

2. Regulations on the export and import of cultural objects.

Laid down by the Ministry of Culture and Church Affairs on 1 January 2007 pursuant to section 23f of the Act of 9 June 1978 No. 50 on cultural heritage, section 12, subsection 3 of the Regulations of 9 February 1979 No. 8785 on the distribution of responsibility, etc. pursuant to the Cultural Heritage Act, and section 28 of the Act of 10 February 1967 on Procedure in Cases concerning the Public Administration (the Public Administration Act).

3. Chapter I. Purpose and scope

Section 1. Purpose

The purpose of these Regulations is to ensure that cultural objects are protected against unlawful export and import. The Regulations are intended to help **define/limit*** the unlawful transfer of ownership of cultural objects and ensure that there is documentation and information regarding the cultural objects that are allowed to be exported from Norway.

Section 2. Definition

For the purposes of section 23 of the Act of 9 June 1978 No. 50 on Cultural Heritage and these chapters, the following categories of cultural objects shall apply:

- a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest.
- b) Products of archaeological excavations or of archaeological discoveries, both lawful and unlawful. Monuments and sites that are automatically protected by law pursuant to section 4 of the Act of 9 June 1978 No. 50 on Cultural Heritage.
- c) Structures of all kinds and parts of such, artistic or historic monuments, coins, archives, including sound, photographic and cinematographic archives, manuscripts, old books singly or in collections, seals, articles of furniture and other household articles or movable property, costumes, hand weapons, musical instruments and similar articles that are of interest for artistic or cultural reasons or because of their associations with historic persons which are more than 100 years old. The Ministry may for special reasons determine that the export prohibition shall apply to such objects irrespective of their age.
- d) Ethnographic material. These Regulations shall not apply to objects belonging to their maker or to new products, manufactured for sale.
- e) Sami cultural objects regardless of age. These Regulations shall not apply to objects belonging to their maker or to new products, manufactured for sale.
- f) Objects, regardless of age:
 - that are of particular importance for history, including the history of science and technology, military history and social history
 - that are of particular importance for activities and events of national significance
 - that concern the life of prominent or important persons. This shall not include objects that the prominent or important person concerned himself or herself exports from Norway, unless such export is prohibited under other provisions of these Regulations.

- g) Paintings, drawings, sculptures, works of statuary art, original prints and lithographs and other pictorial art that are more than 50 years old. This shall not include works belonging to their maker.
- h) In the case of handicraft products and prototypes of design products that are more than 50 years old, only the provisions of Chapter II of these Regulations shall apply. Products belonging to their maker shall not be included.
- i) An export licence is required for boats, motor vehicles, aircraft, artillery and rolling stock or parts of and accessories for such that are more than 50 years old.
- j) Cultural objects as mentioned in section 2 b-e shall not include personal effects that are less than 200 years old or cultural objects as mentioned in section 2 i, that are to be used during a stay or to be repaired and restored outside Norway and that are brought back to Norway within one year of their leaving the country. 'Personal effects' shall mean objects such as jewellery, national costumes and the like.

4. Chapter II. Export of cultural objects

Section 3. Prohibition of export

Pursuant to section 23 of the Act of 9 June 1978 No. 50 on Cultural Heritage, it is prohibited to export cultural objects from Norway without written consent.

Section 4. Application

An application to export cultural objects that fall within any of the categories specified in section 2 of these Regulations shall be made on the form prescribed by the Ministry of Culture and Church Affairs. The application shall, *inter alia*, contain information regarding the nature, material, age, size, and means and date of acquisition of the cultural object, from whom it has been acquired, and the name and address of the applicant and the recipient. An explanation shall also be given of the reasons for applying for an export licence, and five colour photographs of the cultural object shall be attached.

The application shall be sent to the institution that has decision-making authority pursuant to section 6 in good time prior to the intended date of export. If the applicant is in doubt as to where the application is to be sent, it may be sent to the Norwegian Archive, Library and Museum Authority (ABM-utvikling), which will forward it to the proper decision-making authority pursuant to section 6.

If necessary, the decision-making authority may require the applicant to present supplementary information or to produce the cultural object.

Section 5. An export licence shall normally be granted if the cultural object is not of great importance for research or for the preservation and communication of Norway's cultural heritage.

An export licence may be granted permanently or for a specified period of time. An export certificate shall be issued in compliance with international standards.

Objects that are exported from Norway shall be accompanied by the aforementioned export licence and this documentation shall be presented to the customs and excise authorities in connection with customs processing.

Section 6. Decision-making institutions

The following institutions are decision-making institutions:

Decision-making institutions	Type of cultural objects/cultural heritage
The Norwegian Armed Forces Museum	military cultural objects, weapons, aircraft
The Museum of Cultural History, University of Oslo	archaeological and ethnographic material, pre-Reformation objects, coins and banknotes
The National Library of Norway	books, prints, manuscripts, sound and film archives
The National Museum of Art, Architecture and Design Norsk Folkemuseum	pictorial art, sculpture, graphic art, handicraft, design, antiques, furniture arts and crafts, rural antiques, costumes, buildings and other cultural objects relating to post-Reformation working life and lifestyles
The Norwegian Maritime Museum	maritime cultural objects
The Norwegian Museum of Science and Technology Preus Museum	means of transport and other technological cultural objects photographs, cameras and other photographic equipment
The Directorate for Cultural Heritage	boats
The National Archival Services of Norway Ringve Museum	documents, seals and signets musical instruments and other objects relating to music history
Sámiid Vuorká-Dávvirat (The Sami Collections)	Sami cultural objects

The decision-making institutions shall consult regional specialist institutions or other decision-making institutions as necessary.

The decision-making authority shall notify the applicant in writing of its decision and send a copy of the decision and the application to the Norwegian Archive, Library and Museum Authority (ABM-utvikling).

Section 7. The Norwegian Archive, Library and Museum Authority is the appeals body in cases concerning prohibition of export of cultural objects, except for cases that are decided by the Norwegian Directorate for Cultural Heritage, where the Ministry of the Environment is the appeals body, and cases concerning Sami cultural objects, where the Sami Parliament is the appeals body.

Appeals shall be lodged with the agency that made the decision, and the provisions regarding appeals in Chapter VI in the Act of 10 February 1967 concerning Procedure in Cases relating to the Public Administration (the Public Administration Act) shall apply correspondingly.

5. Chapter III. Import of cultural objects

Section 8. Pursuant to section 23a of the Act of 9 June 1978 No. 50 on Cultural Heritage, it is prohibited to import to Norway cultural objects that have been

unlawfully exported from a State that is party to a treaty to which Norway is also party on the return of cultural objects or on means of preventing the illicit import, export or transfer of ownership of cultural objects, hereinafter referred to as the country of export.

§ 9. For the purposes of section 23a of the Act of 9 June 1978 No. 50 on Cultural Heritage and of this chapter of the Regulations:

- a) 'cultural objects' shall mean the categories of cultural objects laid down in the legislation of the countries of export on the definition and protection of cultural objects
- b) 'which is unlawfully exported from a State' shall mean:
 - any export from the territory of a State in breach of this State's legislation on the protection of cultural objects
 - objects that are not accompanied by a valid certificate, which is required under national legislation, in which consent is granted for the export of the cultural object in question or
 - any failure to return a cultural object upon expiry of the time-limit for temporary lawful export, or any breach of another condition governing such temporary export.
- c) 'an agreement to which Norway is also party concerning the return of or concerning means of preventing the illicit import, export and transfer of ownership of cultural objects' shall mean:
 - a State that is part of the European Economic Area (EEA)
 - a State Party to the Unidroit Convention of 24 June 1995 No. 1
 - a State Party to the UNESCO Convention of 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

Section 10. Any person who imports a cultural object to Norway, which pursuant to national legislation in the country of export is subject to an export licence, has an obligation to ensure that the object is accompanied by a valid export certificate issued by the country of export. This documentation shall be presented to the customs and excise authorities in connection with customs processing.

6. Chapter IV. Penalties, controls and entry into force

Section 11. Any person who wilfully or negligently contravenes section 3 and section 8 of these Regulations, or provisions and decisions made pursuant to them, is liable to a penalty in pursuance of section 27 of the Act of 9 June 1978 No. 50 on Cultural Heritage and Chapter X of the Act of 10 June 1966 No. 5 on Customs and Excise.

Section 12. Pursuant to Chapter III of the Act of 10 June 1966 No. 5 on Customs and Excise, the customs authorities shall carry out controls to ensure that cultural objects are not exported out of or imported into Norway in breach of these Regulations. The provisions of the Customs Act with appurtenant Regulations apply correspondingly in so far as appropriate and unless otherwise provided.

Section 13. These Regulations shall enter into force on 1 January 2007.