

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

(Unofficial translation)

It is hereby enacted in accordance with the decision of Parliament:

Section 1

The purpose of the Act

In order to protect the national cultural heritage, the export of cultural objects that are valuable scientifically, artistically and historically shall be restricted as prescribed in this Act.

Section 2

Scope of application

This Act shall be applied to the export of cultural objects from Finland to other Member States of the European Union and to export from the territory of the Community.

This Act applies to objects produced in Finland or to such objects mentioned in Section 4 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 standpoint of Finland's national history, this Act shall be applied to the object irrespective of the duration it has been in Finland.

However, this Act shall not be applied to such objects which are in the possession of a natural person who is the object's producer, designer or creator.

Section 3

The legislation of the European Community

In addition to what is prescribed in this Act, the provisions of Council Regulation (EEC) No. 3911/92 on the export of cultural goods shall be in force regarding the export of cultural objects from the European Community.

Section 4

Objects requiring an export licence

The following objects or parts of them shall not be taken out of the country without the licence referred to in this Act, unless otherwise prescribed:

- 1) archaeological objects referred to in the Protection of Antiquities Act (295/1963) which have been found in land or water;
- 2) works of art over 50 years old, and original or comparable products of industrial art and art handicraft over 50 years old of which a limited series has been produced;
- 3) buildings and parts of them over 100 years old;
- 4) motion pictures and sound recordings and other technical recordings over 50 years old;
- 5) the following literary products:
 - a) manuscripts over 50 years old;
 - b) music manuscripts over 50 years old;
 - c) books and maps printed in Finland or for Finland before the year 1800; and
 - d) books printed abroad before the year 1600;
- 6) private archives and archive material, irrespective of their age, belonging in other object groups which are valuable due to scientific research or other special reason;
- 7) collections which are valuable due to scientific research or other special reason, and natural history collections and specimens of these collections, irrespective of their age;
- 8) vehicles and transport equipment over 50 years old;
- 9) the following objects over 100 years old:
 - a) objects that are permanent fixtures in buildings;
 - b) weapons and equipment; and machines, apparatus and equipment meant for military use;

- c) timepieces;
- d) furniture and lamps;
- e) weighing and measuring devices and household objects;
- f) tools and machines;
- g) toys and games;
- h) musical instruments;
- i) garments and textiles;
- j) works and other metal objects made by goldsmiths and silversmiths;
- k) glass and wood objects, ceramic and porcelain objects;
- l) photographs and photographic equipment and other optical equipment;
- m) ecclesiastical objects; and
- n) objects related to beliefs; and
- 10) objects, irrespective of their age, related to national history and prominent persons.

Section 5

Exceptions regarding export licences

However, an export licence is not required if an object belonging to a public collection or archive, or an object belonging to the Evangelical Lutheran Church or Orthodox Church or 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.

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 shall be returned to Finland after the performance or work is completed.

Section 6

The licence application and processing

The object's owner or his/her authorised person shall apply for a licence to export the object. The form of the licence application shall be prescribed in detail by decree.

If it is required that permission for export of an object shall be applied for simultaneously under the Council Regulation on the export of cultural goods and under this Act, the application shall be made in accordance with the said Regulation.

Before deciding the matter, the licence authorities are entitled when necessary to examine the object mentioned in the export application, and document and photograph it or make a copy of it. However these measures shall not unreasonably delay the processing of the licence application.

Section 7

Licence considerations

An export licence may be granted if there are no special reasons from a scientific, artistic or cultural history standpoint for keeping the object in Finland.

The deliberations for an export licence shall take into consideration the following:

- 1) is the object rare or is there a danger that it will become rare;
- 2) is the object particularly representative from the standpoint of national cultural heritage;
- 3) is the object essentially connected to a valuable cultural environment;
- 4) is the object connected to prominent persons or events from the standpoint of national history;

or

- 5) is there some other special reason for not permitting the export of the object.

The licence shall be granted regardless of the provisions in paragraph 1, if:

- 1) the object belongs to the household effects of a person emigrating abroad;
- 2) a person living abroad has received the object as an inheritance or under a deed of partition; or

3) the object is taken from Finland for a limited time and the licence authority shall order the object to be returned to Finland within the prescribed period proposed by the applicant, which may be a maximum of two years.

Section 8

The licence decision

The content of the licence decision shall be prescribed in detail by decree. If the application for export has been made according to Section 6 paragraph 2, the decision shall also cover a licence applied for under this Act.

The licence shall cease to be valid if the object is not taken out of the country within one year of granting the licence.

The licence is subject to a fee as prescribed in the Government's Basis of Payment Act (150/1992). Municipal licence authorities are entitled to charge a corresponding fee for processing a licence. However, the fee may be cancelled on licences required under Section 7 paragraph 3.

Section 9

Right to redeem the object

If the licence authority has rejected the export application and if the owner of the object so demands, the National Board of Antiquities or the National Gallery is entitled to redeem the object for the State.

Section 10

The authorities

The general licence authority under this Act shall be the National Board of Antiquities, unless it is the duty of the National Gallery under paragraph 2 or unless otherwise decided under paragraph 3. If the intention is to take the object out of the country because of emigration or inheritance and if the application concerns several objects simultaneously, the National Board of Antiquities shall act as the licence authority irrespective of what is prescribed in paragraphs 2 and 3.

The National Gallery shall act as the licence authority for works of art under Section 4 paragraph 1 subparagraph 2.

Furthermore, the Ministry concerned may decide that some other state institute or municipal museum shall act as the licence authority with the consent of the maintainer.

The licence authorities and the Customs shall act as the supervisory authorities under this Act.

The National Board of Antiquities and the National Gallery shall act as the licence authorities under the Council Regulation on the export of cultural goods in the fields of activity prescribed in paragraphs 1 and 2.

Section 11

Supervision

The licence authorities are entitled, as necessary, to examine objects which are subject to public sale or for any other justifiable reason, and the export of which may possibly require an export licence under this Act.

The Customs authorities may obligate the exporter of an object to apply for the licence prescribed in Section 4, if a licence is required for the export of the object, or if it is unclear whether a licence is required for the export.

If the licence authority has given an order under Section 7 paragraph 3 subparagraph 3 for the return of the object within a specified time, the owner of the object shall report to the authority that granted the licence that the object has been returned to Finland.

Section 12

Temporary export prohibition

The competent licence authority's official or officeholder may prohibit the export of the object temporarily if the object is being sold or otherwise transferred publicly. A prohibition order may be given if it is probable that an export licence shall not be granted for the object.

A temporary export prohibition order may be given without granting a hearing to the owner of the object. The prohibition order shall be given verifiably either to the owner of the object or to the seller of the object acting on behalf of the owner or to some other agent. The party acting on behalf of the owner shall inform the object's owner of the temporary export prohibition.

The prohibition shall be observed until the licence application concerning export has been resolved. The owner or the party acting on his/her behalf shall give notice of the temporary export prohibition when selling or transferring the object, and the prohibition order shall be presented when applying for the licence to export the object.

Section 13

Appealing

A decision given under this Act may be appealed to the County Administrative Court as prescribed in the Act on the Application of Administrative Law (586/1996). However, a separate appeal may not be submitted on a decision or measure taken under the above Sections 11 and 12.

Section 14

Reference provision and using the right to be heard

The penalty for exporting an object in contravention of this Act or the Council Regulation on the export of cultural goods, or attempting to do so, is prescribed in Chapter 46 Section 5 of the Criminal Code (39/1889). Confiscation is prescribed in the same Chapter, Sections 8-13 of the Criminal Code.

When dealing with a matter under paragraph 1 above, the public supervisory authority shall be granted the right to be heard in the matter.

Section 15

Detailed provisions

Detailed provisions for executing this Act shall be prescribed by Decree.

Section 16

Entry into force

This Act shall enter into force on the first day of May 1999.

This Act shall repeal the Act on Restrictions to the Export of Cultural Property (445/1978) given on the 7th day of June 1978 and as amended later.

Section 17

Transitional provisions

Licence applications and appeals referring to them which are pending before this Act enters into force shall be concluded in accordance with the provisions in force at the time when this Act enters into force.

If a licence has been granted for the export of a cultural object before this Act enters into force, the provisions in force at the time when this Act enters into force shall be observed.