

It is important to note that this translation is *not* an official document. It has been translated with a view to giving interested parties abroad insight into the spirit and content of Swedish laws and ordinances.

# **Heritage Conservation Ordinance (1988:1188)**

including amendments up to and including SFS 2002:970

## **General provisions on consultation, etc.**

### **Section 1**

Before making a decision in a matter under the Heritage Conservation Act (1988:950) that can entail liability for compensation or is otherwise of major importance, the County Administrative Board shall consult the National Heritage Board.

### **Section 2**

In its supervision of the management of heritage conservation resources in the county, the County Administrative Board shall cooperate with heritage conservation bodies within the county, and in particular with the county museums and corresponding museums.

### **Section 3**

On the County Administrative Board having made a decision pursuant to the Heritage Conservation Act (1988:950), a copy of the decision shall be sent immediately to the National Heritage Board.

The County Administrative Board shall further notify the National Heritage Board when a question of prosecution under Chapter 2, Section 21 or Chapter 3, Section 18 of the Heritage Conservation Act has arisen. The National Heritage Board shall also be notified when a question of damages on account of disregard of provisions of the same Act has arisen.

### **Section 4**

The National Heritage Board shall notify the Land Survey Authority of such ancient monuments and remains as presumably have not yet been entered in the general section of the land register.

## **Ancient monuments, remains and finds**

### **Section 5**

The County Administrative Board shall immediately notify the municipality of decisions in matters referred to in Chapter 2, Sections 2, 9 and 12 of the Heritage Conservation Act (1988:950). On a decision having entered into final legal force, the County Administrative Board shall notify the Land Survey Authority.

### **Section 6**

The National Heritage Board shall notify the County Administrative Board before the authority takes a measure referred to in Chapter 2, Section 7 or 8 of the Heritage Conservation Act. The County Administrative Board shall consult the National Heritage Board before taking a corresponding measure. No such notification or consultation is necessary, however, if the measure is a matter of urgency.

### **Section 7**

Before the County Administrative Board grants anyone permission to take measures under Chapter 2, Section 7 or 8 of the Heritage Conservation Act (1988:950), the Board

shall ensure that they have sufficient knowledge to carry out the measures in a satisfactory manner.

Before the County Administrative Board makes a decision under Chapter 2, Sections 11 and 13 of the said Act, the Board shall ensure that the person who will conduct the investigation or survey has sufficient knowledge to be able to conduct it in a satisfactory manner.

### **Section 8**

The County Administrative Board, a county museum, a police authority or the Coast Guard receiving an ancient find or a report of an ancient find shall immediately notify the National Heritage Board in writing of the find. The notification shall contain a brief description of the find and of the site, together with the name and address of the finder. If the finder has supplied further information concerning the circumstances of the find, this information shall be appended. The finder shall be given a copy of the notification.

### **Section 9**

The County Administrative Board may make such regulations as referred to in Chapter 2, Section 9 of the Heritage Conservation Act (1988:950).

### **Section 10**

Detailed regulations on the implementation of Chapter 2, Sections 10-13 of the Heritage Conservation Act (1988:950) shall be made by the National Heritage Board.

## **Cultural heritage buildings**

### **Section 11**

Before a built environment (building) is designated a cultural heritage building, the County Administrative Board shall give the municipality the opportunity of expressing its views, except where this is manifestly unnecessary.

### **Section 12**

On a decision referred to in Chapter 3, Sections, 1, 5-7, 14 and 15 of the Heritage Conservation Act (1988:950) having entered into final legal force, the County Administrative Board shall notify the municipal committee or committees discharging duties in the planning and building sector.

### **Section 13**

If the County Administrative Board finds cause for so doing and the owner consents thereto, a cultural heritage building shall, through the agency of the County Administrative Board and at the expense of the State, be provided with a notice to the effect that the building is protected under the Heritage Conservation Act (1988:950).

### **Section 14**

The National Heritage Board shall keep a list of cultural heritage buildings in Sweden. The County Administrative Board shall keep a list of cultural heritage buildings in the county. The County Administrative Board shall also keep a list of such buildings as are referred to in Chapter 3, Section 6 of the Heritage Conservation Act (1988:950).

### **Section 15**

In the event of a question arising concerning compensation under Chapter 3, Section 10 of the Heritage Conservation Act (1988:950), the County Administrative Board shall endeavour to bring about an extra-judicial settlement with the interested party concerning the amount of compensation.

### **Section 16**

The conditions for a permit under Chapter 3, Section 14 of the Heritage Conservation Act (1988:950) shall always include a condition to the effect that the appearance and state of the building before alteration are to be documented in a suitable way.

### **Section 17**

Chapter 3, Section 13(1) of the Heritage Conservation Act (1988:950) provides that the Expropriation Act (1972:719) shall apply in certain cases concerning compensation and redemption. Provisions concerning disbursement of compensation to an occupier under an entailment are contained in item 6 of the transitional provisions of the Expropriation Act and in Section 18 of the Expropriation Ordinance (1972:727).

## **Ecclesiastical cultural heritage property**

### **Section 18**

The National Heritage Board and the County Administrative Boards shall consult with the diocese, if necessary, on matters referred to in Chapter 4 of the Heritage Conservation Act (1988:950).

### **Section 19**

Ecclesiastical furnishings according to Chapter 4, Section 6 of the Heritage Conservation Act (1988:950) include, for example, older vestments, censers, vessels, books, altarpieces, crosses and crucifixes, baptismal fonts, other paintings and works of art, ciboria, storage chests, poor-boxes, chandeliers and candlesticks, epitaphs, catchments, banners, achievements, coats of arms, armours, votive ships, church bells, musical instruments and certain earlier funeral monuments.

### **Section 20**

Repealed by Ordinance (1999:881).

### **Section 21**

On the County Administrative Board having made a decision or taken a measure under Chapter 4, Section 10(2) and (3) of the Heritage Conservation Act (1988:950), the diocese shall be notified of the decision or measure.

### **Section 22**

Detailed regulations on the implementation of Chapter 4 of the Heritage Conservation Act (1988:950) shall be made by the National Heritage Board.

## **Safeguards against the export of certain cultural goods from Sweden**

### **Section 23**

Anyone who wishes to take Swedish or foreign cultural goods out of Sweden shall, in accordance with Chapter 5 of the Heritage Conservation Act (1988:950), have a permit for the export if the goods are of the kind referred to in Sections 24 and 25.

However, for foreign cultural goods, a permit is only required if the goods have been in Sweden for more than 100 years.

### **Section 23a**

Repealed by Ordinance (2000:337).

### **Section 24**

Swedish and foreign cultural goods within the categories referred to in the Annex to the Council Regulation (EEC) no. 3911/92 on the export of cultural goods, with the following age and value thresholds and other determinants.

1. Archaeological objects within category A1:

- Swedish archaeological objects, whatever the material and value, that date from before 1650 and that are not owned by the State.

1. Paintings within category A3:

- a) Swedish paintings that are more than 100 years old and worth more than SEK 50,000,
- b) Portraits that depict Swedes and other persons active in Sweden and that are more than 100 years old and worth more than SEK 20,000,
- c) Foreign paintings that are worth more than SEK 50,000.

1. Drawings within category A4:

- a) Swedish drawings, watercolours, gouache and pastels that are more than 100 years old and worth more than SEK 50,000,
- b) Portraits that depict Swedes and other persons active in Sweden in the form of drawings, watercolours, gouache and pastels that are more than 100 years old and worth more than SEK 20,000,
- c) Foreign drawings, watercolours, gouache and pastels that are worth more than SEK 50,000.

1. Original graphics, etc. within category A5:

- Swedish wood engravings and copper items that were produced before 1650, whatever the value.

1. Original sculptures, etc. within category A6:

- a) Swedish original sculptures and copies that were produced according to the same process as the original, whatever the material, that are more than 100 years old and worth more than SEK 50,000,
- b) foreign original sculptures and copies that were produced according to the same process as the original, whatever the material, that are worth more than SEK 50,000,

1. Incunabula or manuscripts, etc. within category A8:

- a) Swedish incunabula, whatever the value,
- b) Swedish handwritten documents on parchment or paper produced before 1650, whatever the value,
- c) Swedish non-printed records, letters, diaries, manuscripts, notes, accounts and hand-drawn maps and drawings, that are more than 50 years old and worth more than SEK 2,000.
- d) Collections of foreign incunabula and Swedish non-printed material in accordance with b) and c) that are more than 50 years old and worth more than SEK 50,000.

2. Books within category A9:

- d) Swedish books printed before 1600, whatever the value,
- e) other Swedish books that are more than 100 years old and worth more than SEK 10,000,
- f) foreign books worth more than SEK 10,000.

2. Printed maps within category A10:

- g) Swedish printed maps, which are more than 100 years old and worth more than SEK 10,000,
- h) foreign printed maps, that are worth more than SEK 10,000.

2. Archives, etc. within category A11:

- Swedish non-printed records, letters, diaries, manuscripts, notes, accounts, hand-drawn maps and drawings, that are more than 50 years old and worth more than SEK 2,000.

2.Means of transport within category A13:

- i) Swedish means of transport that are more than 100 years old and worth more than SEK 50,000,
- j) foreign means of transport that are worth more than SEK 50,000.

2.Other antiquities within category A14, to the extent that they are not included in the categories A1 to13:

- k) Swedish articles of wood, bone, ceramics, metal or textiles that were produced before 1650, whatever the value,
- l) Swedish furniture, mirrors and boxes that were produced before 1860, whatever the value,
- m)Swedish drinking vessels, harnesses and textile-working implements, that are of wood and have painted or carved decoration, folk costumes and embroidered or pattern-woven traditional textiles, interior domestic painting, long-case clocks, wall clocks and table clocks, signed faience, firearms, edged weapons and defensive weapons and also musical instruments, that are more than 100 years, whatever the value.
- n)Swedish ceramics, glass, porphyry, gold, silver or bronze articles, except for coins and medals, chandeliers, tapestries and tiled stoves, that are more than 100 years old and worth more than SEK 50,000.
- o)Swedish technical models and prototypes and also scientific instruments, which are more than 50 years old and worth more than SEK 2,000,
- p)foreign furniture, mirrors, boxes, long-case clocks, wall clocks, table clocks, musical instruments, firearms, edged weapons and defensive weapons, articles of ceramics, glass, ivory, gold, silver or bronze, except for coins and medals, chandeliers and tapestries that are worth more than SEK 50,000.

### **Section 25**

Swedish Sami (Lapp) cultural articles that are more than 50 years old and have a value exceeding SEK 2,000.

### **Section 26**

Matters relating to permits for the export from Sweden of cultural goods in accordance with Chapter 5 of the Heritage Conservation Act (1988:950) and relating to licences under the Council Regulation (EEC) no. 3911/92 of 9 December 1992 on the export of cultural goods shall be considered by the Royal Library, the National Heritage Board, the National Archives, the National Museum of Fine Arts with the Prince Eugen's Waldemarsudde Art Museum and the Nordic Museum Foundation (licensing authorities) in accordance with the allocations specified in Sections 27-31. However, if the matter involves goods that are held or managed by a licensing authority other than the National Heritage Board, the matter shall be considered by the National Heritage Board. Licences under the Council Regulation may be of all the kinds referred to in the Commission Regulation (EC) no. 1526/98 of 16 July 1998 concerning amendments to the Commission Regulation (EEC) no. 752/93 on implementation regulations for the Council Regulation (EEC) no. 3911/92 on the export of cultural goods.

### **Section 27**

The National Heritage Board considers matters relating to permits for objects within the categories A1, A2, A12 and also within the category A14 for Swedish articles of wood, bone, ceramics, metal or textiles that were produced before 1650.

### **Section 28**

The National Museum of Fine Arts with Prince Eugen's Waldemarsudde Art Museum considers matters relating to permits for objects within the categories A3 to A7 and also within the category A14 for articles of ceramic, glass, porphyry, ivory, gold, silver,

bronze, chandeliers, tapestries and tiled stoves and also foreign furniture, mirrors, boxes, long-case clocks, wall clocks, table clocks and musical instruments.

### **Section 29**

The Royal Library considers matters relating to permits for objects within category A8, as regards incunabula, and also within the categories A9 and A10.

### **Section 30**

The National Archives considers matters relating to permits for objects within category A8, except incunabula, and also within category A11.

### **Section 31**

The Nordic Museum Foundation considers matters relating to permits for objects within category A13 and within category A14 that are not considered by the National Heritage Board or the National Museum of Fine Arts with Prince Eugen's Waldemarsudde Art Museum and also for Sami (Lapp) articles.

### **Section 32**

Applications for permits and licences shall be submitted to the National Heritage Board, which in the event that someone else should consider the permit issue, shall transfer the application to that licensing authority.

### **Section 33**

More detailed regulations on the implementation of Chapter 5 of the Heritage Conservation Act (1988:950) shall be made by the National Heritage Board.

## **Return of cultural objects**

### **Section 34**

The National Heritage Board is the Central Authority in accordance with Chapter 6 of the Heritage Conservation Act (1988:950).

### **Section 35**

As Central Authority, the National Heritage Board shall

1. on application being made by another State included in the European Economic Area (EEA), search for more exactly indicated cultural objects, which have been unlawfully removed from that State and identify the possessor of the object,
2. notify States concerned within the EEA when a cultural object has been found in Sweden that has presumably been unlawfully removed from another State included in the EEA and receive corresponding notifications,
3. make it possible for the competent authorities in the State that can claim return of such an object under Chapter 6 of the Heritage Conservation Act (1988:950) to verify that it is a cultural object and be such a competent authority in Sweden,
4. in cooperation with the State concerned, take necessary measures to preserve a cultural object discovered as referred to in item 2,
5. take necessary measures to prevent actions aimed at avoiding return,
6. act as intermediary between the requesting State and the possessor of the object, with regard to its return,
7. notify the Central Authority in the State where the Swedish State has instituted proceedings for return and receive corresponding notifications,
8. notify Central Authorities in other States of the institution of return proceedings in Sweden and receive corresponding notifications, and
9. in other respects cooperate with Central Authorities in other States.

Verification under subsection one, item 3 shall be conducted within two months of notice having been given under item 2 of the same subsection. Failing this, the provisions of items 4 and 5 of the same subsection shall not apply.

**Section 35a**

The thresholds stipulated in euros (EUR) in the Annex to Chapter 6 of the Heritage Conservation Act (1988:950) shall correspond to the following amounts in Swedish kronor (SEK).

EUR		SEK
15,000		140,000
30,000		280,000
50,000		466,000
150,000	1,396,000	

**Further provisions**

**Section 36**

The National Heritage Board or, if appointed by the same, the County Administrative Board shall represent the State in cases under Chapter 2, Section 25(2) and Chapter 3, Section 20 of the Heritage Conservation Act (1988:950).

**Transitional provisions**

**1994:1524**

Section 23 a of this Ordinance enters into force on the day when the Act (1994:1500) occasioned by Sweden's affiliation to the European Union enters into force, and other provisions on 1 January 1995.

**1994:1448**

1. This Ordinance enters into force on 1 January 1996.
2. Earlier provisions continue to apply with regard to real property registration authorities established under the Municipal Real Property Subdivision Authorities and Real Property Registration Authorities Act (1971:133).

**2000: 337**

This Ordinance enters into final legal force on 1 July 2000. However, earlier provisions apply regarding applications received before 1 July 2000.

**2002: 18**

This Ordinance enters into final legal force on 1 March 2002. However, the new provisions shall apply for the time as of and including 1 January 2002.

## **National Cultural Council**

National Cultural Council Code of Statutes KRFS 2002:2

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### **Regulations of the National Heritage Board on permits for the export from Sweden of certain older cultural goods**

Decided 19 February 2002

In accordance with Section 33 of the Heritage Conservation Ordinance (1988:1188), the following is prescribed.

#### **Section 1**

Applications for a permit for the export from Sweden of cultural goods in accordance with Chapter 5 of the Heritage Conservation Act (1988:950), shall be made on a standard form determined and supplied by the National Heritage Board.

#### **Section 2**

An application form may only relate to one object. However, two or more objects that form a natural unit, for example a service, a mirror with associated table or a pair or a series of chairs, bracket lamps or horse collars may be reported on the same form.

#### **Section 3**

During a period when an investigation is being conducted concerning criminal conduct under the Smuggling Penalties Act (2000:1225) relating to cultural goods that are subject to a permit obligation, a permit for export of the goods may not be granted.

#### **Section 4**

One copy of a decision concerning an export permit shall be sent by the licensing authority by post to the applicant, and also one to the National Heritage Board.

#### **Section 5**

Decisions whereby an application is rejected shall be notified in the manner considered appropriate by the licensing authority. A copy of the decision shall be sent to the National Heritage Board

The Administrative Procedure Act (1986:223) contains provisions on giving of reasons for decisions, notifications to applicants, appeals, etc.

#### **Section 6**

When the cultural goods are taken out of Sweden, the permit certificate shall be produced for the Swedish Customs. The Swedish Customs shall endorse the decision with a note that export has taken place. The decision shall then be returned to the person who is taking the goods out.

### **Special rules on open export permits**

#### **Section 7**

Open export permit means a permit that may be used for an unlimited number of occasions of export and to different places during the term of validity. An open export permit may be general or special and applies for one year from the date of the decision.

**Section 8**

For cultural goods that are taken out of Sweden by any of the central museums and that will be returned to Sweden, and that form part of the museum's collections or are intended to be used for exhibition activities, the National Heritage Board may grant a general open export permit. The permit decision shall state the name of the person who represents the museum.

The provisions of subsection one shall also apply to the Royal Library and the National Archives.

**Section 9**

A special open export permit may be granted for cultural goods that an individual regularly takes out of Sweden to be used in conjunction with public cultural activities and that will be returned to Sweden.

**Section 10**

When cultural goods as referred to in Section 8 are taken out of Sweden, the general open export permit shall be presented to the Swedish Customs, together with a schedule of the objects that are taken out. Each page of the schedule shall be signed by the person representing the museum according to the permit decision.

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These Regulations enter into force on 1 April 2002.

These Regulations repeal the Regulations of the National Heritage Board and the Museums of National Antiquities on permits for export of certain older cultural goods (KRFS 1989:15).

THE NATIONAL HERITAGE BOARD

Bengt KÅ Johansson

Bengt Green