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## **Application of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property**

**First periodical report**

**Norway**

**March 2011**



# Report on the application of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

## Table of contents

<b>Preliminary part</b> .....	7
1. Introductory remarks .....	7
2. Constitutional and administrative structure.....	7
3. Economy .....	7
4. Preparation of the first periodical report .....	7
<b>Part I: Information on the implementation of the UNESCO Convention of 1970</b>	<b>9</b>
1. Ratification of the Convention.....	9
2. Implementation in the national legal system and in the organization of services	9
2 a) References to the principal national regulations adopted in order to implement the 1970 Convention.....	9
2 b) Definition of "cultural property" as applied in national legislation .....	10
2 c) Specialized units established in order to prevent and combat trafficking and ensure international cooperation with regard to protection of cultural heritage ...	12
2 d) Administrative coordination of activities with the police and customs authorities.....	13
3. Inventories and identification .....	14
3 a) Inventories that provide for the risks of misappropriation and theft .....	14
3 b) Definition of "cultural property" covered by international conventions and identification of "national treasures" .....	14
3 c) Application of the Object ID standard .....	15
3 d) Systems and specific measures to combat theft and to train museum staff ...	15
4. Archaeological excavations.....	16
4 a) Principles of the regulations on archaeological excavations and on the monitoring of excavations in Norway .....	17
4 b) Recurrence of illegal excavations .....	17
5. Monitoring of the export and import of cultural property .....	17
5 a) The scale of illicit export or import of cultural property. ....	17
5 b) Reasons for recurring illicit export of cultural property (lack of financial and human resources, shortcomings in the legal supervision framework, etc.) .....	18
5 c) Administrative and legal rules for monitoring the export and import of cultural property (existence of an export certificate, public information about the rules in force.....	20
5 d) Provisions for restitution of illicitly imported cultural property .....	22
5 e) Challenges and obstacles in securing the restitution of illicitly exported cultural property and possible reasons (administrative, legal or political - legal loopholes, unwillingness by importing countries, lack of international cooperation, 7etc.).....	22

5 f) Cases where the restitution of a stolen cultural object has been secured .....	22
6. System for trade-in, acquisition, ownership and transfer of cultural property ...	23
6 a) The cultural goods market in Norway (financial volume of the market, number and turnover of auction houses including via the Internet).....	23
6 b) Main rules governing trade in cultural goods and control measures in place for such trade, in particular through the Internet (for example, reference to the basic measures proposed by UNESCO, INTERPOF and ICOM) .....	24
6 c) Measures to control the acquisition of cultural property.....	25
(Mechanisms to prevent museums and similar institutions from acquiring cultural property exported illegally from another State) .....	25
6 d) The legal system concerning ownership of cultural property .....	27
6 e) Rules on the transfer of title deeds in respect of cultural property .....	27
7. Bilateral agreements.....	27
<b>Part II. Code of ethics, awareness raising and education .....</b>	<b>29</b>
Ethical standards.....	29
a) Knowledge of the UNESCO International Code of Ethics for Dealers in Cultural Property among professionals concerned and knowledge of ICOM in museums. Methods used to check observance.....	29
b) Dissemination of the "One hundred missing objects" series and the ICOM Red Lists .....	29
c) Awareness raising and education .....	30
<b>Part III. Cooperation with other international and regional agencies .....</b>	<b>33</b>
Police .....	33
(a) National cooperation with INTERPOL.....	33
(b) The use of INTERPOL database on stolen objects.....	33
(c) Existence of a specific training programme for members of police services	33
(d) Provisions in criminal law for the punishment of fraud and theft related to cultural property.....	33
(e) Cooperation with the United Nations Office on Drugs and Crime (UNODC)	34
Customs .....	34
(f) Cooperation with the World Customs Organization (WCO) .....	34
(g) Existence of a specific training programme for members of customs administration.....	34
(h) Use of the UNESCO-WCO Model Export Certificate for Cultural Objects .	34
European Union .....	35
<b>Part IV: Other legislative, legal and administrative measures taken by the State</b>	<b>37</b>
1. Accession to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects .....	37
(a) Ratification of the Convention .....	37
2. Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of illicit Appropriation .....	38
3. UNESCO Database of National Cultural Heritage Laws .....	38
<b>Part V: Appendices .....</b>	<b>39</b>
Appendix I: The brochure "Do you want anything in your home which is illegal to take into the country?" .....	39

Appendix II: The “Stop heritage crime” leaflet: “Export and import of art and other cultural objects. What is allowed?” ..... 41



# **Preliminary part**

## **1. Introductory remarks**

This first periodical report describes the implementation in Norway of the provisions of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

## **2. Constitutional and administrative structure**

Norway is a constitutional monarchy with a parliamentary democracy. The Storting is Norway's legislative assembly. Being under parliamentary rule, the majority of the Storting determines which party or coalition of parties will hold the power of Government.

Norway's present government was appointed by King Harald V in October 2009. It is a majority coalition government representing the Labour Party, the Socialist Left Party and the Centre Party, headed by Mr. Jens Stoltenberg (his second government). The present government has 21 members, the Prime Minister and 20 Ministers in head of 17 Ministries. The next Parliamentary elections will take place in September 2013.

As of 1 January 2011, the country is divided into 19 counties and 430 municipalities. Norway has approximately 4,9 million inhabitants, including an indigenous Sami population and five national minorities, defined as groups with long association with Norway.

## **3. Economy**

In 2009 Norway's gross domestic product amounted to a total of NOK 2 381 billion, whereas the total national income amounted NOK 2 014 billion. (Preliminary financial reports for 2010 show a GDP of approximately NOK 2 505 billion and a national income of NOK 2 144 billion).

## **4. Preparation of the first periodical report**

The preparation of Norway's first periodical report has been coordinated by the Ministry of Culture based on reports and information from relevant museums and public authorities as concerns their respective remits. In letters dated 9 November 2010 the Ministry of Culture invited the following bodies to present their views on the current situation concerning illicit trade in cultural objects in response to the

questionnaire submitted from the UNESCO Secretariat for the preparation of this report:

- Arts Council Norway<sup>1</sup>
- The Ministry of Trade and Industry
- The Customs and Excise Authorities
- The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim)
- The National Museum of Art, Architecture and Design
- The Norwegian Directorate for Cultural Heritage (Riksantikvaren)
- The Museum of Cultural History, University of Oslo

As far as practicable, the present report follows the structure of the proposed guidelines from the UNESCO Secretariat.

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<sup>1</sup> As from 1 January 2011 the former Archive and Museum Authority has merged with Arts Council Norway.

# Part I: Information on the implementation of the UNESCO Convention of 1970

## 1. Ratification of the Convention

Ratification by the Norwegian Parliament of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property took place on 16 February 2007. The Convention took effect in Norway as from that date (c.f. Government bill to the Storting *St.prp. nr.70 (2003-2004)* and Recommendation of the Storting, *Innst.S. nr. 24 (2004-2005)*).

Links to relevant documents in Norwegian:

<http://www.regjeringen.no/Rpub/STP/20032004/070/PDFS/STP200320040070000D/DDPDFS.pdf>

<http://www.stortinget.no/Global/pdf/Innstillinger/Stortinget/2004-2005/inns-200405-024.pdf>

## 2. Implementation in the national legal system and in the organization of services

**2 a) References to the principal national regulations adopted in order to implement the 1970 Convention.**

- *The Cultural Heritage Act (1978)*

For full text in Norwegian:

<http://www.lovdatab.no/all/hl-19780609-050.html>

For full text in English:

<http://www.regjeringen.no/en/doc/Laws/Acts/Cultural-Heritage-Act.html?id=173106>

(Please note that amendments after 3 March 2000 have not yet been translated. A fully updated English version will be forwarded at our earliest convenience).



9 June 1978 No. 50, which took effect from 1 January 2009 (cf. Resolution of 12 September 2008 No 1011).

It follows from the amended Section 23 of The Cultural Heritage Act regarding prohibition of export that artifacts or cultural objects of national importance for preservation, research or dissemination of cultural heritage, arts and history in Norway, shall not be taken out of the country without a permit from the competent authorities.

The Ministry of Culture may issue regulations providing specific rules regarding which categories of cultural objects are to be subject to a prohibition of export as described in the preceding paragraph.

Section 2 of the Regulations relating to a prohibition of export and import of cultural objects (2001), 14 December 2001 No 1420, as amended by Regulation of 27 March 2009, sets out the following definition of "*cultural property*" to be applied in national legislation:

*For the purposes of Section 23 of the Cultural Heritage Act of 9 June 1978 No. 50, the following categories of cultural objects shall apply:*

- a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of paleontological interest.
- b) Products of archaeological excavations or of archaeological discoveries, both lawful and unlawful. Monuments and sites that are automatically protected by law pursuant to section 4 of the Act of 9 June 1978 No. 50 on Cultural Heritage.
- c) Structures of all kinds and parts of such, artistic or historic monuments, coins, archives, including sound, photographic and cinematographic archives, manuscripts, old books singly or in collections, seals, articles of furniture and other household articles or movable property, costumes, hand weapons, musical instruments and similar articles that are of interest for artistic or cultural reasons or because of their associations with historic persons which are more than 100 years old. The Ministry may for special reasons determine that the export prohibition shall apply to such objects irrespective of their age.
- d) Ethnographic material. These Regulations shall not apply to objects belonging to their maker or to new products, manufactured for sale.
- e) Sami cultural objects regardless of age. These Regulations shall not apply to objects belonging to their maker or to new products, manufactured for sale.
- f) Objects, regardless of age:
  - that are of particular importance for history, including the history of science and technology, military history and social history;
  - that are of particular importance for activities and events of national significance;
  - that concern the life of prominent or important persons. These shall not include

objects that the prominent or important person concerned, himself or herself exports from Norway, unless such export is prohibited under other provisions of these Regulations.

- g) Paintings, drawings, sculptures, work of statuary art, original prints and lithographs and other pictorial art that are more than 50 years old. This shall not include works belonging to their maker.
- h) In the case of handicraft products and prototypes of design products that are more than 50 years old, only the provisions of Chapter II of these Regulations shall apply. Products belonging to their maker shall not be included.
- i) An export licence is required for boats, motor vehicles, aircraft, artillery and rolling stock or parts of and accessories for such that are more than 50 years old.
- j) Cultural objects as mentioned in section 2 b-e shall not include personal effects that are less than 200 years old or cultural objects as mentioned in section 2 i, that are to be used during a stay or to be repaired and restored outside Norway and that are brought back to Norway within one year of their leaving the country. 'Personal effects' shall mean objects such as jewellery, national costumes and the like.

(Please note that Amendments by Regulation of 27 March 2009 have not yet been translated. A fully updated English version of this text will be forwarded at our earliest convenience).

*For full text in Norwegian of the Regulation on Export and Import of Cultural Objects, including the Appendix with regulations relating to export of coins, see link page 9.*

## **2 c) Specialized units established in order to prevent and combat trafficking and ensure international cooperation with regard to protection of cultural heritage**

### ***The Customs and Excise Authorities***

According to information from The Directorate of Norwegian Customs and Excise, no such unit has been established in order to prevent and combat trafficking and ensure international cooperation for the protection of cultural heritage.

However, the Ministry of Justice and the Police has established a national expert group for the purpose of preventing illegal trade and protecting cultural heritage (cf. 2 d below).

### *The Police authorities*

The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim) is the central unit for the investigation and prosecution of economic and environmental crime. Also, this unit has been given the responsibility for preventing and combating trafficking and ensuring international cooperation in relation to the protection of cultural heritage. Hence, Økokrim is the main source of specialist skills for the police and the prosecuting authorities in their combat against crime of this kind.

### **2 d) Administrative coordination of activities with the police and customs authorities.**

#### *Expert group*

Under the auspices of the Ministry of Justice and the Police, the central unit within the police has formed a small, specialized expert group with the representation of the Ministry of Culture, Arts Council Norway, the Norwegian Directorate for Cultural Heritage, the Customs and Excise Authorities and the Church of Norway Employers' and Stakeholders' Association.

Regular meetings with the participation of police officials, customs officials and government representatives are held for the purpose of sharing information and coordinating activities. So far, the main issues on the agenda have been education of personnel and cooperation between national authorities.

#### *Network*

In addition to the expert group mentioned above, Arts Council Norway also invites the competent institutions that have been authorized for issuing export permits, to an annual meeting c.f. paragraph 5 c of this Part I of the report. The immediate purpose of these annual meetings is to discuss the various challenges with regard to preventing thefts and illegal export.

Also, the wider purpose of this initiative is to establish effective routines and procedures for action to be taken in dealing with cases of illegal export. Therefore, an important goal of these meetings is to create a consultancy network or resource base of competent advisers from government administration and relevant institutions, as participation in this forum contributes to increased knowledge of this field.

### **3. Inventories and identification**

#### **3 a) Inventories that provide for the risks of misappropriation and theft**

Inventories of most Norwegian museums funded by Government are being compiled in the PRIMUS database that has been developed and sold by the company Kultur IT, a company which is owned by some of the larger museums. An increasing number of the museum collections are published at: <http://digitaltmuseum.no/>.

Eventually, as these inventories are completed, they will facilitate the monitoring of the collections. When all collections are registered and published, the monitoring task will become easier, and also increase efficiency as to describing and recognizing stolen objects from collections. As the inventories contain detailed information, including photos, they make it easier to recover stolen objects.

Better inventories will reduce the risks of misappropriation and theft, both with regard to thefts by museum employees as well as by outside visitors.

Cultural church property is described in a similar database, called the Norwegian Church Inventories, c.f. link to [www.kirkebyggdatabasen.no](http://www.kirkebyggdatabasen.no) . (Please note that there is limited access to this database).

According to information from The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim), a Working Group has been established with the mandate to consider appropriate solutions for an internet-based database with information on stolen art and cultural heritage objects. The intention is that such a database should provide a useful tool in the investigation of crime concerning art and culture. So far, the working group has developed a draft "culture database" with detailed specification which has been reported to "a new penalty case system" (i.e. a recently developed police ICT-solution). Firstly, this draft will be assessed by the Norwegian Police Directorate, who will subsequently present a proposed solution to the Ministry of Justice and the Police in the near future.

#### **3 b) Definition of "cultural property" covered by international conventions and identification of "national treasures"**

*-Cultural Heritage Act (1978).*

*(For full text see link in paragraph 2 a, page 8).*

The purpose of national legislation concerning export and import of cultural objects, as set out in section 23 of the Cultural Heritage Act, is to protect movable and immovable

cultural objects that form a significant part of Norway's history and cultural heritage. Regulations pertaining to cultural objects are intended to safeguard cultural property against illegal export and import. The definition of the term "*cultural property*" in Norwegian legislation corresponds fully to the definition in Article 1 in the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, as national regulations were designed on the basis of this definition.

Norway has not identified "*national treasures*" in a specified list. To a large extent this function is covered by the inventories of the major national museums, as "*national treasures*" considered being the most important are already owned by these museums.

The Cultural Heritage Act now contains a detailed list of numismatic objects that need a formal export license to be taken out of the country. The Museum of Cultural History, University of Oslo, considers this to be an important step towards establishing a well-functioning cooperation between the museums and the Customs authorities. As a general comment, the Museum appreciates the legal framework provided by Norway's ratification of the UNESCO 1970 Convention, and will make vigorous efforts to integrate the principles of the Convention in collection and heritage management in the years to come.

### **3 c) Application of the Object ID standard**

Norway has translated the Object ID Checklist into Norwegian and has commenced implementing the system as the preferred standard.

The information required by the Object ID standard is, with the exception of the question of specific recognition marks, covered by the PRIMUS system used by the museums for registration of their collections, such as information on storing and visual recognition of objects through photographs. It will be possible to add the necessary missing information and to design a report function to extract this information in case of theft. This issue has been on the agenda during 2010. Discussions will probably continue in connection with the planning of a new conservation module of the PRIMUS programme in 2011.

Also, The Norwegian Church Employers' and Stakeholders' Association has already adopted Object ID as a standard.

### **3 d) Systems and specific measures to combat theft and to train museum staff**

Norwegian museums are in charge of establishing their own security procedures and routines, while as Arts Council Norway is responsible for the general supervision of the effectiveness of their security plans. The annual museum statistics of 2009 shows that

nearly 71 per cent of the museums had their security plans approved by their respective boards of administration.

On an annual basis, Arts Council Norway organizes nation-wide courses to train museum staff in security matters in order to combat theft. In particular, the aim of these courses is to raise awareness of risk assessment and assist the institutions in setting up adequate security plans. The last course in 2010 had participants also from the archival sector. Also, The National Library and university libraries were informed and invited as well.

In addition to general security courses, Arts Council Norway organizes various targeted courses on specific relevant topics.

In their annual statistics Arts Council Norway registers reported thefts in Norwegian archives, museums and libraries. In 2009, no reports of theft or attempted theft were received from the archives sector. As for museums, the figures in 2009 are uncertain. However, there appears to be a slight decrease in reported incidents.

In 2008, sixteen museums reported thefts or attempted thefts. In the years preceding 2008, the numbers of thefts or attempted thefts were respectively 21, 14, and 21. Several thefts have been reported to the police by the item's owner institution. Even though not every theft necessarily involves high value objects, their cultural value can nevertheless still be of great significance.

A note is to be made of the fact that not every reported theft concerns collection items, as the museums' reports also include thefts from visitors. Thus, the actual number of thefts or attempted thefts from the museums' collections and exhibitions may in fact be lower than the reported figures.

#### **4. Archaeological excavations**

The Directorate for Cultural Heritage is responsible for the management of all archaeological and architectural monuments and sites and cultural environments in accordance with the applicable legislation. The Directorate is under the auspices of the Ministry of Environment.

The Archaeological Museums administer excavations and investigations of archaeological monuments and sites. The Maritime Museums are responsible for monuments at the bottom of the sea. In accordance with the cultural heritage regulations for Svalbard, the Governor's Office administers cultural conservation on Svalbard.

#### **4 a) Principles of the regulations on archaeological excavations and on the monitoring of excavations in Norway**

Institutions entitled to do surveys and excavations are listed in the Regulations pursuant to the provisions of the Cultural Heritage Act (1978). A majority of the competent museums and research organizations that are granted excavation permits are publicly funded institutions under government control that have a standing license to do field evaluations, surveys and excavations, according to the responsibilities set out in the provision.

Given the limited number of institutions that have been granted permits, the monitoring activities with regard to excavations are carried out at a minimum level.

Applications to excavate are subject to separate decisions by The Norwegian Directorate for Cultural Heritage (Riksantikvaren).

#### **4 b) Recurrence of illegal excavations**

Apparently, illegal excavations do not constitute a problem of any significance in Norway. There is a relatively good communication between metal detector users' organizations and cultural heritage authorities. Also, museums undertake to draw upon the knowledge and expertise of these organizations by making use of their services in connection with specific tasks during certain excavations, as well as enhancing awareness among their members.

### **5. Monitoring of the export and import of cultural property**

#### **5 a) The scale of illicit export or import of cultural property.**

Due to lack of updated register codes Norwegian police authorities have not yet established reliable statistics regarding the scale of illicit import or export of cultural property.

As there are no available statistics, it is difficult to assess the volume of illicit export or import of cultural property. According to reports, however, very few items have been seized by the customs service. In 2009 there were five seizures by the customs authorities, which is an increase from 2008.

Unfortunately, there is no up-to-date statistics from the Police regarding theft of cultural property.

The report “*Cultural Heritage Crime – the Nordic Dimension*” (2006) contains the first Nordic study of cultural heritage crime, and includes a survey showing the number of thefts of cultural objects from preservers, such as museums and churches, and from dealers, such as antique shops and auction houses.

Cultural heritage crime also includes illegal export of protected cultural objects that, in spite of being legally acquired, may not be taken out of the country without an export permit.

The study covers a wide range of cultural heritage areas which are not easily summarized for the purpose of this periodical report. However, the study reflects the challenges and difficulties in discovering crimes related to archaeological excavation sites and underwater archaeological sites. Often, the main problem is closely linked to the lack of knowledge as concerns the original findings at the site.

Only four per cent of the respondents confirmed that they knew of cases where cultural objects were exported in violation of national laws and regulations.

Nordic museums and libraries are most liable to theft, but also antique dealers have experienced thefts of cultural objects.

In conclusion, the study shows that illegal movement or export of cultural property may be a more extensive problem than first indicated in the survey questionnaire. The report emphasizes that knowledge; prioritization and control are key words that are inseparably linked in the work of preventing cultural crime.

### **5 b) Reasons for recurring illicit export of cultural property (lack of financial and human resources, shortcomings in the legal supervision framework, etc.)**

As police authorities have registered very few cases of illicit export of cultural property, there is insufficient experience for drawing any firm conclusions regarding reasons that could explain possible recurrence in illicit export of cultural property.

Nevertheless, illicit export of cultural property is to be considered a recurring problem. In 2004, the customs authorities organized a specially targeted action on cultural property which led to the prosecution of several persons.

In the years following the campaign there was a significant increase in the number of export permits issued. Undoubtedly, the increase in number of applications for export permits could be attributed to a heightened level of awareness among the public as a result of the campaign.

However, since recent years, there has since been a decrease in the number of export permits (c.f. the table *Applications for export license 2004-2010* on page 18).

Enhancing knowledge and creating a broader competence base regarding illegal export and import of cultural property is of vital importance within all relevant cultural institutions and public authorities.

A major part of the illicit export or import by private persons could probably be explained by a lack of knowledge of the regulations in Norway and in other countries.

Internet trade with cultural goods is a growing challenge as concerns illegal export of cultural property. Hence, a more efficient monitoring of the Internet, as well as targeted information efforts towards traders and buyers, would probably increase general knowledge of the regulations and subsequently lead to a reduction of illegal trade. Such monitoring would, however, require high skills and competence in specific fields like for instance archaeology, art history, etc., and/or access to a broad network of museum specialists.

The Customs and Excise Authorities are responsible for ensuring that cultural objects are not exported from or imported into the country in violation of the Regulations relating to a Prohibition against the Export of Cultural Objects.

#### **Applications for export licence 2004-2010<sup>2</sup>**

	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
National Museum for Art, Architecture and Design	292	455	707	694	527	428	413
Norwegian Museum of Cultural History (Folkemuseet)	30	107	84	55	15	38	129
Norwegian Museum of Science and Technology		6	6	7	39	12	6
National Library of Norway				100	76	27	7
Norwegian Armed Forces Museum	13	24	20	17	17	17	20
Ringve, A Section of the Museums in Sør-Trøndelag	8	3	4	1	2	2	1
Directorate for Cultural Heritage	4	2	7	4	3	3	5
Norwegian Maritime Museum		1	2	1	1		2
Museum of Cultural History, University of Oslo		16	4	2		7	3
Preus Museum			1	3			
RiddoDuattarMuseat	-	-	-	-	-	-	-
National Archive of Norway	-	-	-	-	-	-	1
Total number of applications	347	614	835	884	680	534	587
Rejected applications		1	1	3	4	2	4

<sup>2</sup> Reports on the total number of applications in 2010 were not complete from all institutions at the time of drafting this periodical report.

**5 c) Administrative and legal rules for monitoring the export and import of cultural property (existence of an export certificate, public information about the rules in force**

Norway has established an administrative system for issuing export certificates/export permits for cultural property.

Twelve competent institutions have been given authorization to issue export permits, each with responsibility for their respective categories of cultural property covered by the regulations, as shown in the table/application guide on page 20.

***Institution issuing export permit/Type of cultural heritage objects:***

<b><i>Institution issuing export permit</i></b>	<b><i>Type of cultural heritage objects</i></b>
Norwegian Armed Forces Museum Tlf + 47 23 09 35 82 <a href="http://www.mil.no/felles/fmu">www.mil.no/felles/fmu</a>	Military cultural heritage objects, weapons, aircrafts
Museum of Cultural History, UiO Tlf + 47 22 85 19 00 <a href="http://www.khm.uio.no">www.khm.uio.no</a>	Archaeological material and ethnographic material, objects from before the Reformation (1537), coins and banknotes
National Library of Norway Tlf + 47 81 00 13 00 <a href="http://www.nb.no">www.nb.no</a>	books, leaflets/posters, maps, manuscripts, sound- and film archives
National Museum for Art, Architecture and Design Tlf + 47 21 98 20 00 <a href="http://www.nasjonalmuseet.no">www.nasjonalmuseet.no</a>	paintings, drawings, sculptures, prints and other pictorial art, handicrafts, design products, furniture and other inventory and chattels
Norwegian Museum of Cultural History Tlf + 47 22 12 37 00 <a href="http://www.norskfolkemuseum.no">www.norskfolkemuseum.no</a>	folk art, rural antiquities, craft products, folk costumes, buildings and cultural material from work and daily life after the Reformation
Norwegian Maritime Museum Tlf + 47 24 11 41 50 <a href="http://www.marmuseum.no">www.marmuseum.no</a>	maritime objects
Norwegian Museum of Science and Technology Tlf + 47 22 79 60 00 <a href="http://www.tekniskmuseum.no">www.tekniskmuseum.no</a>	motor vehicles and other technical objects
Preus museum Tlf + 47 33 03 16 30 <a href="http://www.preusmuseum.no">www.preusmuseum.no</a>	photography, cameras and other photographic equipment
Directorate for Cultural Heritage Tlf + 47 22 94 04 00 <a href="http://www.ra.no">www.ra.no</a>	boats
National Archive of Norway Tlf + 47 22 02 26 00 <a href="http://www.riksarkivet.no">www.riksarkivet.no</a>	archive material, seals and signets
Ringve A Section of the Museums in Sør-Trøndelag Tlf + 47 73 87 02 80 <a href="http://www.ringve.no">www.ringve.no</a>	music instruments and music history objects
RiddoDuottarMuseat Tlf + 47 78 46 99 50 <a href="http://www.rdm.no">www.rdm.no</a>	Sámi art and Sámi cultural objects

## ***Public information***

The responsibility for public information on rules and regulations with regard to export or import of cultural property is delegated from the Ministry of Culture to Arts Council Norway. Arts Council Norway is the appeals body for cases involving violation of the prohibition against export of cultural objects. Exceptions are cases decided by the Directorate for Cultural Heritage, where the Ministry of Environment acts as the appeals body, and cases concerning Sámi cultural property, where the Sámediggi (Sámi Parliament) acts as the appeals body.

### **5 d) Provisions for restitution of illicitly imported cultural property**

Norwegian legislation provides for the return of illicitly imported cultural property. Pursuant to the Cultural Heritage Act, the Regulations relating to Export and Import of Cultural Objects, Chapter III, Sections 8 and 9 litra c, sets out the rules for the return of illicitly imported cultural property.

### **5 e) Challenges and obstacles in securing the restitution of illicitly exported cultural property and possible reasons (administrative, legal or political - legal loopholes, unwillingness by importing countries, lack of international cooperation, etc.)**

So far, there have been very few cases involving the restitution of illicitly exported cultural property. Therefore, Norway has limited experience in this field.

It could be mentioned, however, that customs officials have investigated several different cases with a view to complying with the UNESCO regulations. Preliminary conclusions are, based on the experience of police and customs, that there are still challenges to be met before the UNESCO database becomes a fully operational tool for sharing information on national laws and regulations.

### **5 f) Cases where the restitution of a stolen cultural object has been secured**

According to the Museum of Cultural History, University of Oslo, no information has been received regarding restitution of any stolen object that falls within the remit of the museum (i.e. archaeological objects). In 2010, however, the Museum of Cultural History acted on one instance of illegal export. The matter at hand concerned medieval coins and coins from the Viking Age that had been taken out of the country without the necessary export permit. Information about this case came to the museum's notice by chance, whereupon cooperation with the National Authority for Investigation and Prosecution of Economic and Environmental Crime in Norway (ØKOKRIM) was immediately established. However, before prosecution was initiated, the objects in question were brought (again illegally) back to Norway. According to the Museum of

Cultural History, increased awareness of international legislation in this specific field was no doubt instrumental in preventing the illegal sale of these objects from taking place.

According to information from the National Museum of Art, Architecture and Design, the museum has had no cases involving restitution of stolen cultural objects.

Reports from Arts Council Norway, the Police Authorities and the Norwegian Customs and Excise authorities show that neither of these public bodies has been involved in the restitution of stolen cultural objects.

It could be mentioned, however, that the Ministry of Culture in November 2010 received a general request from the Embassy of the Republic of Iraq regarding the possibility that Iraqi antiquities might have been taken illegally into the country. This communication has been forwarded to the Ministry of Justice and the Police for further examination.

## **6. System for trade-in, acquisition, ownership and transfer of cultural property**

### **6 a) The cultural goods market in Norway (financial volume of the market, number and turnover of auction houses including via the Internet).**

The cultural goods market in Norway includes a lot of small folk-heritage objects. A number of antiques dealers, second-hand goods stores and retail sellers provide the opportunity for a quick turnover of goods, including cultural objects. Unfortunately, no reliable statistics exist to indicate the total financial volume of this market.

However, a rough estimate of the market volume for visual arts, based on a compulsory fee on sale of visual art (5 %) shows a slight drop in sales volume from 2007 to 2009:

#### *Estimated market volume based on collected fee on sale of visual art:*

<b>Year</b>	<b>Collected fee</b>	<b>Estimated market volume</b>
2007	29 792 733 NOK	658 331 603 NOK
2008	27 829 161 NOK	641 341 898 NOK
2009	21 000 833 NOK	479 651 219 NOK

**6 b) Main rules governing trade in cultural goods and control measures in place for such trade, in particular through the Internet (for example, reference to the basic measures proposed by UNESCO, INTERPOF and ICOM)**

In Norway second hand trade is regulated in the Second Hand Trade Act of 22 December 1999 No. 105, and Regulations of 22 December 1999 No. 1379. The main purpose of these rules is to stop sale of stolen goods and help the police in returning the items to their rightful owner.

In order to reduce the risk of receiving stolen property, a special license from the police is required for dealers in second- hand goods.

The police license can be refused or withdrawn if the conducts of the enterprise or other circumstances give reason to anticipate professional misconduct.

To obtain a license, the dealer in second-hand goods should complete an application form which can be obtained from the police. The police will then obtain the company's registration number with the Norwegian Register of Business Enterprises, and hence check out the conduct of the licensee. Furthermore, the police shall approve of all the premises and places used for the purpose of the business, both with regard to sale's outlets and storing spaces.

When permission is granted and the business of second-hand trade can start, the second-hand goods dealer takes on certain obligations. The main requirements are to keep a register and log all acquired objects. Also, any item must be kept at least fourteen days before it can be resold. During these 14 days no item can be destroyed or reprocessed unless the police have granted an exemption pursuant to Section 11 of the Regulations. The police should ensure that the requirements of the Regulations are met.

In general, the second-hand goods dealer shall act most attentively and contact the police if he or she suspects that the vendor may have acquired the object illegally, or for some other reason is not entitled to sell it. Unknown vendors are required to prove their identity in a satisfactory way. Furthermore, second-hand goods dealers shall not accept objects from persons under the age of 18 years.

Pursuant to Section 10 of the Regulations, the dealer is required to keep an inventory book, approved by the police, containing a record of all objects which have been acquired, whether payment is received or not. The record has to be kept on the premises, in chronological order and always up to date. Every object shall be given a registration number corresponding to the index number in the record. Each entry in the record shall provide accurate and complete information regarding the date of receiving the objects, specification of every item, numbers, size, quantity and weight, including the name and address of the person from whom the item was received.

Likewise, a column for entry of information regarding type of identification presented is required, along with an assessment of the correctness of the identity papers,

The police can grant exemptions from the rules set out in these Regulations. Also, the police can instruct second-hand goods dealers to log information about the sale (date, name and address of the buyer, purchase price, cost of repair and selling price), and information concerning the buyer's identification, whether or not it was presented, and assessment as to its validity.

The obligation to register any acquired item in an inventory book, and to keep it for at least 14 days before reselling, does not apply for objects which are meant for destruction and/or recycling. However, this is with the exception of when precious metals, like inter alia platinum, silver and gold, has been received, bought or sold.

For full text in Norwegian:

- ***Second Hand Trade Act of 22 December 1999 No. 105:***  
LOV-1999-12-22-105 Brukthandellova – brhll. Lov om handelsverksemd med brukte og kasserte ting (1999-12-22).

<http://www.lovdato.no/all/hl-19991222-105.html>

- ***Regulations of 22 December 1999 No. 1379:***  
FOR-1999-12-22-1379 Brukthandelforskriften. Forskrift om handelsverksemd med brukte eller kasserte ting mv. (1999-12-22)

<http://www.lovdato.no/cgi-wift/ldles?doc=/sf/sf/sf-19991222-1379.html>

### **6 c) Measures to control the acquisition of cultural property (Mechanisms to prevent museums and similar institutions from acquiring cultural property exported illegally from another State)**

In December 2009 all Norwegian museums received information leaflets with the latest update on Norwegian Regulations relating to a Prohibition against the Export and Import of Cultural Objects, c.f. link page 25.

This information was distributed to customs offices, antiques' dealers and other targeted groups as well, along with the brochure "*Do you want anything illegal in your home? Think before you buy art and artifacts*". The focus of this brochure was to give information and advice on important issues that need consideration before buying cultural property abroad to bring home. Although these guidelines are primarily

designed for raising public awareness, they are also useful for professionals working in this field, c.f. link below.

Arts Council Norway and the Norwegian National Committee of ICOM are cooperating with regard to making information about the ICOM Code of Ethics accessible for museums, including the printing of the Code.

Several years ago, the Norwegian National Committee of ICOM developed a training programme on ICOM Code of Ethics for the museums. This training programme has received international attention and has also been adopted by other countries as well. Arts Council Norway provides financial support to these courses. The main impression is that Norwegian museums and similar institutions in general are well aware of the Code of Ethics. Several of the museums have demonstrated a high ethic standard with regard to not publishing research on objects considered to be illegal cultural property, even if they are part of the museum's collections.

English version of the brochure (enclosed in Appendix I):

***“Do you want anything illegal in your home? Think before you buy art and artifacts”:***



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Lightversjon.pdf

English version of the information leaflet (enclosed in Appendix II).

***“Export and import of art and other cultural objects: What is allowed?”***

[www.abm-utvikling.no/tverrsektorielt/export-and-import-of-art-and-other-cultural-objects-1](http://www.abm-utvikling.no/tverrsektorielt/export-and-import-of-art-and-other-cultural-objects-1)

For more information, see the Arts Council Norway's website [www.norskkulturrad.no](http://www.norskkulturrad.no)

**6 d) The legal system concerning ownership of cultural property**  
(e.g. the principle of inalienability and the status of yet unfound cultural objects).

According to the basic criteria for determining the national importance of an archaeological site, as set out in Regulations pursuant to the Cultural Heritage Act, the following finds are automatically considered protected State property:

- Monuments, sites and objects older than 1537
- Shipwrecks older than 100 years, including objects that have been onboard
- Sami monuments, sites and objects older than 100 years
- Coins older than 1650
- Standing structures confirmed at any time as originating in the period 1537-1649

**6 e) Rules on the transfer of title deeds in respect of cultural property**

Norway has no particular rules regarding the transfer of title deeds in respect of cultural property.

**7. Bilateral agreements**

Norway has no bilateral agreements with other countries on the import, export and return of cultural property.

**Other type of cooperation with neighbouring countries**

- In 2008-2009 the Ministry of Culture, the The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim), the Customs and Excise Authorities, Arts Council Norway and the Directorate for Cultural Heritage made a joint proposal to establish a Nordic network for dealing with illicit trade in cultural objects and heritage artifacts. The first meeting of the Nordic Network was organized in Copenhagen in November 2009. There is, however, according to an observation from the Customs and Excise Authorities, some inconsistency in the national legislations of the Nordic countries as concerns trade in cultural objects.
- The joint Polish-Norwegian project , "*Legal and illicit trade with cultural heritage*" , was developed on the initiative of Arts Council Norway in cooperation with the National Heritage Board of Poland. The project has been financed by EEA-grants through the Cultural Exchange Fund. The main objective of this

joint project is to enhance knowledge and ethical awareness in relation to illegal trade in cultural objects in both countries. Among the participants in the project are the National Heritage Board of Poland, the National Maritime Museum in Gdansk, Arts Council Norway and the Norwegian Directorate for Cultural Heritage. The project activities will include three workshops and a final conference. The Ministry of Culture, Police, Customs, several administrative institutions and other relevant Norwegian and Polish organizations participate in one or more of the project activities. The project also aims at establishing stronger networks between Norwegian and Polish participants, as well as among the Norwegian operators in this field. (C.f. Part II regarding awareness raising and education).

## **Part II. Code of ethics, awareness raising and education**

### **Ethical standards**

#### **a) Knowledge of the UNESCO International Code of Ethics for Dealers in Cultural Property among professionals concerned and knowledge of ICOM in museums. Methods used to check observance.**

The ICOM Code of Ethics is well known among museum curators and other museum professionals, board members etc. The publication, made by the Norwegian National Committee of ICOM and Arts Council Norway, is distributed in a digital version published on the Internet. It is also distributed as a printed booklet. The Norwegian National Committee of ICOM distributes the Code of Ethics through the training programme to museums and relevant organizations. During the last years, about 6.000 copies have been printed. According to Arts Council Norway, a third edition will be printed in early 2011.

Unfortunately, according to the assumptions of Arts Council Norway, the UNESCO International Code of Ethics for Dealers in Cultural Property appears to be less well-known among antiques dealers, merchants and collectors than earlier anticipated. Recent contact between representatives of Arts Council Norway and several antiques dealers has revealed a need for increased and more targeted information on the UNESCO International Code of Ethics for Dealers in Cultural Property. This work will be prioritized in 2011.

#### **b) Dissemination of the "*One hundred missing objects*" series and the ICOM Red Lists**

Information on the existence of the ICOM Red Lists and "*One hundred missing objects*" is published on the web-sites of the Norwegian National Committee of ICOM and Arts Council Norway, as well as disseminated through the brochure "*Do you want anything illegal in your home? Think before you buy art and artifacts*". Also, Arts Council Norway and the Norwegian National Committee of ICOM have organized public awareness campaigns. Thus far there is, however, no available statistics indicating the exact number of institutions that have knowledge on these rules.

As concerns the Police, confirmation has been received from the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim) that the ICOM Red Lists and the "*One hundred missing objects*" series have been disseminated and read within the police central unit (c.f. paragraph 2 c) below).

### **c) Awareness raising and education**

In January 2011, Arts Council Norway, the Norwegian Directorate for Cultural Heritage, the National Heritage Board of Poland and the National Maritime Museum in Gdansk attended the Travel Fair ("*Reiselivsmessen*") at Lillestrøm, Norway. Through their joint project "*Legal and illicit trade with cultural heritage*", they undertook to inform travel operators and agencies, as well as the general public about risks and challenges associated with illicit trade in cultural property. Also, the joint Polish-Norwegian project invited the travel business and the general public to the seminar "*Stop Heritage Crime*". The information campaign at the Travel Fair was organized in cooperation with the Norwegian National Committee of ICOM, the Norwegian Blue Shield Committee and the Norwegian National Commission for UNESCO.

These particular information activities, which this year took place for the fourth time, are primarily intended for raising awareness regarding the subject matter and to educate the general public. According to Art Council Norway this initiative is an adequate measure which, in their experience, has been well received with the public. For several years now, Arts Council Norway has cooperated with organizations like the Norwegian National Committee of ICOM, Blue Shield Norway, and the Norwegian Directorate for Cultural Heritage, the Norwegian National Commission for UNESCO and the Customs and Excise Authorities, regarding the launching of this public awareness campaign.

As mentioned earlier, the main objective of the joint Polish-Norwegian project "*Legal and illicit trade with cultural heritage*" has been to enhance knowledge and raise ethical awareness related to illegal trade in cultural property in both countries.

Also, the project aims at establishing stronger networks between Norwegian and Polish participants, as well as among the Norwegian operators in this field (c.f. Chapter 7, page 27, regarding cooperation with neighbouring countries).

Among the participants in the project are the National Heritage Board of Poland, the National Maritime Museum in Gdansk, Arts Council Norway and the Norwegian Directorate for Cultural Heritage. The Ministry of Culture, Police, Customs, several administrative institutions and other relevant Norwegian and Polish organizations have participated in one or more of the project activities.

The project activities will include three workshops and a final conference. Also, it could be mentioned that the exhibition and information campaign at the Travel Fair in January 2011, including the seminar "*Stop Heritage Crime*", will have a direct relevance for the third workshop of the project.

As mentioned earlier, UNESCO Norway participated with regard to supporting the information activities at the Travel Fair in January 2011. Also, Arts Council Norway was

permitted to use information material on Under Water Archaeology from UNESCO Paris. In sum, further opportunity for cooperation regarding informational and educational activities with contributions from UNESCO would be most welcomed and appreciated.

Easy access for professionals as well as for the general public to correct and reliable information on rules and regulations of the countries having ratified the 1970 Convention is crucial for combating illicit export and import of cultural property. A further development of the UNESCO Cultural Heritage Law Database should therefore be considered useful in the efforts of preventing illegal transactions of cultural objects.



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## **Part III: Cooperation with other international and regional agencies**

### **Police**

#### **(a) National cooperation with INTERPOL**

Norwegian police cooperate with INTERPOL whenever one of the parties finds it appropriate. As concerns specialized police units, reference is made to paragraph 2 c), page 11.

#### **(b) The use of INTERPOL database on stolen objects**

As a rule, when a cultural object is stolen and reported, The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim) always check INTERPOL databases. Also, the Police transmit information on the person implicated when expedient.

#### **(c) Existence of a specific training programme for members of police services**

The Norwegian Police Academy offers a training programme for members of police services.

#### **(d) Provisions in criminal law for the punishment of fraud and theft related to cultural property.**

Pursuant to section 27 of The Cultural Heritage Act, any person who wilfully or negligently contravenes any prohibition, order, condition or provision in or pursuant to this Act, may be punished by fines or imprisonment for up to one year. In particularly aggravating circumstances, prison sentences of up to two years may be given. Aiding and abetting or any attempts at contravention are subject to the same penalties. Violation of the first sentence is regarded as a misdemeanour.

The Ministry of Culture relies on the assumption that judges, from their education, training and practices, have a general ability to pass sentence in all matters of law, independent of their field of specialized competence. The Ministry of Culture has no knowledge of judges taking specialization courses in this field.

**(e) Cooperation with the United Nations Office on Drugs and Crime (UNODC)**

The Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim), which is the central unit within the Norwegian police working on cultural heritage cases, have no cooperation with UNODC.

## **Customs**

**(f) Cooperation with the World Customs Organization (WCO)**

Thus far, the Norwegian Customs and Excise Authorities and WCO have not established a special focus on illegal trade of cultural heritage.

**(g) Existence of a specific training programme for members of customs administration**

No members of the Customs administration have participated in a specific training programme.

**(h) Use of the UNESCO-WCO Model Export Certificate for Cultural Objects**

As described earlier in this first periodical report, Norway has set up a system where twelve administrative institutions are authorized to issue export licenses and permits for cultural objects within their respective remits, on the basis of applications from interested parties, c.f. Part I, paragraph 5 c). To this end, applicants are requested to complete the details of the application form below, drawn up for this purpose by the Ministry of Culture. The application form is available on the Arts Council Norway's web site [www.norskkulturrad.no](http://www.norskkulturrad.no)

Application form in English:



utforsel\_skjema\_eng  
elsk.pdf

## European Union

In order to comply with the provisions of EC Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State, Norway has adopted statutory instruments as described in Part I, Chapter 2: *Regulations relating to the return of stolen and unlawfully removed cultural objects (2001)*. Laid down by the Ministry of Culture on 4 October 2001 pursuant to section 23 f of the Act of 9 June 1978 No. 50 on Cultural Heritage. Cf. Annex II, Chapter XXVIII, and No. 1 of the EEA Agreement (Council Directive 93/7/EEC amended by Directive 96/100 /EC and Directive 2001/38 /EC). Amended by Regulations of 1 March 2002 No. 229 (entry into force), 14 May 2002 No. 467, and 10 January 2007 No. 39.

For full text in Norwegian:

***Regulations relating to the return of stolen and unlawfully removed cultural objects (2001):***

FOR-2001-10-04-1179 Forskrift om tilbakelevering av kulturgjenstander. Forskrift om tilbakelevering av stjålne og ulovlig utførte kulturgjenstander. (2001-10-04).

<http://www.lovdata.no/cgi-wift/ldles?doc=/sf/sf/sf-20011004-1179.html>

For English version, see page 9.



## Part IV: Other legislative, legal and administrative measures taken by the State

### 1. Accession to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects

#### (a) Ratification of the Convention

Ratification by the Norwegian Parliament of the 1995 UNIDROIT Convention on stolen or illegally Exported Cultural Objects took place on 28 August 2001. The Convention took effect in Norway from 1 March 2002 (c.f. Government bill to the Storting *St.prp. nr. 85* (1999-2000) and Recommendation of the Storting, Innst.S. S. No 10 (2000-2001). C.f. link: <http://www.unidroit.org/english/implement/i-95.pdf>

Subsequently, as a consequence of Norway's adhesion to the Convention, necessary amendments were made in the Cultural Heritage Act as described in Part I, paragraph 2 b), page 10. Accordingly, amendments were made in the Prescription Act and in the Act relating to Good Faith Acquisition of Chattels, c.f. Odelsting Proposition (*i.e. Bill of amendments to Parliament*) Ot.prp. 75 (1999-2000).

Links to full text in Norwegian of the Acts mentioned:

- ***The Prescription Act:***  
LOV-1966-12-09-1 Hevdslova – hevdsl. Lov om hevd [hevdslova]. (1966-12-09)  
<http://www.lovdato.no/all/hl-19661209-001.html>
- ***Act relating to Good Faith Acquisition of Chattels:***  
LOV-1978-06-02-37 Godtroervervloven – ekstl. Lov om godtroerverv av løsøre [godtroervervloven]. (1978-06-02)  
<http://www.lovdato.no/all/hl-19780602-037.html>

Please note that neither of these amendments is available in English version.

## **2. Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of illicit Appropriation**

Norway is following the work of the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of illicit Appropriation. Norwegian delegates attend the committee meetings as observers, with either representatives from the Ministry of Culture or representatives from the Norwegian permanent delegation to UNESCO in Paris present at the meetings.

## **3. UNESCO Database of National Cultural Heritage Laws**

As pointed out in the beginning of this first periodical report, the UNESCO Database of National Cultural Heritage Laws currently contains Norwegian laws and regulations that are slightly outdated. Translation of the successive amendments of the Cultural Heritage Act as well as those of the Regulations relating respectively to the return of stolen and unlawfully removed cultural objects (2001) and to a prohibition of export and import of cultural objects (2001) are in pipeline. English versions will be forwarded to the UNESCO Secretariat as soon as they have been completed, c.f. Part I, paragraph 2 a).

## Part V: Appendices

### **Appendix I: The brochure “Do you want anything in your home which is illegal to take into the country?”**

English version:



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Norwegian version:



brosjyre2011NORSK  
Lightversjon.pdf



**Appendix II: The “Stop heritage crime” leaflet: “Export and import of art and other cultural objects. What is allowed?”**

English version:



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nne\_engelsk.pdf