a new British
Council programme entitled Russian Ring.
Six museums and galleries west of the Urals
and six to the east were selected: Volgograd,
Ekaterinburg, Irkutsk, Krasnoyarsk, Nizny
Novgorod, Novosibirsk, Omsk, Rostov, Samara,
Sochi, Tomsk and Yaroslavl. Curatorial staff
members from all twelve museums visited
Britain and as a result began to develop a
series of exhibitions. Henry Moore – Master
Printmaker was the exhibition that launched the
programme. Reproduced by permission of The
Henry Moore Foundation.

DCMS has transferred the work of issuing export licences and administering the Reviewing Committee on the Export of Works of Art & Objects of Cultural Interest (RCEWA) to the Museums Libraries and Archives Council (MLA). The MLA is the competent authority for the issuing of Community Export Licences (EU export licences) and UK Export Licences through its Export Licensing Unit: <http://www.mla.gov.uk>.

The export licensing controls for objects of cultural interest are designed to balance the need to keep nationally important objects in the UK, the rights of owners and the encouragement of a thriving art trade.

Do I need an export licence?

There are two licensing regimes in place: the national legislation (under the 2003 Order) and EU legislation as described in Chapter 2.

Under UK export legislation all cultural objects, manufactured or produced more than 50 years before the date of exportation require an export licence (some limited exceptions apply).

The UK's Open General Export Licence (OGEL) allows the general export of cultural objects that are valued below certain financial thresholds – these are quoted in the OGEL regulations. If you want to export cultural objects which are valued above these levels, you will need an individual export licence.

Most cultural objects exported to Russia would be subject to EU export licensing legislation: if they fall into the relevant categories, plus age or age and value criteria, you will need an EU licence (see Annex to Council Regulation 3911/92).

The MLA provides a number of clearly written, downloadable leaflets and guidelines



on exporting cultural goods. For further details about which objects require a licence you should refer to the Guidance to Exporters of Cultural Goods leaflet: http://www.mla.gov.uk/resources/assets/G/Guidance_leaflet_for_exporters_of_cultural_goods_11506.pdf.

The MLA has launched a Cultural Property Advice website, aimed at people buying and selling works of art, antiques and antiquities. Start with the page on Export/Import regulations: http://www.culturalpropertyadvice.gov.uk/trade/export_import_regulations.

Are there different types of licence? What type of licence do I need?

There are various different licences. What type you need depends on:

- The category of cultural goods
- Where the goods are exported to
- The value of the cultural goods
- Whether it is for temporary or permanent export

The UK export licensing procedures are well explained in the information provided by the MLA. Given the high level of trade in art and antiques to and from the UK, there is a considerable amount of expertise in this field and the Export Licensing Unit can advise on particular circumstances.

There are five different types of export licence although not all apply to EU – Russia export:

- UK licence (applies to export to all destinations but it is not required when an EU licence is granted)
- EU licence (export to countries outside the EU)
- Open General Export Licence/OGEL (export inside the EU only)
- EU Open Specific Export Licence (for the temporary export of musical instruments by professional musicians to countries outside the EU)
- Open Individual Export Licence/OIEL (only issued to National Museums, National Galleries and reputable dealers)

An export licence under EU law (an EU licence) may be required where an object is being exported to a country which is not a member of the European Union, e.g. Russia. A licence under UK law (a UK licence) may be required if an object is being exported to a country outside the United Kingdom. If an EU licence is granted, you do not need to obtain a UK licence as well.

Both UK and EU licences are issued by the MLA. There are different application forms for each. They are described as ‘individual licences’ although a licence may cover more than one object.

An alternative scheme, the UK Open General Export Licence (OGEL), may apply in particular circumstances for export within the European Union but is not relevant for UK – Russia exports of cultural goods.

An individual EU Open Specific Export Licence can be issued for a musical instrument to enable its temporary export outside the EU for use in the course of work by a professional musician. This is explained in more detail in the musicians section below.



Finally, in order to reduce the burden on would-be exporters, a number of Open Individual Export Licences (OIELs) are issued, which permit the export of certain specified objects without the need to obtain an individual UK licence from the MLA. These licences apply to National Museums and Galleries and reputable dealers and can allow either permanent or temporary export.

The MLA issues both permanent and temporary export licences. In the case of sale or return items, the exporter is encouraged to apply for a permanent licence.

The Guidance to Exporters of Cultural Goods leaflet has a useful flowchart which helps would-be exporters to decide which type of licence they require.

What are my first steps? How do I plan this process and how long might it take?

After you have read the MLA leaflet, consult the booklet available from the MLA – Procedures and Guidance for Exporters of Works of Art and Other Cultural Goods.

http://www.mla.gov.uk/resources/assets/U/uk_export_licensing_for_cultural_goods_issue_9_amended_april_2007_11516.doc

This provides more detailed guidance on how to apply for an export licence for cultural goods. Part 1 sets out the export controls that apply to cultural goods, and when an individual export licence is required. Part 2 details how decisions are reached on licence applications for objects of national importance.

You should telephone the Export Licensing Unit and ask for either an EC licence application form or a UK licence application form. If you are not sure which you need, the staff of the Licensing Unit will advise you.

The application can be made by the owner of the object, the purchaser or the recipient. It may also be made by a representative of the owner, purchaser or recipient.

The application process involves providing information on the provenance of the object. If the cultural object has arrived in the UK from another EU Member State since 1993 and you want to export it outside the EU (i.e. you are applying for an EU licence), there is a check that the object was legally exported from the EU country it came from.

The Export Licensing Unit aims to issue export licences within five working days of receiving an application, if all the necessary information is submitted. If the item needs to be referred to an Expert Adviser in a museum or gallery, it will take longer.

How do I find out if the art object I want to export is of national significance? Is there a Public Inventory of cultural goods of special interest or importance?

There is no public register or inventory of cultural goods of special national interest in the UK. However, there is a process of assessment which uses a set of questions, the 'Waverley criteria', to determine whether cultural goods are of national importance. Applications



for export licences for goods which may be of national significance are referred to Expert Advisers following a procedure explained in more detail below.

Are there any exemptions for particular cultural goods?

For export outside the EU, postage stamps and any object less than 50 years old which belongs to its originator are exempt from export control.

Do museums and galleries need licences for temporary exports (e.g. a touring exhibition)? Do non-profit organisations need export licences?

Yes. Museums, galleries and non-profit organisations must apply for export licences. A museum or gallery is more likely to be arranging a temporary loan of an object for an exhibition abroad rather than seeking a permanent export. A temporary licence application by a national museum or gallery is not normally referred to an Expert Adviser.

Some National Museums and Galleries in the UK have been granted OIELs, Open Individual Export Licences, which allow them to export certain specified objects without the need to obtain an individual UK licence from the MLA. This can be for temporary or permanent export, within or outside the EU.

There is no statutory limit on the length of time an art object can remain outside the country but the usual period is up to three years.

I am a visual artist. Do I need a licence to export my own work?

No. Art work which belongs to “the originator” (i.e. the artist who created it) does not require an export licence under the EU export licence legislation, if it is under 50 years old, whatever its value. In these circumstances, you do not need a licence to export your own work if you still own it yourself.

I am a musician. Do I need to know about export regulations if I am travelling with my instrument?

Yes. The EU regulations on the export of cultural goods state that an individual export licence is required every time a musical instrument (over 50 years and valued at or above £34,300) is exported to a destination outside the European Union, even if on a temporary basis, e.g. for a concert tour.

Following an amendment to Commission Regulation 752/93, it is now possible for the UK licensing authorities to issue an individual EU Open Specific Export Licence for a musical instrument to enable its temporary export outside the EU for a period of up to three months for use in the course of work by a professional musician. This licence is valid for three years, during which you can take the musical instrument outside the EU as often as you need for your work but for no longer than three months at a time. After this, the licence can be renewed.



You can download the Open Specific Export Licence for Musical Instruments Application form at: http://www.mla.gov.uk/resources/assets/E/eu_open_specific_export_licence_application_form_instruments_9010.doc.

I am a tourist visiting the UK. If I buy a work of art, how do I take it home with me?

The export regulations apply to anyone who wants to take cultural goods of a certain age and value from the UK to Russia (or to another country). You must go through the application process with the UK export licensing authorities for the goods to be cleared for export.

The Cultural Property Advice website <http://www.culturalpropertyadvice.gov.uk/> offers guidance for all those buying works of art, antiques and antiquities whether for private collections or a one-off purchase.

If you have bought the art work, antique, furniture or other cultural goods from a reputable art or antique dealer or auction house, they should know how to apply for the export licence and are permitted to do this on your behalf.

As soon as you know the goods are to be exported, an application should be submitted. It can take as little as five working days for the export licence to be issued, although it will be longer if the application needs to be reviewed by an Expert Adviser. The goods must remain in the UK until the licence has been granted and you may have to arrange for transportation at a later date.

If you are in any doubt, check the age and value of the cultural goods. This determines whether an export licence is required. In general, export controls apply to cultural goods which are over 50 years old and above a certain value.

Is there a fee for an export licence?

No – there is no fee for the licence.

Does the cultural object need to be assessed? If so, who will do this?

Cultural objects that have been in the UK for at least 50 years before the date of export and are valued at or above the financial thresholds defined in the OGEL regulation are thought to be of potential national importance.

If this is the case, the application will be referred to an Expert Adviser in a national museum or gallery to determine if it is of national importance. An object by a living manufacturer or producer can be referred for assessment. The Expert Adviser is entitled to view the object before reaching a decision.

Objects are assessed against three criteria – the Waverley criteria (named after the chairman of a 1952 committee which was appointed to consider and advise on export policy):



- *Waverley one*: Is the object so closely connected with our history and national life that its departure would be a misfortune?
- *Waverley two*: Is it of outstanding aesthetic importance?
- *Waverley three*: Is it of outstanding significance for the study of some particular branch of art, learning or history?

If the Expert Adviser believes that the object satisfies one or more of the Waverley criteria, they can object to the granting of an export licence. The application is then referred to the Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest (RCEWA), a non-statutory independent body with eight members appointed for their knowledge and expertise. Further information on how the criteria are interpreted is in the MLA booklet.

If the Expert Adviser has no objection, the export licence will normally be granted. Around 3,000 applications are referred to Expert Advisers each year and objections are made in some 25–50 cases.

Can I appeal against the assessment? If so, how do I do this?

When an export licence application is referred to the Reviewing Committee, you are invited to submit a written statement. You can give your arguments as to why, in your opinion, the object does not satisfy the Waverley criteria and provide any other reasons why the licence should be granted. The Expert Adviser also presents a written statement as to why, in their opinion, the object does satisfy one or more of the Waverley criteria. After consultation and further questioning, the Committee votes on the application.

If an export licence is refused, can I appeal? How do I do that?

If the Reviewing Committee finds that the object does satisfy one or more of the Waverley criteria, it recommends to the Secretary of State for Culture, Media and Sport that the decision on the licence application should be deferred for a specified period (normally 2–6 months). During this time an offer to purchase the object can be made in order to keep the object in the UK. A fair market price is recommended by the Committee.

If you receive an offer to purchase the object from a public body, you are not obliged to accept it although a refusal will normally result in the subsequent rejection of an export licence application. Conditions are attached to accepting a private offer to purchase.

The Reviewing Committee only provides advice and recommendations to the Secretary of State. It is for the Secretary of State to make a decision on your licence application. The Secretary of State has discretion when making decisions on licence applications, but that discretion must be exercised reasonably.

All details of the stages of the appeals procedure are described in the MLA booklet.



If an export licence is refused for any other reasons, can I appeal?

The MLA has the authority to issue or refuse a licence application. You can seek to have a complaint reviewed by the Parliamentary Ombudsman, an officer of the House of Commons who is wholly independent of the government, at any time, by asking your Member of Parliament to put your complaint to the Ombudsman.

Which customs authorities are empowered to deal with the export of cultural goods?

HM Revenue and Customs are responsible for customs in the UK. All customs offices are empowered to deal with the export of cultural goods.

What other paperwork do I need to export a cultural object?

When you leave the UK you must present the export licence to the customs officials before the goods leave the country.

When you enter Russia, you must show all the relevant documentation and declare the object at customs, passing through the Red channel. See Chapter 4 for further information.

What are the penalties if I do something wrong?

The penalties for misleading applications for licences and failure to comply with export licence conditions range from fines to a maximum of two years imprisonment.

Any licence which was granted in connection with an application where a false statement has been made or false document/information submitted will be invalid.

The Dealing in Cultural Objects (Offences) Act 2003 makes it an offence to acquire, dispose of, import or export tainted cultural objects. In this context 'tainted' describes a cultural object which has been removed or excavated from a building or structure of historical, architectural or archaeological interest – see the Act for full details.

Customs has an enforcement role to investigate and prosecute persons who dishonestly import or export a cultural object that at the time of import or export they know or believe to be tainted. Where it is suspected that an offence under the 2003 Act has been committed, customs has the authority to detain the goods. Customs will seize tainted cultural objects and prosecute people who commit offences under the Act where such objects are discovered and there is sufficient evidence to prosecute. The penalties range from fines to a maximum of seven years imprisonment.

What are the standards of service I can expect to receive?

The Export Licensing Unit of the MLA operates according to a Code of Practice which is available at: <http://www.culture.gov.uk/NR/rdonlyres/EBB1DC82-258F-4AB0-860F-236B5442ED3E/0/ELUCodeofPractise.pdf>.



The MLA operates according to standards of service and a complaints procedure which can be found at:

http://www.mla.gov.uk/website/aboutus/management_records/complaints/.

Are there any special export restrictions on certain objects or other considerations I should know about?

The OGEL scheme carries special conditions for the following objects:

- Portraits in any medium of a British historical person (excluding photography and coins) that are valued between £10,000 and £65,000 must be referred for expertise by either the National Portrait Gallery or Scottish National Portrait Gallery
- Textiles (clothing, footwear, articles manufactured from textiles, excluding carpets and tapestries) that are valued between £12,000 and £65,000 must be referred for expertise by the Victoria and Albert Museum

The EU licence scheme applies to exports of cultural goods valued above certain financial thresholds. These are quoted in Euros and there is a mechanism to translate this into other currencies. The values were revised in GB pounds in January 2007 and it is expected that they will next be reviewed in late 2008.

What are the requirements if I want to import cultural goods into the UK from Russia?

HM Revenue and Customs can provide guidance on import duties and VAT. There are procedures for getting tax relief for cultural goods which are imported from outside the European Union and are intended for re-export within two years.

Chapter 3: European Union Member States

Where can I get more information?



United Kingdom

Department for Culture Media and Sport (DCMS)

2–4 Cockspur Street
London SW1Y 5DH
Tel: +44 20 7211 6200
e-mail: enquiries@culture.gov.uk
<http://www.culture.gov.uk/>

Museums, Libraries and Archives Council (MLA)

Export Licensing Unit
Victoria House
Southampton Row
London WC1B 4EA
Tel: +44 20 7273 8276
e-mail: elu@mla.gov.uk
<http://www.mla.gov.uk>

The link for the Export Licensing Unit with all relevant documents is: http://www.mla.gov.uk/webdav/harmonise?Page/@id=73&Document/@id=18402&Section%5b@stateId_eq_left_hand_root%5d/@id=4332

HM Revenue and Customs

<http://www.hmrc.gov.uk>

Cultural Property Advice

<http://www.culturalpropertyadvice.gov.uk/>

Provides a comprehensive on-line advisory service to help you to collect, buy and sell art, antiques and antiquities legitimately and with confidence. Site includes information and guidance on exporting and importing cultural objects, current legislation, news on stolen and illicitly traded objects.

Contact details for the authorities in the UK empowered to issue export licences for cultural goods under the EU licence scheme can be found at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00020009.pdf

Contact details for the customs offices in the UK empowered to handle formalities for the exportation of cultural goods can be found at:

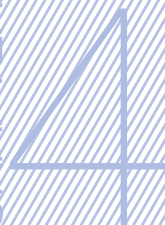
http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_187/c_18720060810en00100013.pdf

Information on legislation for the protection of cultural heritage in the UK published by the European Commission in 2002:

http://ec.europa.eu/taxation_customs/resources/documents/cgoods_uk_en.pdf

Russia

CHAPTER



Russia

WHICH LEGAL ACTS APPLY TO CULTURAL GOODS EXPORTED FROM RUSSIA TO EU COUNTRIES?

FEDERAL LAWS AND OTHER STATUTES

Russian Federation Law No. 4804-1, Cultural Goods Export and Import, April 15 1993.

Order No. 844 of the Russian Federation Ministry of Culture, "Updated Requirements for Authorisations to Export Cultural Goods and Cultural Heritage Objects from the Territory of the Russian Federation", August 7 2001.

Regulations Governing Examination and Control of Export of Cultural Goods (approved by the Russian Federation Government in its Decree No. 322 of April 27 2001).

Regulations Related to Fee Payment Principles and Charge Criteria Applicable to Official Examination of Cultural Goods (approved by the Russian Federation Ministry of Culture in its Order No 888 of June 4 2002).

In addition, there are federal laws dealing with the Museum, Archives and Library Stocks of the Russian Federation, cultural heritage items of the peoples of the Russian Federation, legislation related to cultural goods moved in or out during the Second World War and legislation governing movement of weapons and precious stones and metals. All these enactments are, to a certain extent, applicable to cultural goods brought into and taken out of Russia.

INTERNATIONAL CONVENTIONS

UNESCO's Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970, ratified by the U.S.S.R. on April 28 1988.

Russia signed the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects on June 29 1996, but has not ratified it as yet.

The website <http://www.rsoc.ru/site/law/history/import.shtml> includes the most significant legal acts of the Russian Federation on the export and import of cultural goods (in Russian only).

Which organ of the executive branch of government regulates and controls the export and import of cultural goods in Russia?

Control over the export and import of cultural goods in Russia is exercised by the Federal Regulatory Service for Mass Media, Communications and Protection of Cultural Heritage, or *Rossvyazokhrankultura* (<http://www.rsoc.ru>), which is supervised by the Government of the Russian Federation (<http://www.government.gov.ru/>). In addition to other numerous



Ivan Shishkin, "Rye", 1878, oil on canvas. State Tretyakov Gallery, Moscow. The painting was shown at the exhibition of Russian landscapes (Groningen, London, 2003–2004).

important functions, Rossvyazokhrankultura takes decisions on allowing the permanent or temporary export of cultural goods from Russia and issues relevant certificates.

Within the framework of federal legislation, the Government of the Russian Federation and the Ministry of Culture and Mass Communications (<http://mkmk.ru>) pass regulations governing the export and import of cultural goods.

Another two agencies, the Federal Culture and Cinematography Agency, or Roskultura (<http://www.rosculture.ru>), and the Federal Archives Agency, or Rosarkhiv (<http://www.rusarchives.ru>), both under the control of the Ministry of Culture and Mass Communications, may also be involved in the procedures related to the export and import of cultural goods.

The Federal Customs Service, or FTS (<http://www.customs.ru>), is in charge of customs procedures (customs control of merchandises, including cultural goods, coming into and going out of Russia) and exercises special powers to fight illicit trafficking in cultural goods.

The contact details of these organs can be found at the end of this section.

Is it necessary to obtain an authorisation to export one's own cultural goods from Russia?

Yes, you will always need an authorisation from Rossvyazokhrankultura or one of its territorial offices to export your cultural good from Russia. The authorisation is formalised in



a certificate for the right to export cultural goods, as provided in the Cultural Goods Export and Import Law. The specific format of the certificate is given in the Russian Federation Government's Decree No. 322 of April 27 2001.

The official list of cultural goods allowed for export on the basis of an export certificate is given in Order No. 844 issued by the Russian Federation Ministry of Culture on August 7 2001. It is reproduced below:

1. Cultural goods from the Museum, Archive and Library Stocks of the Russian Federation.*
2. Objects and collections of historical, scientific, artistic or any other cultural value related to important events in the lives of nations, evolution of society and the state, and the history of science and engineering:
 - 2.1. mementos associated with the lives of prominent political and public figures, national heroes and people in sciences, literature and the arts;
 - 2.2. objects and collections of uniforms and kits designed over 50 years ago for use on the factory floor, in the armed forces and elsewhere;
 - 2.3. items of technology, instruments, tools, devices and equipment for use in science, industry, households and the armed forces and/or their elements, designed and built over 50 years ago;
 - 2.4. artefacts or fragments recovered in archaeological excavations;
3. Goods of artistic value created over 50 years ago;**
 - 3.1. works of art and sculptures;
 - 3.2. works of graphics and original graphic printing plates;
 - 3.3. custom-made designs, installations and artistic compositions and montages;
 - 3.4. devotional articles of various religions;
 - 3.5. works of decorative and applied arts;
 - 3.6. decorated weapons and arms.
4. Elements and fragments of architectural and historical monuments and memorials of monumental art.
5. Printed works created over 50 years ago.
6. Manuscripts, documentary memorials and archives, including sound, photography and film archives, dating back more than 50 years.
7. Unique and rare musical instruments (including custom-made folk instruments from over 50 years ago).***
8. Postmarks (postage stamps and blocks), labelled postcards and envelopes, tax and other stamps designed over 50 years ago.

* No export certificate is required to export copies of documents kept at federal and government archives (document safekeeping centres) of the subjects of the Russian Federation, public museums and libraries of the Ministry of Culture's system, the State Film Archives and the institutional system of the Russian Academy of Sciences from the Russian Federation.

** No export certificate is required to export paintings, sculptures and graphic works, articles of decorative and applied art, design projects, installations and works of children's arts created less than 50 years ago, or for household articles regardless of the time of their creation, which are not entered in official registers and are designated by experts as belonging to the category objects for cultural purposes.

9. Coins, old paper money, banknotes and securities issued over 50 years ago.
10. Old orders and medals****, commemorative and award badges, desktop medals and seals issued over 50 years ago.
11. Rare specimens and collections of flora and fauna and objects of interest to sciences such as anatomy, palaeontology and mineralogy, including:
 - 11.1. plants and animals, and their parts, regardless of the conservation method (including herbariums, stuffed animals, shells and so on);
 - 11.2. artificial or natural preparations of whole organisms (including fossils), separate organs, their parts or systems;
 - 11.3. remains of fossil organisms and/or their parts (including their impressions), regardless of the state of preservation;
 - 11.4. specimens and collections of minerals (save for synthetic minerals), rocks and natural non-crystalline substances of terrestrial and extra-terrestrial origin.

How many kinds of authorisations are there for the export of cultural goods?

Cultural goods can only be exported without the obligation to re-import on the basis of a *certificate for the right to export cultural goods*, issued by Rossvyazokhrankultura (export certificate).

For temporary export, that is, with the obligation to re-import within a specified term, Rossvyazokhrankultura issues a certificate for the right of temporary export of cultural goods (temporary export certificate).

These articles can be taken out of Russia on the basis of a reference document (spravka) issued by an official of Rossvyazokhrankultura, or a territorial office of Rossvyazokhrankultura, or by a duly authorised expert, on a form approved in Annex 2 to the Order.

*** No export certificate is required to export other, manufactured musical instruments, including folk instruments (balalaika, domra, bayan and so on) from the territory of the Russian Federation.

Other bow and stringed instruments (violin, viola, cello and double bass) and bows that are neither unique nor rare can be taken out of Russia, if they carry a registration certificate (pasport), in which the following entry has been made by Rossvyazokhrankultura or by any of its territorial offices:

"Rossvyazokhrankultura (or the territorial office thereof) hereby confirms that this instrument/bow does not fall within the scope of Russian Federation Law No. 4804-1, Cultural Goods Export and Import, of April 15 1993 and can be exported without a certificate for the right to export cultural goods from the territory of the Russian Federation". This entry is certified by the signature of the relevant official and the stamp of Rossvyazokhrankultura or Rossvyazokhrankultura's territorial office.

**** No export certificate for the right to export cultural goods from the Russian Federation is required in the case of personal decorations, provided that each is accompanied by a proper document issued in the owner's name and the owner is exporting them personally. This rule also applies to badges. Government decorations, awarded in the U.S.S.R. or in Russia, carried by their legal owners or by museums can only be exported temporarily, for exhibitions. For all other cases the export of government decorations is not permitted.



Russia

Chapter 4: Russia

It is important to keep in mind the following: Rossvyazokhrankultura only deals with requests for temporary export of cultural goods when the latter are among those banned from export out of Russia (categories of these goods are named in the answers to the question “Are there any restrictions on classes of goods to be exported? What other special rules do I need to know about?”). For the rest of cultural goods, regardless of the intention to export them on a permanent or temporary basis, the general procedure for export authorisation applies and Rossvyazokhrankultura issues *the certificate for the right to export cultural goods* (the export certificate).

The provisions of the Cultural Goods Export and Import Law do not apply to contemporary souvenirs and cultural objects manufactured in quantity and in series. If public expertise finds that objects are not cultural goods and are outside the scope of the said Law, Rossvyazokhrankultura issues a reference document (called *spravka* in Russian) to be carried along with the objects to be exported. This regulation applies, in particular, to paintings, sculptures, graphic works, works of decorative and applied art, designs, installations and children’s works of art dating back to less than 50 years ago, and any household items, regardless of age, that are not on any official registers.

What is required to export cultural goods from Russia? How do I plan this process and how long might it take?

To begin with, if you buy an object and you want to export it from Russia, you have to check it against the list of cultural goods approved by the Russian Federation’s Ministry of Culture (reproduced above in this section).

If you think that your object is a cultural good under Russian Law, it is necessary to go to Rossvyazokhrankultura’s local office and apply for a certificate for the right to export cultural goods. As a rule, it will be the territorial office of Rossvyazokhrankultura in the region you are located.

To obtain an export authorisation, the owner of the object, or an authorised person, needs to file a request (on an application form available from the website: <http://new.rosokhran-cult.ru/works/import/>), to be accompanied by the following documents:

- (1) A list of objects (with their description) if more than two are to be exported (in triplicate);
- (2) Three colour photographs of each object (size at least 8 by 12 cm) (*no photographs are needed for archive documents, printed matter, stamps, coins, old paper money and decorations*);
- (3) Certified copies of documents confirming the ownership of the cultural goods to be exported;
- (4) Documents certifying the value (price) of the cultural goods; and
- (5) A copy of the ID of the individual, or a copy of a document certifying the entry made about the legal entity concerned in the Standard Official Register of Legal Entities.

The objects intended for export must be examined by a public expert for a fee. A stamp duty is also payable (for more detail, see the answer to the question, “Do I have to pay a

fee for taking cultural goods out with me?” in this section). The amount of the stamp duty is fixed after the expert has inspected the object.

Rossvyazokhrankultura makes a decision on the possibility of exporting the goods on the basis of the expert’s report and after checking official lists or rosters of cultural goods (such as, for example, lists of stolen cultural goods).

On the whole, the procedure between the moment of the application and the moment of Rossvyazokhrankultura’s decision lasts no more than 30 days. In practice, in many cases the term is much shorter. In a handful of more complicated cases, the mentioned 30-day term can be extended for a maximum of another 30 days.

If the decision is positive, the applicant is given a certificate for the right to export cultural goods from the territory of Russia. It is necessary to present this certificate to customs upon leaving Russia, together with the customs declaration.

If the expert establishes that your object is not a cultural good, Rossvyazokhrankultura issues the relevant reference document or spravka. Such document can be requested by the customs official when you leave Russia.

How can I find out if an object has a special value and whether it can be exported from Russia? Is there a State Register or list of such objects?

The Cultural Goods Export and Import Law provides a number of categories of cultural goods that are banned from export (for details, see our answer to the question, “Are there any restrictions on classes of objects to be exported? What other special rules do I need to know about?” in this section):

Movable objects, whenever they were created, that are protected by the state and entered in rosters and registers of state-protected objects, cannot be exported from Russia. This category includes, among other things, objects for which an export authorisation was requested, but the subsequent expert opinion led Rossvyazokhrankultura to enter them in public rosters and registers.

Movable objects that form part of the cultural heritage of the peoples of the Russian Federation are included by federal authorities in a special State list or code (called svod), which is deposited at Roskultura.

Museum exhibits and collections that form part of the Museum Stock of the Russian Federation have been registered in the Public Museum Stock Catalogue, which is also maintained by Roskultura.

Documents kept in the Archives of the Russian Federation are looked after by Rosarkhiv, which also keeps a Public Register of unique documents of the country’s Archives (go to the end of this section for Rosarkhiv’s contact details).



Russia

Chapter 4: Russia

In practice, though, individuals and corporations learn about the status of a particular object through Rossvyazokhrankultura's activity. This body operates an Automated Electronic Registration and Search System (known as "ERPAS" in Russian) to keep track of cultural goods lost during the Second World War, cultural goods that have been stolen, or illegally removed from Russia and cultural goods that are banned from export.

In 2006 the Cultural Goods Conservation Department of Rosokhrankultura published a Catalogue of Works of Art and Antiquities under Search (for more about these publications, visit the website: <http://www.rsoc.ru/main/directions/culturesearch/roszisk/268/>). This Catalogue lists only a small fraction of the lost treasures and will be followed by more publications.

Do museums and galleries need authorisations for the temporary export of their cultural goods (e.g. for exhibition abroad)? Do non-profit organisations need them too?

Yes, they do. All cultural goods, without a single exception, intended for temporary export must go through the procedure laid down in the Cultural Goods Export and Import Law. The rules set out in the Law apply to all cultural goods, no matter who owns them, and are binding for all individuals and legal entities, resident and/or present in Russia.

The specific procedure for temporary export authorisations applies only to those cultural goods whose export is banned under art. 9 of the Cultural Goods Export and Import Law (for more details, see the answer to the question, "Are there any restrictions on classes of objects to be taken out? What other special rules do I need to know about?" further in this section). Understandably enough, requests for temporary export authorisations come most frequently from museums (since they own treasures listed in Russia's Museum Stock). For other cultural goods (that is, for those that do not belong to the categories banned from export), regardless of whether they are to be exported temporarily or on a permanent basis, the general procedure for export authorisations applies (see the answer to the question "What needs to be done...?").

The application form for temporary export of cultural goods is available at this address: <http://new.rosohrancult.ru/works/import/>.

The request is to be filed by the owner of the cultural good or by a person authorised to do so by the owner. The power to issue a certificate authorising temporary export of cultural goods held permanently in public and municipal museums, archives, libraries and other public repositories of cultural goods is exercised by Rossvyazokhrankultura's Cultural Goods Conservation Department, or by Rossvyazokhrankultura's territorial offices on behalf of the management of Rossvyazokhrankultura.

The request is to be accompanied by:

- (1) A list of cultural goods, if more than two, providing a detailed description of each (in triplicate);
- (2) Three photographs, at least 8 by 12 cm, of each object; no photographs being required for archives documents, printed matter, coins, historic paper money and decorations;

- (3) Copies of documents confirming the title of the legal entity to the cultural goods being exported from the Russian Federation (originals are to be produced for verification purposes as well);
- (4) Documents certifying the value (price) of the cultural goods; and
- (5) A copy of the ID of a citizen of the Russian Federation for travel beyond the Russian Federation, or of a foreign citizen or subject for travel to and around the Russian Federation, or a copy of the official registration certificate of a legal entity.

A request filed for temporary export of cultural goods by *public and municipal museums, archives, libraries and other public repositories of cultural treasures* is to be accompanied additionally by:

- An agreement with the host organisation stating the purposes and terms of temporary export of the cultural goods;
- A document confirming commercial all-risks insurance covering the outbound cultural goods, or a document of all-risks financial indemnity coverage for the cultural goods by a government agency in the host country; and
- Documented guarantees from the host organisation and government authorities in the host country regarding the safety and return of the cultural goods brought in for a specified period.

In these situations, consent is to be obtained from the body of the executive branch of government in charge of the institution requesting authorisation for temporary export of cultural goods (for example, consent is required from Roskultura if a federal museum is involved).

A request filed by other legal entities, individuals, government and management bodies and public service officials for cultural goods to be allowed out of the country for a limited period of time is to be accompanied by:

- A certificate of the cultural goods intended for temporary export having been entered in any lists or registers of protected heritage existing under the laws of the Russian Federation;
- Confirmation of notice having been given to the public agency providing official protection for the cultural goods concerned being taken out for a specified time;
- An agreement with the hosting party on the purposes and terms of temporary export of the cultural goods; and
- Documented guarantees from the hosting party and authorities of the host country regarding the safety and return of the cultural goods brought in from Russia.

A further condition for cultural goods to be allowed out temporarily is an agreement between the applicant and Rossvyazokhrankultura on repatriation of the cultural goods being taken out of the country.

Finally, any cultural goods exported temporarily are examined twice – before they are taken out and when they have been brought back after temporary absence.

A stamp duty equivalent to 0.01 % of the sum insured of the cultural goods to be exported is payable as an authorisation fee. Payment of the stamp duty is required after the cultural goods have been examined by an expert.



Russia

Chapter 4: Russia

Rossvyazokhrankultura is required to notify the applicant of its decision within three months of the official request filing date. A favourable decision is followed by the issue of a certificate authorising its bearer to export the cultural goods for a specified period of time (temporary export certificate). An unfavourable decision may be appealed against in court.

I am a freelance artist. Do I need an authorisation to export my own works?

Yes, you do, under Article 40 of the Cultural Objects Export and Import Law: an artist leaving Russia for a short time or permanently can export any number of his/her own cultural goods with himself/herself, subject to meeting the requirements of the law.

Accordingly, the creator of cultural goods should follow the general rules in approaching Rossvyazokhrankultura with a request for an authorisation to export the cultural objects he/she has created and owns at the time of the request.

Under the Russian Federation Tax Code (Clause 9, Article 333.35), individuals who have produced their own cultural goods are exempted from the stamp duty when they take their own creations with cultural good status out of Russia permanently or temporarily.

I am a musician travelling abroad with my own instrument. Do I have to follow the regulations on export authorisations?

Unique and rare musical instruments (including designer folk instruments made over 50 years ago), on the list approved by the Russian Federation Ministry of Culture in its Order No. 844 of August 7 2001, are cultural goods and an authorisation is required from Rossvyazokhrankultura each time they are exported from Russia, whether on a permanent or temporary basis.

No authorisation is required for other instruments their owners want to take with them (for more details, see the list referred to above), apart from stringed bow instruments (violin, viola, cello and double bass) and bows, which require a registration certificate with an official stamp. This registration certificate or *passport* is a document intended for musicians who live in Russia and travel often outside Russia on tours of foreign countries. If you have bought an instrument in this class and want to take it back home (assuming you are a foreign tourist or a professional on an occasional visit to Russia, where you do not live or work) you have to obtain this registration certificate from Rossvyazokhrankultura, which states that your instrument is not a cultural good.

I am a foreign tourist. If I buy a painting or another work of art, how can I take it back home with me?

The first thing you must do is to find out whether your item is on the list of categories of objects requiring an authorisation from Rossvyazokhrankultura if you want to take it out with you (in other words, you have to be certain that your item is not a cultural good under Russian law; for more detail, see the answer to the question, "Is it necessary to obtain an authorisation..."). If it is, or if you have any doubts at all, you should go to Rossvya-

zokhrankultura. To do that, you should follow the steps described in the answer to the question, “What needs to be done...” earlier in this section.

A cultural good can only be taken out of Russia if it is indicated in writing in the traveller’s customs declaration and an export certificate issued by Rossvyazokhrankultura is produced.

If you have bought a souvenir or a culture-related item, you are neither required to request an authorisation from Rossvyazokhrankultura to export it, nor to declare it in writing at the customs. Nevertheless, if customs are undecided about clearing it immediately, they may ask you to show them a reference document or spravka from Rossvyazokhrankultura that your object is of no cultural value.

Remember also to get a registration certificate or pasport with an official stamp, or at least a spravka stating that the stringed bow instrument (a violin, viola, cello or double bass) you have bought is neither unique nor rare.

Is there a fee or charge to be paid for exporting cultural goods from Russia?

Yes, it is set out in the Cultural Objects Export and Import Law, and the Tax Code imposes the following limits on the export charge:

Charge for exporting:

- | | |
|---|---------------------------|
| • Cultural goods created over 50 years ago | 10 percent of their value |
| • Cultural goods created under 50 years ago | 5 percent of their value |
| • Items for a palaeontology collection | 10 percent of their value |
| • Items for a mineralogy collection | 5 percent of their value |

The stamp duty charged on cultural goods taken out for a limited period of time is 0.01 % of their sum insured.

The stamp duty is charged on cultural goods exported (permanently or for a limited time) on the basis of their market value stated by the applicant in his/her request. If Rossvyazokhrankultura puts a different value on the objects, the higher of the two values is used for calculating the stamp duty chargeable on them.

The stamp duty is charged on cultural goods taken out of Russia on the basis of the aggregate value of all the objects taken out by a single person at a time.

Exemptions from stamp duty are given to:

- Individuals who have created their cultural goods; and
- Employees of diplomatic missions or consulates and members of their families who live with them and are not citizens of the host country.

No stamp duty is charged on cultural goods recovered from their illegal owners and returned to their legitimate owner.



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Are cultural goods intended for export examined by experts? Where do such experts come from?

Yes, all cultural goods intended for permanent or temporary export from Russia, as well as those brought back after temporary export are always examined by experts, who follow the rules laid down in the Russian Federation Government's Decree No. 322, issued on April 27 2001, approving the rules of examination of, and control over, the export of cultural goods.

Examination is carried out by experts certified by Rossvyazokhrankultura, which appoints an expert from an official list on a case by case basis, depending on the required field of specialisation.

Examination is done for a charge because it is considered a professional service, to be paid for by the applicants. The amount and charge fixing criteria are set out in the Regulations approved by the Russian Federation Ministry of Culture in its Order No. 888 of June 4 2002. For the examination to be conducted, the applicant enters into a written agreement with the expert.

What can I do if I don't agree with the expert's opinion?

You cannot appeal against the expert's report until the whole authorisation process is completed. When Rossvyazokhrankultura or any of its territorial offices decides for or against your cultural goods being exported (see below), you can request Rossvyazokhrankultura to reverse their decision or appeal against it in a court of law on a claim of faulty examination.

Can one appeal against a decision denying the right to export cultural goods permanently or temporarily? How can this be done?

Rossvyazokhrankultura can decide against any cultural goods being *exported* (that is, against issuing an export certificate) for two reasons:

- (a) The object intended for export belongs to the categories subject to an export ban under Article 9 of the Cultural Objects Export and Import Law (see the answer to the question, "Are there any restrictions on classes of objects to be taken out of Russia? What other special rules do I need to know about?" in this section).
- (b) Circumstances existing at the time the request is filed suggest that the applicant is not entitled to export cultural goods he claims as his/her own (ie, there is suspicion that the applicant is not the real owner of the cultural goods).

The decision, which must state the reasons for the denial of the request, is conveyed to the applicant within 10 days of it being adopted. Once you have the decision in hand, you can approach Rossvyazokhrankultura with a request for its reversal, or take your case to a court of law.

The request for *temporary export* of cultural goods (that is, against issuing a temporary export certificate) can be declined on the following grounds:

- The individual or legal entity wanting to export the cultural goods for a specified time period has not provided the guarantees required under the Law to back up their promise to bring them back;
- The physical condition of the cultural goods intended for temporary export does not justify changes in their conservation condition which would result from their export;
- The owner of the cultural goods intended for temporary export has not been established, or the ownership of the cultural goods is disputed;
- Circumstances have emerged during the application process that suggest a lack of authority of the applicant in relation to the temporary export of the goods; or
- The target country for the temporary export of the cultural goods has been hit by a natural disaster, or is currently a scene of armed conflict or other circumstances endangering the safety of the cultural goods if they were taken there.

The request for temporary export of cultural goods may also be denied if the Russian Federation does not have diplomatic relations with the government of the country where it is intended to take the cultural goods for a short period.

The decision to deny temporary export may be reversed by Rossvyazokhrankultura (if duly requested to do so), or appealed against by the owner of the cultural goods in a court of law.

Does violation of export and import legislation carry any liability?

The Cultural Objects Export and Import Law imposes administrative and criminal liability for illicit export or import of cultural goods, that is, export or import of cultural goods in violation of the rules set out in the Law and in customs legislation.

Administrative Liability

This type of liability is regulated by the Administrative Offences Code of the Russian Federation and applies to cultural goods as well as to any other goods (liability is dealt with in the customs section of the law). Offences are broken down into two categories (each, in turn, divided into several subcategories):

- Illegal movement of goods across the Russian Federation's customs border (Article 16.1); and
- Failure to declare, or untrue declaration of, goods (Article 16.2).

As a rule, administrative penalties include administrative fines (ranging from 50 % to 200 %, or even 300 %, of the value of the goods or unpaid customs duties, depending on the severity of the offence), with or without confiscation of the goods.

Criminal Liability

The Russian Federation's Cultural Objects Export and Import Law categorises illicit export and import of cultural goods as smuggling, a crime dealt with in Article 188 of the Crimi-



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nal Code of the Russian Federation. Under Clause 2 of the Article, movement of cultural goods, to which special rules apply, across the customs border of the Russian Federation, combined with evasion of, or concealment from, customs controls, or fraudulent use of documents or customs identifiers or failure to properly declare or improper declaration, is deemed as smuggling and is penalised either by prison terms of three to seven years and a fine of up to one million roubles (1,000,000 RUB), or the offender's wage equivalent for a period of up to five years of employment, or other income for the same period, or by prison terms without a fine.

Another Criminal Code article, 164, imposes liability for the theft of objects and documents of special historic, scientific, artistic or cultural value. A further article, 190, assigns liability for the failure to return objects of artistic, historic or archaeological heritage of peoples living in the Russian Federation from other countries back to where they belong.

What "standards of service", if at all, exist in respect of authorisation of export of cultural goods?

"Standards of service" as such have not existed as a regulatory and statutory framework for export and import of cultural goods. Certain time frames for the completion of procedures, a number of guarantees for applicants, and the like, were recognised in existing rules and regulations, for example, in regulations applicable to examination of cultural property and control over its export (approved by the Russian Federation Government in its Decree No. 322 of April 27 2001).

These days, as general administrative reform gets underway, efforts have been launched to develop administrative regulations designed to give more quality to public services and to conform, in general outline, to the accepted "standards of service". These are, in the first place, the Rossvyazokhrankultura Administrative Regulations (currently pending) governing the issue of permits for export of cultural goods, both permanent and temporary, and the return of cultural goods exported for a specified period.

Are there any restrictions on classes of objects to be exported? What other special rules do I need to know about?

1. The principal restriction applies to the categories of cultural goods set out in Article 9 of the Cultural Objects Export and Import Law, because they are prohibited from export out of Russia. These are:

- (a) Movable goods of historic, artistic, scientific or other cultural value, placed, under the current laws, in the category of especially prized pieces of the cultural legacy of the various peoples living in the Russian Federation, regardless of the time of their creation;
- (b) Movable goods that are, regardless of the time of their creation, protected by the state and entered in protection lists and registers as required by the laws of the Russian Federation;

- (c) Cultural goods kept at public and municipal museums, archives, libraries and other publicly financed repositories of cultural treasures of the Russian Federation. This rule may be extended, at the discretion of authorised bodies of government, to other museums, archives and libraries; and
- (d) Cultural goods created more than 100 years ago, unless provided for otherwise in the Cultural Goods Export and Import Law.

These restrictions notwithstanding, cultural objects listed in paragraphs (b), (c) and (d) can be temporarily exported from Russia.

2. Article 37 of the Cultural Objects Export and Import Law, however, affords a possibility for cultural goods that are banned from export in accordance with Article 9 of the Law to be exported under certain conditions. One possibility extended by the Law is related to individuals leaving Russia for permanent residence in another country: they can take some of their cultural goods with them provided, however, that they can prove their ownership of such objects, which they consider family relics or keepsakes, and that these are not kept permanently in public or municipal museums, archives, libraries or other publicly funded repositories of cultural goods.

A similar possibility exists for individuals leaving Russia to take up permanent residence abroad with collections of cultural goods, if they have concluded contracts to donate some items of special cultural, historic or other interest in their collections to public museums, archives, or libraries, or contracts to transfer such items to those institutions on terms set by the public institutions. This possibility does not apply to Russian citizens going abroad for a temporary stay only.

3. Article 38 of the Cultural Objects Export and Import Law gives priority to the state to purchase cultural goods intended for export. Similar priority rights are also set out in the laws of some EU countries

4. Among the more specialised rules are those that apply to certain types of cultural goods that can be exported or imported under special rules imposed in addition to the general rules set out in the Cultural Objects Export and Import Law. In particular, these are cultural goods containing precious metals and gems, and also weapons and arms of cultural value.

Which other documents are needed to export cultural goods from Russia? Which customs organs are authorised to clear outbound cultural objects?

Cultural goods are a commodity that must be shown in a written declaration when exported from Russia. Therefore, when their owner is going through the customs (the “red channel”) he/she must produce two copies of a customs declaration on official forms.

The customs declaration is always to be backed up by an export certificate issued by Rossvyazokhrankultura.



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The Cultural Objects Export and Import Law states that export customs duties are not charged on cultural goods covered by the required documents, as specified by the Law.

Cultural goods carried by their owners are not regarded, under the Law, as part of personal property on which value restrictions are imposed on departure by customs regulations.

In theory, there is no distinction between customs organisations authorised to clear cultural goods and those that are not. In practice, however, certain restrictions are placed on customs houses empowered to accept customs declarations (to be filled out for all cultural goods) or those that clear precious metals and gems.

In case of doubt, call the Federal Customs Service or its regional offices (at <http://www.customs.ru>) to obtain first-hand information on customs organisations authorised to clear a particular object.

What are the rules to follow when importing cultural goods to Russia?

In the first place, you should keep in mind the difference between importing cultural goods into Russia permanently or for a specified period only. The first option does not involve an obligation for the owner of the goods to take them back abroad while, in the second option, the owner is required to pledge to take them back home within a specified time period. A typical example of cultural goods being brought into Russia temporarily is an old master's musical instrument owned by a member of a foreign orchestra on a tour of Russia, or a painting imported for a short exhibition in a Russian museum.

All cultural goods imported to Russia (that is, for permanent import) are always cleared through the customs and entered in a register kept for this purpose under the Cultural Objects Export and Import Law. In practical terms, remember to declare your object in writing and expect the Russian customs to register it specifically as an imported cultural good.

Cultural goods imported into Russia are registered by a customs officer who puts a stamp on a Form TD-6 customs declaration with the text, "Registered on entry to the Russian Federation on declaration as a cultural good," with the following documents attached:

- Three copies of a detailed list of the cultural goods brought in, and
- Three sets of photographs (at least 8 by 12 cm) of the cultural goods carried into Russia.

No photographs are required for archive documents, printed matter, postage stamps, coins, paper money and decorations.

Other documents to be produced to the customs are those certifying the origin and value of the cultural goods imported into Russia.

In determining the status of a given object as cultural good, customs officers are guided by the Cultural Objects List compiled pursuant to Russian Federation Law No. 4804-1,

Cultural Objects Export and Import, of April 15 1993, and approved by the Russian Ministry of Culture in its Order No. 844 of August 7 2001, or by the opinion of a Rossvyazokhrankultura-certified expert, if the customs house employs one full-time.

Not all customs houses have qualified experts on their staff. It is therefore suggested that you find out well in advance whether the customs house you want to take your cultural object through has any. Another option, before actually taking your object through the customs, would be to approach Rossvyazokhrankultura with the relevant information (in particular, an invoice, a foreign expert's opinion, and so on), so they could issue you a document certifying that your object really is a cultural good.

Once your cultural goods have been placed in bond for "release for domestic consumption," the customs send a registration slip to the Rossvyazokhrankultura territorial office, along with a copy of all the documents (including a copy of the customs declaration) produced by the person importing cultural goods into Russia.

People importing cultural goods into Russia for their personal use are offered significant advantages. A traveller who bought some cultural goods in a foreign country and is now crossing the Russian customs border (carrying them as checked or unchecked baggage), and if he/she wants to use those items for his/her own needs (in other words, not for business purposes), is given an exemption from customs duties and taxes by the customs provided, however, that his/her cultural goods are shown in the written customs declaration and registered specifically as such. The customs may, however, demand payment of duties and taxes as security, if they are not certain about the object being a cultural good (if there is no expert available to confirm this, or you don't carry a document confirming this status, etc). You will only get your security back after Rossvyazokhrankultura confirms the claimed status of your object.

Exemption from customs duties and taxes is also foreseen for museums and other cultural institutions that import cultural goods for their own collections, but only in cases when the cultural good is received by a museum or a cultural institution as a gift and the museum or the cultural institution itself is listed among the important cultural heritage repositories of any of the Russian Federation's peoples.

Cultural goods entering Russia for *temporary import* are required, under the Cultural Objects Export and Import Law, to be inspected by the customs and registered accordingly. You must remember this if you are, for example, a musician carrying an antique musical instrument on your tour of Russia, otherwise you might face difficulties taking it back home from Russia. Insert a reference to your instrument in your customs declaration and see that the customs officer letting you through affixes a stamp to your declaration, stating that your object is imported temporarily.

As a general rule, most cultural goods imported temporarily are brought to Russia to be displayed at museums or other public cultural institutions. Another common example is that of foreign musicians coming to Russia on tours. The country's customs laws allow them an exemption from the general rule requiring security to be deposited



Ilya Repin, "Krestny Khod (Religious Procession) in Kursk Gubernia", 1881–1883, oil on canvas. State Tretyakov Gallery, Moscow. The painting was part of the exhibition "The Quest for Identity: Russian Art in the Second Half of the Nineteenth Century" (Paris, 2005–2006) and in the exhibition "Russia's Soul" (Art and Exhibition Hall of the Federal Republic of Germany – KAH, Bonn, 2007).

with the customs for duties and taxes payable on cultural goods imported into Russia temporarily. Occasionally, this exemption is provided on prior assurances from Ross-vyazokhrankultura that the objects brought in are cultural goods.

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Where can I get more information?



Russia

Rossvyazokhrankultura

Cultural Goods Conservation Department

7 Kitaigorodsky proezd, Building 2, 109074 Moscow

Tel/Fax: +7 495 624 34 58

<http://www.rsoc.ru>

<http://new.rosohrancult.ru>

Rossvyazokhrankultura's Territorial Offices: see

<http://www.rsoc.ru/main/about/territorial/>

Ministry of Culture and Mass Communications of the Russian Federation

7 Kitaigorodsky proezd, Building 2, 109074 Moscow

Tel: +7 495 625 11 95

Fax: +7 495 628 17 91

e-mail: apd@mkmk.ru

<http://www.mkmk.ru>

Roskultura

7 Maly Gnezdnikovsky pereulok, 125009 Moscow

Tel: +7 495 629 00 16

e-mail: rosculture@rosculture.ru

<http://www.rosculture.ru>

Rosarkhiv

12 Ilyinka Street, 103132 Moscow

Tel: +7 495 206 35 31

<http://rusarchives.ru>

Russian Federal Customs Service

Inquiries: +7 495 449 72 05 or 449 83 83

Sheremetyevo Customs: 578 21 20, 578 14 30

Domodedovo Customs: +7 495 787 29 80

Vnukovo Customs: +7 495 736 90 62

<http://www.customs.ru>

Practical tips for tourists are available in English at the website:

<http://petersburgcity.com/for-tourists/export/>

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Publications & Conference Reports

Action Plan for the EU Promotion of Museum Collections' Mobility and Loan Standards, 2006 (in English & French, published at the Mobility of Museum Collections conference in Finland), http://www.nba.fi/mobility/Action_Plan_for_the_EU_Promotion.pdf

Art, Antiquity and Law (international journal)
<http://www.ial.uk.com/aal.php>

The Art Newspaper
<http://www.theartnewspaper.com/index.asp>

Basic Actions concerning Cultural Objects being offered for Sale over the Internet, UNESCO, 2007, (downloadable in English, Russian, French, Spanish, Arabic and Chinese)
http://portal.unesco.org/culture/en/ev.php-URL_ID=21559&URL_DO=DO_TOPIC&URL_SECTION=201.html

Bizot Guidelines on the Administration of Loans and Exchange of Works of Art, 1995 - revised 2002
http://www.museumcollectionsonthemove.org/references/Bizot_Admin_of_loans.pdf

Encouraging the Mobility of Collections, 2006, (Report from Mobility of Museum Collections conference in Finland)
<http://www.nba.fi/mobility/>

European Museums Standard Facilities Report
<http://www.culture.gov.uk/NR/rdonlyres/E8F8C151-1038-41BB-9AB3-992EFA032A01/0/EuroFREditCopyJune052.pdf>

ICOM Code of Ethics for Museums, International Council of Museums, 2006
<http://icom.museum/ethics.html> (Downloadable in ten languages)

IFAR Journal, International Foundation for Art Research
http://www.ifar.org/joun_main.htm

Illicit Traffic in Cultural Goods in the Netherlands, 2004, research report
<http://www.minocw.nl/documenten/brief2k-2005-doc-33496a.pdf>

International Code of Ethics for Dealers in Cultural Property, UNESCO, 1999,
http://portal.unesco.org/culture/en/ev.php-URL_ID=13095&URL_DO=DO_TOPIC&URL_SECTION=201.html



International Flows of Selected Cultural Goods and Services, 1994-2003, Defining and capturing the flows of global cultural trade, UNESCO Institute for Statistics, UNESCO Sector for Culture, Montreal, 2005

http://www.uis.unesco.org/template/pdf/cscl/IntlFlows_EN.pdf

International Journal of Cultural Property

<http://journals.cambridge.org/action/displayJournal?jid=JCP>

The International Movement of Cultural Goods – legal framework, Iurist (Moscow), 2005, M.M. Boguslavsky (in Russian)

An Inventory of National Systems of Public Guarantees in 31 European countries, European Commission Study N° 2003-4879, 2004, study carried out by the Réunion des Musées nationaux (France) in collaboration with the Staatliche Museen zu Berlin (Germany)

http://ec.europa.eu/culture/eac/sources_info/studies/garanti_en.html

Lending to Europe: recommendations on collection mobility for European Museums, 2005, report by an independent group of experts from European museums, set up under the Netherlands presidency

http://www.minocw.nl/documenten/lending_to_europe.pdf

Mobility of Collections, 2005, (Report from Mobility of Museum Collections conference in the UK)

<http://www.culture.gov.uk/mobility/index.htm>

Museum Collections on the Move, 2004 (Report from Mobility of Museum Collections conference in the Netherlands)

<http://www.museumcollectionsonthemove.org/indexen.html>

Nail to Nail, a guide for curators in the UK to presenting international visual arts, Visiting Arts, 2003

http://www.visitingarts.org.uk/info_resources/graphics/visiting_arts_nail_to_nail2006.pdf

Promote the Return or Restitution of Cultural Property, UNESCO Information Kit, 2001

<http://unesdoc.unesco.org/images/0013/001394/139407eb.pdf>

UNESCO-WCO Model Export Certificate: the Model Export Certificate for Cultural Objects prepared by UNESCO and the World Customs Organization is available in English, French, Spanish, Russian, Arabic and Chinese

http://portal.unesco.org/culture/en/ev.php-URL_ID=27288&URL_DO=DO_TOPIC&URL_SECTION=201.html

UKRG Standard Facilities Report, 2004 (a standard form devised by the United Kingdom Registrars Group for use by museums and galleries in any country involved in touring exhibitions)

<http://ukrg.org/Publications/Standard%20Facilities%20Report.pdf>



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Online resources

Displaced Cultural Valuables

<http://www.libfl.ru/restitution/index-eng.html>

A project developed since 2001 by the Library for Foreign Literature (VGBIL) with the support of the Open Society Institute and Royal Netherlands Embassy in Moscow. The website in English and Russian includes information on collections, law, institutions, conferences and bibliography. The project has produced electronic databases of book collections displaced to the territory of the USSR as a result of World War II and organised international conferences on the subject of restitution of displaced cultural goods.

Legal Protection of Cultural Property – a selective resource guide

<http://www.ilrx.com/features/culturalproperty.htm>

A comprehensive bibliography and links on the subject by Louise Tsang.

PetersburgCity.com - Items of Value

<http://petersburgcity.com/for-tourists/export/>

An online guide written for tourists on how to export cultural objects from Russia

Contacts & other links

Art Loss Register

<http://www.artloss.com/>

A private international database of stolen art and antiquities

Commission for Looted Art in Europe

<http://www.lootedartcommission.com>

CLAE is the expert representative body in Europe dealing with all matters relating to Nazi looted art and other cultural property.

Compendium of Cultural Policies and Trends in Europe

<http://www.culturalpolicies.net>

Europe-wide information and monitoring system on cultural policy measures, instruments, debates and cultural trends; searchable database of country profiles includes Russia. Compendium is a joint venture of the Council of Europe and ERICarts Institute.

Council of Europe

http://www.coe.int/T/E/Cultural_Co-operation/Heritage/

Links to various projects in the heritage field

European Commission

Taxation and Customs Union:

http://ec.europa.eu/taxation_customs/index_en.htm

Export of Cultural Goods:

http://ec.europa.eu/taxation_customs/customs/customs_controls/cultural_goods/index_en.htm



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European Culture Portal:

http://ec.europa.eu/culture/portal/index_en.htm

European Heritage Network

<http://www.european-heritage.net>

A project of the Council of Europe, this website includes a searchable database of national heritage policies, a multi-lingual thesaurus of heritage terms and documentation on Council of Europe conventions.

Heritage Law

<http://heritagelaw.org/>

A website with links to and translations of heritage laws across Europe.

ICEFAT (International Convention of Exhibition and Fine Art Transporters)

<http://www.icefat.org/index.html>

This worldwide organisation represents 79 major independent art transportation firms from over 34 countries. ICEFAT newsletters include two interesting articles on transporting artworks to and from Russia (see ICEFAT News: newsletters #2 – 2006 and #2 – 2003)

ICOM (International Council of Museums)

<http://icom.museum/>

ICOM is the international organisation of museums and museum professionals. A section of the site contains comprehensive links and resources on fighting the illicit traffic in cultural property:

http://icom.museum/traffic_links.html

IFAR (International Foundation for Art Research)

<http://www.ifar.org/>

IFAR offers impartial and authoritative information on ownership, authenticity, theft and other artistic, legal and ethical issues concerning art objects.

Interpol – Stolen Works of Art

<http://www.interpol.int/Public/WorkOfArt/Default.asp>

An international database of stolen and recovered works of art plus news on the subject

LabforCulture.org

<http://www.labforculture.org>

An online information and knowledge platform dedicated to European cultural cooperation.

NEMO (Network of European Museum Organisations)

<http://www.ne-mo.org>

An independent network of museum associations and similar bodies representing the museum community of Europe; the website has useful contacts and resources under Collection Mobility.



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Rossvyazokhrankultura (Federal Regulatory Service for Mass Media, Communications and Protection of Cultural Heritage)

<http://www.rsoc.ru/main/culturesearch/>

<http://new.rosohrancult.ru/works/import/>

UNESCO (United Nations Educational, Scientific and Cultural Organization)

http://portal.unesco.org/culture/en/ev.php-URL_ID=2633&URL_DO=DO_TOPIC&URL_SECTION=201.html

This section of the UNESCO website deals with Cultural Property – its Illicit Trafficking and Restitution and contains many useful links.

UNESCO Cultural Heritage Laws Database

http://portal.unesco.org/culture/en/ev.php-URL_ID=22554&URL_DO=DO_TOPIC&URL_SECTION=201.html

UNIDROIT (International Institute for the Unification of Private Law)

<http://www.unidroit.org/>

World Customs Organization

<http://www.wcoomd.org/ie/index.html>

Conventions, legislation and links to customs authorities around the world.

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Moving Art

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