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Intra-Community Transport, Export and Import of Cultural Objects Act

Passed 20.12.2007
RT I 2008, 3, 24
Entry into force 17.02.2008

Amended by the following acts

Passed	Published	Entry into force
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 24-26).
17.02.2011	RT I, 21.03.2011, 1	01.01.2012
19.12.2013	RT I, 14.01.2014, 2	01.02.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, official titles of ministers replaced on the basis of subsection 107 ³ (4) of the Government of the Republic Act.
31.05.2017	RT I, 16.06.2017, 1	01.07.2017
20.02.2019	RT I, 13.03.2019, 2	15.03.2019

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act provides the processing of export licences of cultural objects, expert assessment of things and referral of things or cultural objects to expert assessment, customs formalities upon export of cultural objects and liability for violation of this Act and organisation of exercise of state supervision.

(2) Customs legislation for the purposes of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1–101) (hereinafter *the Customs Code*) shall be applied to issues which are not regulated with this Act.
[RT I, 16.06.2017, 1 - entry into force 01.07.2017]

(3) This Act does not apply to:

1) re-transport and transit of cultural objects;

[RT I, 16.06.2017, 1 - entry into force 01.07.2017]

2) [Repealed – RT I, 21.03.2011, 1 – entered into force 01.01.2012]

3) works which are cultural objects and which are transported out of Estonia or exported by the author.

(3¹) In this Act, the definitions “re-export” and “transit” are used within the meaning of the Customs Code. For the purposes of this Act, intra-Community re-transport is re-export and transport of cultural object previously carried to the territory of Estonia to another Member State of the European Union.
[RT I, 16.06.2017, 1 - entry into force 01.07.2017]

(4) The Administrative Procedure Act applies to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

§ 2. Cultural object

(1) For the purposes of this Act, cultural objects are the following things of historical, archaeological, ethnographic, artistic, scientific or other cultural value:

- 1) buildings or parts of buildings and architectural details and accessories located in Estonia which are older than 75 years;
- 2) archaeological findings, coin treasures and parts of coin treasures originating from the time before 1721;
- 3) works of sacramental art or sacred objects related to Estonian cultural space made before 1945 and sacred printed matter which are older than 100 years;
- 4) jewellery and unique objects containing precious metal made in Estonia before 1945, except objects from the nature of which it may be deduced that these are intended for personal or family use;
- 5) awards (trophies, medals, diplomas) of sports competitions won by Estonian sportsmen before 1945 and awards (trophies, medals, diplomas) of international title competitions, Olympic Games, World and European Championships won by Estonian sportsmen;
- 6) Estonian ethnographic objects, including national costumes and the accompanying jewellery originating from the time before 1945;
- 7) works of applied art of Estonian artists which are unique or of limited edition made before 1945;
- 8) works of visual art of Estonian artists made before 1945;
- 9) collections of Estonian philately or photography (including negatives) or parts thereof, single stamps of edition below 200,000 which are older than 60 years;
- 10) printed matter published in Estonia and related to Estonian cultural space which have been published before 1850, manuscripts, correspondences, diaries and other single-copy material related to Estonian cultural space and significant from the point of view of cultural history irrespective of their age;
- 11) films, sound recordings or other technically recorded material on original carrier media which are older than 50 years and related to Estonian cultural history;
- 12) musical instruments made in Estonia before the year 1950;
- 13) furniture manufactured in Estonia before 1945 and unique furniture custom-made in Estonia which is older than 50 years;
- 14) cut-and-thrust weapons and firearms and their essential components manufactured before 1945;
- 15) motor vehicles and bodies of cars, military equipment which are older than 50 years, except the ones imported to Estonia after 20 August 1991;
- 16) water crafts built in Estonia and their parts, freight and other content originating from the time before 1945, water crafts found from the territories under the jurisdiction of the Republic of Estonia and their parts, freight and other content originating from the time before 1945.

(2) For the purposes of this Act, a cultural object is also a thing declared to be a cultural monument (hereinafter monument) on the basis of the Heritage Conservation Act or a thing placed under temporary protection irrespective of the fact whether the thing is specified in subsection (1) of this section.

(3) The list of cultural objects shall be established by the regulation of the minister responsible for the area.

§ 3. Intra-Community transport and export of cultural objects

(1) For the purposes of this Act, intra-Community transport of a cultural object means taking a cultural object out of Estonia into another Member State of the European Union.

(2) For the purposes of this Act, export of a cultural object means taking a cultural object out of Estonia into a country outside of the customs territory of the European Union.
[RT I, 16.06.2017, 1 - entry into force 01.07.2017]

(3) In addition to the requirements provided by this Act, the requirements provided for in Council Regulation (EEC) No 3911/92 on the export of cultural goods (OJ L 395, 31.12.1992, p. 1–5) (hereinafter Community Regulation), Commission Regulation (EEC) No 752/93 laying down provisions for the implementation of Community Regulation (OJ L 77, 31.03.1993, p. 422–424) and other implementing legislation of the Community Regulation shall be observed upon export of a cultural object.

(4) If someone wants to export a cultural object from Estonia which meets the requirements provided for in § 2 of this Act and complies with the conditions specified in the Community Regulation, he or she shall apply for a licence issued on the basis of the Community Regulation.

§ 4. Export licence

(1) A person may transport or export a cultural object out of Estonia on the basis of a licence issued by the National Heritage Board (hereinafter export licence) which he or she shall submit to a customs official in case of

export of the cultural object. A customs official may, based on evaluation of risks, ask for an export licence also in case of intra-Community transport of goods.

(2) An export licence is either permanent or temporary. In the case of temporary intra-Community transport or export a person is obliged to bring the cultural object back to Estonia. An export licence means both, permanent and temporary export licence, unless otherwise provided for in this Act.

(3) A monument or a thing which is placed under temporary protection may be transported or exported out of Estonia only temporarily.

(4) An export licence is a single licence, except in the case provided for in § 11 of this Act.

(5) The format of export licences of cultural objects shall be approved by a regulation of the minister responsible for the area.

§ 5. Import and intra-Community re-transport of cultural objects

(1) A licence is not required in case of import of a cultural object.

(2) A person transporting a cultural object is not required to hold an export licence in case of the intra-Community re-transport of the cultural object if the person provides certification to a customs official that he or she has temporarily imported the cultural object into Estonia from a foreign state.

Chapter 2

PROCESSING OF EXPORT LICENCES, EXPERT ASSESSMENT AND COLLECTION OF INFORMATION

§ 6. Application for export licence

(1) Upon application for an export licence, the following documents shall be submitted to the National Heritage Board:

- 1) an application;
- 2) the list of transported or exported cultural objects;
- 3) at the request of the National Heritage Board, photos of the cultural object and documents which certify the person's right to possess the cultural object and transport or export it out of Estonia.

(2) The state fee for review of application for export licence and for grant of or refusal to grant an export licence in the case provided for in subsections 16 (4) and 17 (3) of this Act shall be paid according to the rate provided by the State Fees Act. The state fee shall not be paid upon issue of the notice provided for in § 12 of this Act.

§ 7. Expert assessment

(1) The National Heritage Board shall conduct expert assessment of the thing for which an export licence is applied.

(2) The aim of expert assessment is to determine whether a thing is a cultural object within the meaning of this Act. Expert assessment is not conducted in case of museum objects belonging to a museum collection, monuments or things placed under temporary protection.

(3) A written expert's report shall be prepared on expert assessment.

(4) An expert assessment shall be conducted in the location of the thing if it cannot be conducted in the National Heritage Board.

(5) The National Heritage Board may engage experts in expert assessment or form committees of experts for that purpose including specialists in the fields of history, archaeology, ethnology, architecture, restoration, the history of art and science and other specialists.

(6) Expert assessment shall be conducted without the presence of the applicant for export licence. An applicant for export licence may be engaged in the settlement of issues arising in the course of expert assessment.

§ 8. Grant of or refusal to grant export licence

(1) On the basis of an expert's report or the documents listed in § 6 of this Act, the National Heritage Board shall make a written decision to grant or to refuse to grant an export licence within 15 working days as of receipt

of the documents specified in § 6 of this Act. The National Heritage Board may, with good reason, extend the term for making the decision by informing the applicant for export licence thereof.

(2) The National Heritage Board may refuse to grant an export licence on the following considerations:

- 1) the cultural object is rare or there is an actual possibility that it will become rare;
- 2) the cultural object is part of a set, collection or monument and separation of a part from a whole may damage the whole;
- 3) the cultural object is connected with a significant process, event or person of the history of Estonia;
- 4) there is another special reason therefor;
- 5) the state fee has not been paid.

(3) The National Heritage Board shall issue an export licence regardless of the bases for refusal provided for in clauses (2) 1) – 4) of this section, if:

- 1) someone wishes to take a cultural object temporarily out of Estonia for the conservation, restoration, repair, study or exhibition for not longer than one year, except in the cases specified in § 11 of this Act;
- 2) the cultural object belongs to the household effects of a person settling permanently in a foreign state;
- 3) a person living abroad has received the cultural object to be transported in the Community as an inheritance or as a result of division of joint property.

(4) An export licence shall be issued in three original copies, one of which remains with the National Heritage Board and two of which are issued to the applicant of the export licence.

§ 9. Validity and extension of the term of validity of export licence

(1) An export licence is valid for one year as of the date of issue of the licence, except in the case specified in § 11 of this Act.

(2) In order to extend the term of validity of an export licence, a written application shall be submitted to the National Heritage Board at least 15 working days before the validity of the licence expires. The National Heritage Board shall apply the requirements provided for in § 8 of this Act to the extension of or refusal to extend the term of validity of an export licence.

§ 10. Contestation

A person has the right to appeal against the decision of refusal to issue an export licence or extend the term of validity of an export licence to an administrative court pursuant to the procedure provided for in the Code of Administrative Court Procedure.

§ 11. Granting export licences for up to five years

(1) The National Heritage Board may grant a temporary export licence for up to five years:

- 1) to museums in case of cultural objects belonging to a museum collection and other agencies in case of cultural objects belonging to their permanent collection which are to be transported or exported out of Estonia for several times for the exhibition thereof in another country;
- 2) to persons or agencies using or exhibiting cultural objects in case of cultural objects which are to be transported or exported out of Estonia several times for the use or exhibition thereof in another country.

(2) The National Heritage Board may grant a temporary export licence for up to five years if the Board is convinced that the agency or person specified in subsection (1) of this section is able to fully ensure that the cultural object will be returned to Estonia in a good condition.

§ 12. Issue of notice

(1) If a person submits an application for export licence to the National Heritage Board and it is determined as a result of an expert assessment that the thing is not a cultural object within the meaning of this Act, the National Heritage Board may issue a relevant notice to the applicant of export licence in order to simplify intra-Community transport or export.

(2) The notice shall be issued in two original copies, one of which shall be given to the applicant of export licence and the other shall be retained by the National Heritage Board. The notice shall be certified by the seal of the National Heritage Board. A photo of the thing shall be attached to each copy of the notice, if necessary.

§ 13. Collection of information

(1) The National Heritage Board shall maintain records of the issued export licences, the recipients of export licences and the cultural objects transported or exported out of Estonia on the basis of export licences.

(2) [Repealed -RT I, 13.03.2019, 2 - entry into force 15.03.2019]

§ 14. Notification obligation and permitting examination of cultural objects

(1) In the case of temporary intra-Community transport or export of a cultural object, the applicant of the export licence shall notify the National Heritage Board of returning the cultural object within ten working days as of the returning of the cultural object to the territory of Estonia.

(2) The owner or possessor of a cultural object is obliged to permit the National Heritage Board to examine the cultural object either in the National Heritage Board or in the location of the cultural object.

Chapter 3 CUSTOMS FORMALITIES FOR EXPORT OF CULTURAL OBJECTS AND REFERRAL OF CULTURAL OBJECTS TO EXPERT ASSESSMENT UPON INTRA-COMMUNITY TRANSPORT OR EXPORT

§ 15. Procedure for export of cultural objects

(1) Cultural objects may be exported through border checkpoints open to international traffic where customs authorities are permanently present.

(2) Upon export of cultural objects, declarants shall submit an export licence in two copies to the customs authorities at the customs office for exportation which a customs officer shall register in the course of customs formalities. One original copy of an export licence shall be preserved as a support document of the customs declaration and the other original copy shall be returned to the person who submitted it. A traveller may carry out customs formalities at a customs office for exportation or at the border customs office through which he or she takes out the cultural object.

(3) [Repealed - RT I, 14.01.2014, 2 - entry into force 01.02.2014]

§ 16. Referral of cultural objects to additional expert assessment

(1) A cultural object shall comply with the accompanying documents and the export licence so that it can be precisely identified on the basis thereof.

(2) If the customs authorities have doubts with regard to the compliance of a cultural object with the information in accompanying documents or export licence, the customs authorities are entitled to detain the cultural object and to refer it to additional expert assessment of the National Heritage Board.

(3) The National Heritage Board shall conduct the additional expert assessment specified in subsection (2) of this section within five working days as of the date of referral of the cultural object to expert assessment. The National Heritage Board may, with good reason, extend the term for conducting expert assessment.

(4) If, as a result of expert assessment, it is determined that the information specified in the accompanying documents or export licence are not in compliance with the cultural object presented to customs examination, an export licence shall be granted to the person or grant of the licence shall be refused on the bases provided for in § 8 of this Act.

§ 17. Referral of thing to expert assessment in absence of export licence

(1) If a person does not hold an export licence and the customs authorities suspect that the thing transported or exported may be a cultural object, the customs authorities have the right to detain the thing specified and refer it to the expert assessment of the National Heritage Board.

(2) The National Heritage Board shall conduct the expert assessment specified in subsection (1) of this section within five working days as of the date of referral of the thing to expert assessment. The National Heritage Board may, with good reason, extend the term for conducting expert assessment.

(3) If, as a result of expert assessment, it is determined that the thing transported is a cultural object, an export licence shall be granted to the person or grant of the licence shall be refused on the bases provided for in § 8 of this Act.

Chapter 4 STATE SUPERVISION

§ 18. State supervision

State supervision over compliance with this Act and the requirements of legislation established on the basis thereof shall be exercised by:

- 1) the National Heritage Board over the return of cultural objects to Estonia and over performance of the notification obligation concerning the return;
- 2) the Tax and Customs Board over compliance of the accompanying documents and the export licence of a cultural object with the cultural object upon transportation thereof out of Estonia and export.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 18¹. Special state supervision measures

For the execution of state supervision provided for in this Act, the law enforcement agency may apply the special state supervision measures provided for in §§ 30, 32, 49, 50 and 51 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 19. Contestation of precept

[Repealed - RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Chapter 5 LIABILITY

§ 20. Distortion of cultural objects for the purpose of intra-Community transport

(1) Physical distortion of a cultural object in order to conceal its age or value with an aim to apply for an export licence is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 21. Failure to notify National Heritage Board

(1) Failure to perform the obligation to notify the National Heritage Board specified in § 14 of this Act is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 640 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 22. Failure to perform or inappropriate performance of the obligation to return cultural object

[Repealed - RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 23. Procedure

The National Heritage Board is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in §§ 20 and 21 of this Act.

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

Chapter 6 IMPLEMENTING PROVISIONS

§ 24.–§ 27.[Omitted from this text.]

§ 28. Entry into force of Act

This Act enters into force on the thirtieth day following the date of publication of this Act in the *Riigi Teataja*.