

UNOFFICIAL TRANSLATION

Regulations on the return of stolen and unlawfully exported cultural objects

Section 1

The following definitions shall apply in these regulations and sections 23a to 23f of the Cultural Heritage Act:

a) *cultural object*

- an object which before or after its unlawful removal from the territory of a state is classified or defined as a “national treasure possessing archaeological, prehistoric, historic, literary, artistic or scientific value” in national legislation or national administrative procedures pursuant to Article 36 of the Treaty of Rome; or
- which is recorded in the inventory register of an ecclesiastical or other religious institution; or
- public collections registered in the catalogues of museums, archives and library conservation collections. “Public collection” shall mean a collection owned by a member state of the European Economic Area (EEA) which is party to the UNIDRIOT Convention of 24 June 1995 No. 1 or the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970 (hereafter referred to as the UNESCO Convention of 1970), by a local or regional authority in such a state or an institution in the territory of such a state which is defined as public in the legislation of the state in question, provided that such institution is owned or to a significant degree financed by that state or by a local or regional authority. In non-member states of the European Economic Area which are parties to the UNIDRIOT Convention of 24 June 1995 No. 1, “public collection” shall include a collection owned by an institution established primarily for a cultural, educational or scientific purpose which in the state in question is deemed to be in the public interest,

- b) *unlawfully removed from the territory of a member state of the European Economic Area (EEA) which is party to the UNIDRIOT Convention of 24 June 1995 No. 1 or the UNESCO Convention of 1970*
- any export from the territory of a state contrary to the legislation of that state on the definition and protection of cultural objects or categories of cultural objects;
 - 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;
 - any cultural object stolen from a state which is party to the UNIDRIOT Convention of 24 June 1995 No. 1;
 - 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,
- c) *the requesting state*
- the state from whose territory a cultural object has been unlawfully removed,
- d) *the requested state*
- the state in whose territory an cultural object which has been unlawfully removed from the territory of another state is located,
- e) *possessor*
- a person holding the cultural object on his own account.
- f) *holder*
- a person holding the cultural object for a third party.

Section 2

“National cultural treasure” shall mean an object subject to an export prohibition and an application duty upon export from Norwegian territory pursuant to section 2 of the Regulations on the import and export of cultural objects.

These regulations shall apply to cultural objects pursuant to the first paragraph which are more than 50 years old and not owned by their originator.

In non-member states of the European Economic Area which are parties to the UNIDRIOT Convention of 24 June 1995, these regulations shall apply to cultural objects which are created by members of a tribal or indigenous community for traditional or ritual use and which are to be returned to that community, even if the object was exported within 50 years of its creation.

Section 3

The Ministry of Culture shall:

- a) at the request of a requesting state search for a specified cultural object which has been unlawfully removed, and identify the possessor and/or owner;
- b) notify affected states if cultural objects are discovered in Norwegian territory and there are reasonable grounds for concluding that the said objects have been unlawfully removed from the territory of another state, and accept corresponding notifications;
- c) enable the competent authorities of a requesting state to check whether a given object is a cultural object, and act as such authority in Norway;
- d) implement necessary measures to ensure the physical preservation of the cultural object in collaboration with the affected state;
- e) seek to prevent the withdrawal of the cultural object from the return procedure by implementing necessary interim measures, including interim injunctions, even if a restitution claim or request for return of the object is submitted to the courts or other competent authorities of another state;
- f) function as an intermediary between the possessor and/or the holder and the requesting state in connection with return;
- g) notify the competent authority of a state in which the Norwegian State has instituted proceedings to secure the return of a cultural object, and accept corresponding notifications;
- h) notify the competent authorities of other states of the institution of proceedings in Norway, and accept corresponding notifications;

- i) otherwise cooperate with and promote consultation between the competent authorities of other states;
- j) designate competent authorities to use the Internal Market Information System (IMI). In their internal cooperation and consultation, the central authorities of the EEA member states use the IMI module for cultural objects to communicate relevant information about specific matters relating to cultural objects which have been stolen or unlawfully removed from the territory of an EEA member state.

The check pursuant to sub-paragraph c) of the first paragraph shall be performed within six months of receipt of notification pursuant to sub-paragraph b). If no check is performed by the specified deadline, sub-paragraphs d) and e) shall not apply.

The exchange of information through IMI shall occur in compliance with applicable data protection and privacy rules.

Section 4.

The parties may agree to refer the dispute to another court or other competent authority, or to arbitration.

Section 5

The requesting state shall bear all costs incurred in connection with measures as described in section 3, first paragraph, sub-paragraph d).

Section 6

These regulations shall enter into force immediately as regards the provisions applicable to member states of the European Economic Area (EEA); the Regulations of 28 February 1997 No. 236 on the return of cultural objects which have been unlawfully removed from the territory of a member state of the European Economic Area (EEA) and are located in Norway shall be repealed as of the same date. The provisions applicable to states which are party to the UNIDROIT Convention shall enter into force at the same time as the convention enters into force in Norway.