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UNOFFICIAL TRANSLATION

Amendments of the Cultural Heritage Act Section 23 regarding Importation, Exportation and return of Cultural Objects, including amendments after 3 March 2000

Section 23. Export prohibition

Art and cultural materials of great importance for preservation, research or communication of cultural heritage, art and history in Norway shall not be exported from Norway without the permission of the competent authority.

The Ministry may by regulation issue more detailed rules defining what objects are subject to the export prohibition in the first paragraph.

Section 23a. Prohibition against importation of cultural objects

It shall be prohibited to import into Norway 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.

Section 23b. Return of cultural objects and compensation

A cultural object which is located in Norway and which has been unlawfully removed from the territory of a state which is party to an agreement to which Norway is also a party concerning return or measures to prevent illicit import and export of, and trade in, cultural objects shall be returned to the territory of that state. A cultural object shall also be deemed to have been unlawfully removed if it has been temporarily exported from the territory of such a state but not returned in accordance with the conditions in an export licence granted pursuant to that state's culture conservation legislation. The same shall apply if other conditions in such a licence are breached.

The owner or rightsholder who is in possession of the object shall, upon return, receive reasonable compensation from the requesting state if such person acquired the object after it was unlawfully removed and has exercised due care in connection with the acquisition. However, a person who acquires an object by inheritance or gift shall not be put in a more favourable position than the person from whom the object was received or inherited.

Section 23c. Tracing, etc.

The competent authority shall help the requesting state to trace a cultural object and prevent its withdrawal from the return procedure. Upon request, the police shall help the competent authority to trace the object. Coercive measures pursuant to chapters 15 and 16 of the Criminal Procedure Act may be applied even if no-one can be penalised for importation, possession or other involvement with the cultural object.

Section 23d. Procedural rules

The requesting state may institute proceedings before the district court for the return of a cultural object. The proceedings shall be addressed to the possessor or owner. Compensation claims pursuant to section 23b may be brought before the same court in the case mentioned in the first sentence.

The complaint pursuant to the first sentence of the first paragraph shall be accompanied by a document describing the cultural object and establishing its status as a cultural object. A declaration by the appropriate authority in the requesting state that the cultural object has been unlawfully removed from the state's territory shall also be appended.

The right to institute return proceedings pursuant to sections 23a to 23f shall become time-barred three years after the day on which the requesting state gains knowledge of the location of the cultural object and the identity of the possessor or owner. Such a time bar shall in any event arise no later than 50 years after the cultural object is unlawfully removed from the territory of the requesting state, and no later than 75 years after the cultural object is unlawfully removed in the case of cultural objects which are part of public collections or ecclesiastical goods afforded special protection under national legislation.

In cases as mentioned in section 23b, second sentence, the cultural object shall be deemed to be unlawfully removed on the day it should have been returned in accordance with the conditions of the export licence.

The requesting state shall bear the costs of enforcing the decision to return a cultural object.

No return proceedings may be instituted if the export is no longer unlawful at the time the case is filed.

Section 23e. Ownership

Upon return to a member state of the European Economic Area (EEA), ownership of a cultural object following return shall be decided in accordance with the legislation of the requesting state.

Upon return to a non-member state of the EEA which is party to the UNIDRIOT Convention of 24 June 1995, ownership of the cultural object shall be lost unless the requesting state consents to a different solution.

Section 23f. Supplementary provisions

The Ministry shall issue more detailed regulations on the implementation of the import prohibition and export prohibition and return pursuant to sections 23 to 23e, including on the definition of cultural objects.