



Ministry of Education, Culture and  
Science

# Import and Export of Cultural Objects



### Member states of the European Union

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom

See [www.unesco.org](http://www.unesco.org) for a list of **the ca. 130 States Parties to the 1970 UNESCO Convention** (the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property).

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## Foreword

Imagine that an art collector has bought Vermeer's Girl with a Pearl Earring to hang above the mantelpiece in his Swiss chalet. Or that Rembrandt's Night Watch is waiting at an art fair in New York to be auctioned off to the highest bidder. Your reaction is probably: that's impossible. And you are right. The Girl with a Pearl Earring and the Night Watch are part of the Netherlands' cultural heritage. They 'belong to us' – and we feel instinctively that they do.

Many other countries cherish their own Girls with a Pearl Earring and Night Watches. Such works make up a country's protected cultural heritage: objects that are important to the cultural identity and historical consciousness of a people. Independent of their financial value, such works are often irreplaceable and indispensable. They are not allowed to leave their country of origin without official permission, for example for an exhibition.

Art and antiques are taken across borders every day. Museums lend objects for exhibitions; art dealers make deals; collectors add to their collections; tourists buy beautiful items. Because cultural objects may be legally protected, we must ensure that this active trade takes place in accordance with the applicable rules.



You should be careful when buying, selling, importing and exporting cultural objects. Ask questions; investigate; double-check the facts. Make sure that you are not robbing a country and its people of their legally protected cultural heritage. The European Union has had rules since 1993 for the export of cultural objects.

Since 2009 the Netherlands has also been bound by international law: the 1970 UNESCO Convention. The rules for the import and export of cultural objects also apply to sales and purchases made via the internet or by post. If you violate these rules, the property may be taken into custody and you may have to pay fines. This brochure explains what pitfalls you need to avoid.



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## 1. Import and export of cultural objects

*In a shop in Mexico you discover a stone sculpture that you like. The salesperson cannot say where it comes from or how old it is.*

It would be unwise to buy the sculpture and innocently pack it in your suitcase. After all, you don't know anything about it. How old is it? Where does it come from? It may well be from Mexico, which is a State Party to the 1970 UNESCO Convention. Or from another country that is a State Party. Or, who knows, it could even be from an EU member state, like the Netherlands. In any of these cases the sculpture may be protected cultural heritage.

### Protected cultural heritage from the Netherlands, other EU member states and States Parties to the 1970 UNESCO Convention

In 1984, the Netherlands passed domestic legislation to protect its cultural heritage. Certain objects and artefacts may not be removed from the Netherlands without official permission. Since 1993, agreements which provide for the return of objects which have been unlawfully exported from a Member State have been in place between all EU Member States. Cultural goods which exceed certain age and value thresholds are subject to export licence requirements. The Netherlands is a signatory to the 1954 UNESCO Convention (for the Protection of Cultural Property) and to the 1970 UNESCO Convention (on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property). The States Parties to these conventions are obliged to seize and take into custody any object or artefact believed to have been unlawfully exported from another State Party. This may be at the request of the country concerned or if the object comes to attention, perhaps during a routine customs examination.

If 'your' sculpture is protected Mexican cultural object, you could encounter problems at both the Mexican and the Dutch borders, because both countries are bound by the 1970 UNESCO Convention. In the Netherlands the sculpture could be taken into custody by the Cultural Heritage Inspectorate on behalf of the Minister of Education, Culture and Science pending further investigation. If found to be protected cultural heritage, the country of origin will be offered the opportunity to reclaim the object.

### Retroactive effect?

To be defined as protected cultural property of the Netherlands or another EU member state, an object must have been unlawfully removed from its territory after 1 January 1993. In the case of States Parties to the 1970 UNESCO Convention, the situation is more complex. Take the example of the sculpture: in Mexico the Convention has been in force for years, but in the Netherlands only since 1 July 2009. This means that Mexico can only recover the sculpture from the Netherlands if it was exported after 1 July 2009. Ask the Cultural Heritage Inspectorate when the Convention entered into force in countries where you have dealings or consult the websites on page 8 for further details.

### Due care and attention

Suppose that your sculpture is taken into custody at the Dutch border. You claim that you bought and transported it in good faith, as you had no idea that it was a protected cultural object. Credulity is not enough to establish good faith, however; you must have done everything that could reasonably be expected of you to discover whether an object is in fact protected cultural heritage, and be able to prove that you have done so (see next page). If you are able to prove this, even if it turns out that the object you tried to import was protected, you can claim that you acted in good faith. In this case you might not be allowed to keep the object, but you are entitled to fair compensation.



Customs control of cultural goods



### How can you act carefully?

Your rule of thumb should be: if an object is more than 50 years old, there is a chance that it cannot be taken out of its country of origin. Check whether the seller is known to be reliable. Photograph the object. Ask the seller for written information, certificates and other statements, and verify their authenticity. For the following questions consult authorities like:

### How can you tell if an object belongs to the legally protected heritage of a country?

- **Interpol's database** of stolen works of art:  
<http://www.interpol.int/Crime-areas/Works-of-art/Works-of-art>
- The **UNESCO website** for a database of national cultural heritage laws:  
[www.unesco.org/culture/natlaws](http://www.unesco.org/culture/natlaws)
- The **ICOM website** for lists of cultural objects at risk in Africa, Latin America, Libya, Egypt and especially Syria, Iraq and Afghanistan:  
<http://icom.museum/programmes/fighting-illicit-traffic/red-list/>
- The **Customs, National Museum and/or Ministry of Culture** of countries that the object may have come from.
- The **Dutch Embassy** or **Consulate** in that country

### Which agency can you contact if you would like to export cultural goods?

- **Customs:** [www.belastingdienst.nl/customs](http://www.belastingdienst.nl/customs)
- **Culture Heritage Inspectorate** of the Ministry of Education, Culture and Science:  
<http://english.erfgoedinspectie.nl/>

### Cultural heritage that falls under Dutch protective legislation

In the Netherlands, protected cultural objects are defined by the Erfgoedwet (Heritage Act) as:

- Objects or collections which have been granted protected status by the Minister of Culture based on various criteria.
- Objects from public collections in institutions such as museums, archives and libraries
- Objects from ecclesiastical collections
- Protected historic buildings and monuments and parts of them
- Archives
- Unlawfully excavated archaeological objects

The database of legally protected cultural objects in the Netherlands:

<http://www.digitalecollectienederland.nl/> (only Dutch)



### Do you have doubts as to whether an object's origin is lawful?

Contact the Cultural Heritage Inspectorate or consult <http://english.erfgoedinspectie.nl/>



Archaeological excavation in the Netherlands



## 2. Export of cultural objects from a European Union member state

### Licences for specific categories of cultural objects

The previous section concerned protected cultural heritage in countries all over the world. The main rule was: be careful when importing or exporting cultural objects. This section concerns cultural goods in EU member states that may only be exported to a destination outside the EU with a licence. Since 1 January 1993, a licence has been required for temporary or permanent export of specific categories of cultural goods.

### When do you need an export licence?

Cultural objects are divided into 15 categories which are standardised throughout the European Union. Each category has certain age and value thresholds, as shown in Appendix 1. An export licence is required to remove any object belonging to these categories from EU territory.

For example: you wish to export a drawing which is sixty years old and is valued at €20,000. Drawings that fall into Category 5 are over fifty years old and have a value greater than €15,000. In this case, you are required to obtain an export licence. The licensing requirement applies in every instance, regardless of any intention to return the property at a later date. No distinction is drawn between 'permanent' export (when an item is sold to a foreign buyer, for example) and 'temporary export' (when the object is loaned to a museum or sent to a specialist restorer).

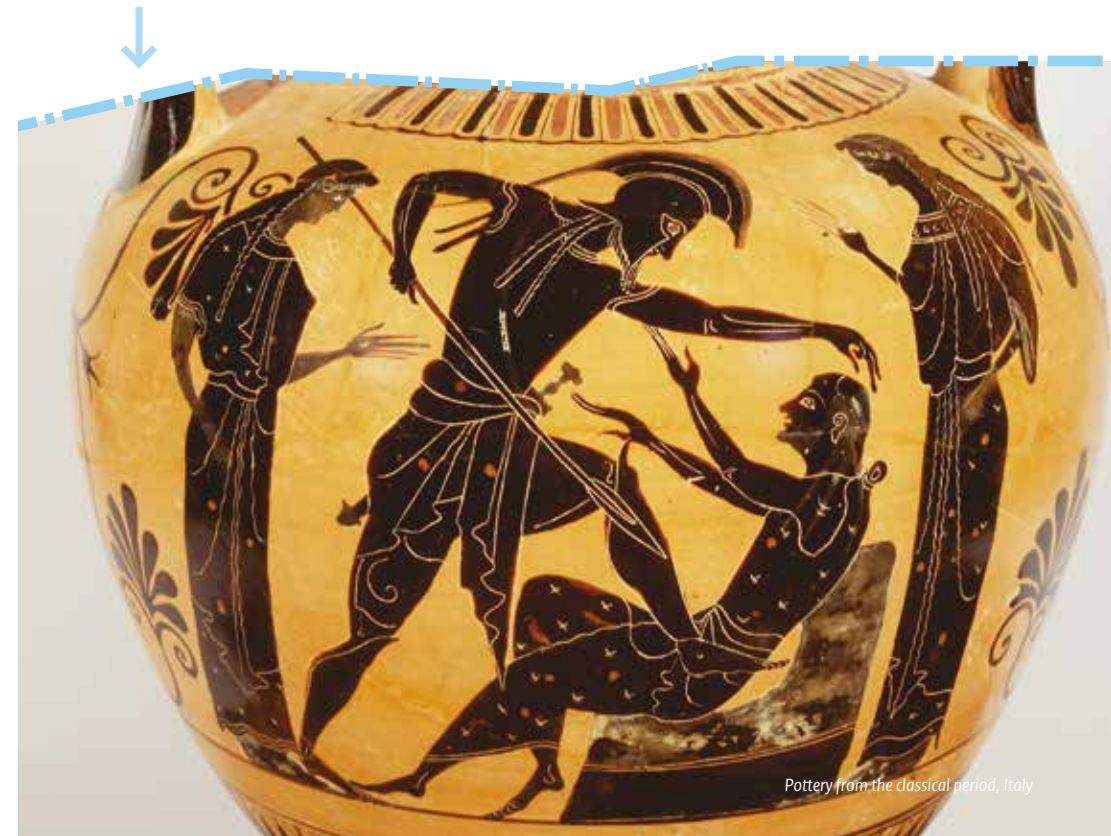
Similarly, the licensing requirement is unaffected by the method of export or mode of transport involved. Any protected object requires an export licence regardless of whether it is carried in a passenger's hand-luggage, sent by parcel post or is among household contents being transported by a removal company.

In the Netherlands, an application for an export licence should be submitted to the Central Office for Import and Export (CDIU). See Appendix 2 for details.

### When is an export licence not required?

You do not have to apply for an export licence when cultural objects do not meet the criteria that apply to that specific category. Customs officials may however ask you for evidence, such as invoices, expert reports and insurance documents.

No permit is required for cultural objects which are being exported from one EU Member State to another. However, official authorisation may be required in certain cases, for example for objects that are classified as national treasures. Permission will have to be obtained from the Minister of Culture for objects that have been granted protected status under the provisions of the Heritage Act. Objects which form part of public or church collections may only be taken outside the Netherlands with the explicit permission of the owner. All EU Member States have special provisions covering objects of special national interest.



Pottery from the classical period, Italy

### 3. Prohibitions

#### Sanctions

Sanctions, also termed restrictive measures, are instruments used to support the foreign and security policy of the United Nations (UN) and the European Union (EU). They are applied in response to violations of international law or human rights, often related to international conflict situations.

The UN Security Council and the EU have taken measures to protect the cultural heritage of Iraq and Syria. Due to the conflict situations in both countries, the cultural heritage is under serious threat which leads to illegal excavations, looting and destruction.

The Netherlands has implemented these measures by means of the Syria Sanctions Order (2012) and the Iraq Sanctions Order (II) (2004). The import of any cultural good from either Syria or Iraq into the European Union is strictly prohibited, as is any trade in cultural goods which are known or may reasonably be assumed to have been unlawfully removed from these countries.

This prohibition applies to the types of objects listed in Appendix 1 (page 14) regardless of value, i.e. objects of archaeological, historical, cultural, scientific or religious significance. The International Council of Museums has issued Emergency Red Lists of Syrian and Iraqi Antiquities at Risk. Further information can be found at <http://icom.museum/programmes/fighting-illicit-traffic/red-list>, at <http://english.erfgoedinspectie.nl/> and on the UNESCO website.

The restrictions do not apply if you are able to show that the cultural goods in question were lawfully exported from Iraq before 6 August 1990, or in the case of Syria before 15 March 2011.

#### Cultural property from an occupied territory

It is prohibited in the Netherlands to import or have in one's possession cultural property that was taken from a territory occupied during an armed conflict. The First Protocol to the 1954 UNESCO Convention became legally binding in the Netherlands in 2007 with the adoption of the Cultural Property (Return from Occupied Territory) Act, incorporated in the Heritage Act (2016), chapter 6. This chapter has retroactive effect to 1959, when the Netherlands became a party to this UNESCO Convention.



## Annex 1:

### Categories of cultural objects for which an export licence is required when exporting it outside the EU

(Annex 1 to Council Regulation (EC) No. 116/2009 on the export of cultural goods)

Category	Description	Value threshold in euros	Douanecode
1	Archaeological objects more than 100 years old which are the products of: <ul style="list-style-type: none"> <li>• excavations and finds on land or under water</li> <li>• archaeological sites</li> <li>• archaeological collections</li> </ul>	none	9705 00 00 9706 00 00
2	Elements forming an integral part of artistic, historical or religious monuments which have been dismembered, of an age exceeding 100 years	none	9705 00 00 9706 00 00
3	Pictures and paintings, other than those included in categories 4 or 5, executed entirely by hand in any medium and on any material (1)	150.000	9701
4*	Watercolours, gouaches and pastels executed entirely by hand on any material (1)	30.000	9701
5	Mosaics in any material executed entirely by hand, other than those falling into categories 1 or 2, and drawings** in any medium executed entirely by hand on any material (1)	15.000	6914 9701
6	Original engravings, prints, serigraphs and lithographs with their respective plates and original posters (1)	15.000	Chapter 49 9702 00 00 8442 50 99
7	Original sculptures or statuary and copies produced by the same process as the original (1), other than those in category 1	50.000	9703 00 00
8	Photographs, films and negatives thereof (1)	15.000	3704, 3705, 3706 4911 91 80
9	Incunabula and manuscripts,*** including maps and musical scores, singly or in collections (1)	none	9702 00 00 9706 00 00 4901 10 00 4901 99 00 4904 00 00 4905 91 00 4905 99 00 4906 00 00
10	Books more than 100 years old, singly or in collections	50.000	9705 00 00 9706 00 00

Category	Description	Value threshold in euros	Douanecode
11	Printed maps more than 200 years old	15.000	9706 00 00
12	Archives, and any elements thereof, of any kind or any medium which are more than 50 years old	none	3704, 3705, 3706 4901, 4906 9705 00 00 9706 00 00
13	a) Collections (2) and specimens from zoological, botanical, mineralogical or anatomical collections  b) Collections (2) of historical, palaeontological, ethnographic or numismatic interest	50.000	9705 00 00  9705 00 00
14	Means of transport more than 75 years old	50.000	9705 00 00 Chapters 86 t/m 89
15	Any other antique items not included in categories 1 to 14:  a) between 50 and 100 years old: <ul style="list-style-type: none"> <li>• toys, games</li> <li>• glassware</li> <li>• articles of goldsmiths' or silversmiths' wares</li> <li>• furniture</li> <li>• optical, photographic or cinematographic apparatus</li> <li>• musical instruments</li> <li>• clocks and watches and parts thereof</li> <li>• articles of wood</li> <li>• pottery</li> <li>• tapestries</li> <li>• carpets</li> <li>• wallpaper</li> <li>• arms</li> </ul> b) more than 100 years old	50.000	Chapter 95 7013 7114 Chapter 94  Chapter 90 Chapter 92 Chapter 91 Chapter 44 Chapter 69 5805 00 00 Chapter 57 4814 Chapter 93  9706 00 00

(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.'

Notes by the Cultural Heritage Inspectorate:

\* Watercolours, gouaches and pastels on which a signature is visible are considered drawings (category 5).

\*\* Drawings do not include coloured drawings as described in category 4 (watercolours, gouaches and pastels).

\*\*\* Incunabula are defined as books printed before 1501. Manuscripts include printed books that are more than 50 years old and contain handwritten notes.

The website of the Cultural Heritage Inspectorate provides further information on the interpretation of certain categories of cultural goods.





## Annex 2: Export licences: applications and licence types

### How to apply for an export licence

Export licence application forms can be requested from the CDIU (see page 18 for further address details).

There are several types of export licences. If you intend to export a specific object on a temporary basis, such as a musical instrument that you use for frequent international performances, you should apply for a 'specific open licence'. In other cases, you should apply for a standard export licence. Permanent export of a cultural object, e.g. to be offered for sale or already purchased by an overseas buyer, requires a standard export licence. The application must be accompanied by one or more photographs and all relevant documentation to confirm the age, value, provenance and legal ownership of the object concerned.

An object being exported must be the lawful property of the person (or legal entity) who intends to sell, use or exhibit that object in a country outside the EU. It is possible to apply for a standard export licence covering several objects, provided all fall within the same category, all are to be transported to the same destination as a single consignment and – in the case of temporary export – all are to be transported back to the country of origin at the same time. Where a consignment contains goods in different categories, e.g. paintings and architectural antiquities, a separate export licence must be obtained for each category.

Completed application forms should be submitted to the CDIU, accompanied by all required photographs and documentation. The Cultural Heritage Inspectorate will use the completed form received by the CDIU to determine whether an export licence is in fact required for the objects in question. You will be informed if no licence is required. A determination will also be made as to whether the goods are protected cultural heritage of the Netherlands or any other of the EU member states. The Customs and Cultural Heritage Inspectorate may require that an object be examined before a licence is granted. When there is no objection to export, the CDIU will provide you with two copies of the export licence, based on the information in your application.



Exhibition room with ecclesiastical objects



## For additional information and new developments:

### Cultural Heritage Inspectorate

P.O. Box 16478  
2500 BL The Hague  
The Netherlands  
Tel.: +31 (0)70 412 4012  
Email: [info@erfgoedinspectie.nl](mailto:info@erfgoedinspectie.nl)  
<http://english.erfgoedinspectie.nl/>

### Tax Department/Customs-Central (CDIU) Office for Import and Export

P.O. Box 3070  
6401 DN Heerlen  
The Netherlands  
T +31 (0)88 151 21 22  
Email: [drn-cdiu.groningen@belastingdienst.nl](mailto:drn-cdiu.groningen@belastingdienst.nl)  
<http://www.belastingdienst.nl/customs>

## Legislation

### International

- 1970 UNESCO Convention: Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property
- 1954 UNESCO Convention: Convention for the Protection of Cultural Property in the Event of Armed Conflict and its (1954) Protocol, Second (1999) Protocol

### EU

- Directive 2014/60/EU on the return of cultural objects unlawfully removed from the territory of a Member State (recast of Directive 93/7/EEC)
- Council Regulation (EC) No. 116/2009 on the export of cultural goods
- Council Regulation (EC) No. 1210/2003 concerning certain specific restrictions on economic and financial relations with Iraq (art. 3)
- Council Regulation (EU) No. 1332/2013 concerning restrictive measures in view of the situation in Syria (art. 11c)

### Netherlands

- Heritage Act (2016), in particular:
  - Chapter 4: Protection of Heritage
  - Chapter 6: International Return
- Iraq Sanctions Order (II) (2004)
- Syria Sanctions Order (2012)



Temple complex Angkor, world heritage, Cambodia





## Colophon

### Accountability of the images

The images in this brochure are examples of sites or cultural objects that have a high risk of illegal import or export.

By courtesy of:

- Museo Nacional de Arqueología, Antropología e Historia del Perú (Lima) (p. 4); Courtesy of ICOM Red List
- National Museum of Antiquities (Leiden) (p. 5 and 11)
- Cultural Heritage Inspectorate (The Hague) (p. 7 and 9)
- James Gordon, Los Angeles, USA (source: commons.wikimedia.org) (p. 13)
- Museum Catharijneconvent (Utrecht) (p. 17)
- Arjen van der Kuijl (p. 18)
- National Library of the Netherlands (The Hague) (p. 20)

### Design

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### Disclaimer

The text of this brochure has been drafted with the greatest possible care. For current information, please consult the Cultural Heritage Inspectorate website at [www.erfgoedinspectie.nl](http://www.erfgoedinspectie.nl). No rights may be derived from the information in this brochure. The Conventions and legislation on cultural heritage listed above are legally binding.

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