

## Regulations on the import and export of cultural objects

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### 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 designed to help restrict unlawful trade in cultural objects and secure documentation and knowledge relating to cultural objects that are allowed to be exported from Norway.

#### Section 2. *Definition*

The following categories of cultural objects apply in the Act of 9 June 1978 No. 50 relating to cultural heritage and the chapters below:

- a) Materials, irrespective of age:
  - which are of special significance in relation to Norwegian art, culture and history
  - which are of special significance in relation to activities and events of national importance
  - which relate to the lives of prominent or important persons. This shall not include objects which a prominent or important person exports from Norway personally, unless export is prohibited by other provisions of these regulations.
- b) Sami materials dating to before 1970. In the case of texts and maps printed in Sami, the cut-off date shall be 1930. An export licence shall be required for all Sami archive materials. This category shall not include objects belonging to their maker.
- c) Paintings, drawings, sculptures, original prints and lithographs, other pictorial art, handicrafts and prototypes for design products older than 50 years. This category shall not include objects belonging to their maker.

- d) Sound, photographic and cinematographic materials dating to before 1950.
- e) Motor vehicles, aircraft, artillery and rolling stock, or parts and accessories thereof, dating to before 1950, and boats or parts thereof older than 50 years.
- f) Buildings of all kinds and parts thereof, artistic and historical monuments, archive materials, letters, manuscripts, signets, folk art and arts and crafts objects, furniture and other household goods, costumes, hand weapons, musical instruments and other articles of artistic, cultural or biographical interest dating to before 1900.
- g) Ethnographic materials dating to before 1900.
- h) Texts and maps printed in Norway before 1850 or abroad before 1650.
- i) Norwegian coins dating to before 1537, as well as younger Norwegian coins, banknotes, medals and decorations of national significance; see the appended overview.
- j) Stamps shall not be covered by the export prohibition unless they form part of other materials covered by these regulations.
- k) Products of archaeological excavations or archaeological discoveries, whether lawful or unlawful. Cultural heritage monuments and sites which are automatically protected under section 4 of the Act of 9 June 1978 No. 50 relating to cultural heritage; see also section 12 on ownership of movable cultural heritage monuments and sites.
- l) The categories of materials described in section 2(a) to (j) shall not include personal effects dating to after 1800 or cultural objects pursuant to section 2(e) which are to be used during stays abroad and which will be returned to Norway within one year of departure, or which are to be repaired and restored abroad and be returned to Norway within three years

of departure. “Personal effects” shall mean objects such as jewellery, national costumes, etc.

- m) The categories of materials described in section 2(a) to (j) shall not include objects imported into Norway after 1950, provided that it can be documented that they were lawfully exported from their countries of origin.

## **Chapter II. Export of cultural objects**

### *Section 3. Export prohibition*

Section 23 of the Act of 9 June 1978 No. 50 relating to cultural heritage prohibits the export of cultural objects from Norway without written consent. The consent requirement in the first sentence covers all forms of export abroad, including loans to exhibitions and other time-limited exports.

### *Section 4. The application*

An application to export cultural objects falling into one of the categories specified in section 2 of these regulations shall be submitted using the form prescribed by the Ministry of Culture. The application shall contain *inter alia* the following information about the cultural object: its nature, material, age, size, manner and time of acquisition, from whom it was acquired, and the names and addresses of the applicant and recipient. A statement of reasons in support of the export licence application shall also be provided, along with five colour photographs of the cultural object.

The application shall be sent to the institution with decision-making authority pursuant to section 6 well before the intended export date. If the applicant is in doubt as to where the application should be sent, it may be sent to the Arts Council Norway, which will forward it to the correct decision-making authority pursuant to section 6.

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

### *Section 5.*

An export licence shall normally be granted if a cultural object is not of major significance for research or for the preservation and communication of Norway's cultural heritage.

An export licence may be permanent or for a specified period of time, for example in connection with temporary exhibition or restoration/preservation of cultural objects or temporary export for research purposes. The design of issued export certificates shall comply with international standards.

Objects which are exported from Norway shall be accompanied by an export licence as described above, which shall be presented to the customs and excise authorities in connection with customs processing.

The Director General of the National Archives of Norway may consent to the export of public archives if such export is necessary for the administrative or judicial use of the archives; see section 9(b) of the Archives Act.

#### Section 6. *Decision-making institutions*

The following institutions have decision-making authority:

- a) The Armed Forces Museum is the decision-making institution for cases involving military cultural objects, weapons, aircraft and vehicles.
- b) The Museum of Cultural History, University of Oslo, is the decision-making institution for cases involving archaeological and ethnographic materials, pre-Reformation objects, coins and paper money.
- c) The National Library of Norway is the decision-making institution for cases involving printed texts and maps, manuscripts and sound and cinematographic archives.
- d) The National Museum of Art, Architecture and Design is the decision-making institution for cases involving paintings, drawings, sculptures, original prints and lithographs and other pictorial art, handicrafts, designs, furniture and other household goods.
- e) The Norwegian Museum of Cultural History is the decision-making institution for cases involving folk art, rural antiques, arts and crafts

objects, costumes, buildings and other materials relating to post-Reformation working life and lifestyles.

- f) The Norwegian Maritime Museum is the decision-making institution for cases involving maritime materials.
- g) The Norwegian Museum of Science and Technology is the decision-making institution for cases involving means of transport and other technical materials.
- h) The Preus Museum is the decision-making institution for cases involving photographs, cameras and other photographic equipment.
- i) The Directorate for Cultural Heritage is the decision-making institution for cases involving boats.
- j) The Director General of the National Archives of Norway is the decision-making institution for cases involving archive materials, seals and signets.
- k) Ringve Museum is the decision-making institution for cases involving musical instruments and other materials of significance in musical history.
- l) RiddoDuottarMuseat is the decision-making institution for cases involving Sami art and other Sami cultural materials.

Decision-making institutions shall consult one another or regional specialist institutions if jurisdiction may be unclear or supplementary expertise is required.

The decision-making authority shall inform the applicant of its decision in writing, and send copies of the decision and application to the Arts Council Norway.

If a decision-making institution applies for an export licence itself, or if other factors mean that a decision-making institution cannot decide an export licence application, the application and a short statement of reasons shall be sent to the Arts Council Norway. The Arts Council Norway shall forward the application to the decision-making institution which is best suited to process it; however, if no suitable decision-making institution can be found, the Arts Council Norway shall itself act as the decision-making authority in that specific instance. The

Ministry of Culture shall act as the appeals body for decisions made by the Arts Council Norway pursuant to the second sentence.

Section 7.

The Arts Council Norway shall act as the appeals body in cases concerning prohibitions against the export of cultural objects, except in cases decided by the Director General of the National Archives of Norway, in which the Ministry of Culture shall act as the appeals body; cases decided by the Directorate for Cultural Heritage, in which the Ministry of the Environment shall act as the appeals body; and cases concerning Sami cultural heritage monuments and sites, in which the Sami Parliament of Norway shall act as the appeals body.

Appeals shall be submitted to the body which has made the decision, and the rules on appeals in chapter VI of the Act of 10 February 1967 relating to procedure in cases concerning the public administration (the Public Administration Act) shall apply correspondingly.

### **Chapter III. Import of cultural objects**

Section 8.

Section 23a of the Act of 9 June 1978 No. 50 relating to cultural heritage prohibits importation into Norway of cultural objects which have been unlawfully exported from a state which is party to an agreement to which Norway is also a party concerning the return of cultural objects or measures to prevent illicit import and export of, and trade in, cultural objects, hereafter referred to as the country of export.

Section 9.

In section 23a of the Act of 9 June 1978 No. 50 relating to cultural heritage, and in this chapter of the regulations:

- a) “cultural objects” shall mean the categories of cultural objects defined the legislation of the country of export on the definition and protection of cultural objects

- b) “which have been unlawfully exported from a state” shall mean:
- any export from the territory of a state in violation of the legislation of that state on the protection of cultural objects
  - objects which are not accompanied by a valid certificate required pursuant to national legislation when export permission is granted for the cultural object in question; or
  - any failure to return an object upon expiry of the time limit on a temporary lawful export, and any breach of other conditions set for such temporary export
- c) “an agreement to which Norway is also a party concerning the return of cultural objects or measures to prevent illicit import and export of, and trade in, cultural objects” shall mean:
- a state which is a member of the European Economic Area (EEA)
  - a state which is party to the UNIDROIT Convention of 24 June 1995 No. 1
  - a state which is party to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970.

#### Section 10.

A person who imports a cultural object into Norway which requires an export licence under the national legislation of the country of export shall ensure that the object is accompanied by a valid export certificate from the country of export. This documentation shall be presented to the customs and excise authorities in connection with customs processing.

### **Chapter IV. Penalties, controls and entry into force**

#### Section 11.

A person who intentionally or negligently breaches section 3 or section 8 of these regulations, or provisions or decisions issued pursuant to these regulations, shall be liable to punishment pursuant to section 27 of the Act of 9 June 1978 No. 50 relating to cultural heritage and chapter 16 of the Act of 21 December 2007 No. 119 relating to customs duties and movement of goods.

## Section 12.

Pursuant to section 1-5 of the Act of 21 December 2007 No. 119, the customs and excise authorities carry out controls to ensure that cultural objects are not exported from or imported into Norway in breach of these regulations. The provisions of the Customs Act and related regulations shall apply correspondingly wherever relevant and unless otherwise provided.

## Section 13.

These regulations shall enter into force on 1 January 2007.

### **Annex: Overview of Norwegian coins, medals, banknotes and decorations of national significance dated after 1537 for which an export licence is required**

Objects covered by section 12, first paragraph, sub-paragraph (b), or section 15, first paragraph, of the Act of 9 June 1978 No. 50 relating to cultural heritage shall not be exported from Norway.

Further, export licences shall be required for the following:

#### *Coins*

Christian III, sølvgylden 1546 (*Gimsøydaler*) [silver]

Christian III, mark 1543–46 [silver]

Christian III, 8 skilling 1545 [silver]

Christian III, skilling 1533, 1543 and 1546 [silver]

Christian IV, 4 speciedaler 1643, 1644–45 and 1648 [silver]

Christian IV, 3 speciedaler 1643–1644 [silver]

Frederik III, 2 dukat 1665 [gold]



Frederik III, dukat 1665 and 1669 [gold]

Frederik III, 1/2 dukat 1666 and undated [gold]

Frederik III, speciedaler undated (*Akershuusspecien*) [silver]

Frederik III, 4 speciedaler 1656–58 and 1661 [silver]

Frederik III, 3 speciedaler 1649–68 [silver]

Christian V, 4 dukat 1671 [gold]

Christian V, 3 dukat 1671 and 1673 [gold]

Christian V, 2 dukat 1673 and undated [gold]

Christian V, dukat undated [gold]

Christian V, 1/2 dukat undated [gold]

Christian V, 4 speciedaler 1674, 1678–80 [silver]

Christian V, 3 speciedaler 1674, 1678–80 [silver]

### *Medals*

Frederik III, *Akershuusmedaljen*, undated

### *Banknotes*

100 speciedaler 1818–46

### *Decorations*

Star of the Order of the Norwegian Lion.