

# Regulations No. 1179 of October 4, 2001, Relating to the Return of Stolen and Unlawfully Removed Cultural Objects

Laid down by the Ministry of Cultural Affairs on October 4, 2001, pursuant to section 23 f of the Act No. 50 of June 9, 1978, Concerning the Cultural Heritage. Cf. Annex II, Chapter XXVIII, subsection 1, to the EEA Agreement (Council Directives 93/7EEC, 96/100/EEC, 2001/38/EC). Amended May 14, 2002.

## § 1.

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

a. *cultural object*

- an object which is classified, before or after its unlawful removal from the territory of a State, among the national treasures possessing artistic, historic or archaeological value under national legislation in accordance with Article 36 of the Treaty of Rome, and
- which belongs to one of the categories listed in section 2 of these regulations or does not belong to one of these categories but forms an integral part of
  - the inventories of ecclesiastical institutions, or
  - public collections listed in the inventories of museums, archives or libraries' conservation collections. "Public collections" means collections which are the property of a State within the European Economic Area or of a State that is a party to the Unidroit Convention of 24 June 1995, a local or regional authority within such a State or an institution situated in the territory of such a State and defined as public in accordance with the legislation of that State, provided that such institution is the property of, or significantly financed by, that State or a local or regional authority. In States outside the European Economic Area but that are Contracting Parties to the Unidroit Convention of 24 June 1995, "public collections" also means institutions that are established for an essentially cultural, educational or scientific purpose in a Contracting State and are recognised in that State as serving the public interest.

b. *unlawfully removed from the territory of a State within the European Economic Area (EEA) or a State that is a Contracting Party to the Unidroit Convention of 24 June 1995*

- removed from the territory of a State in breach of its rules on the protection of national treasures, or
- not returned at the end of a period of lawful temporary removal or any breach of another condition governing such temporary removal, or
- stolen from a State that is a Contracting Party to the Unidroit Convention of 24 June 1995.

c. *the requesting State*

- the State from whose territory the cultural object has been unlawfully removed.

d. *the requested State*

- the State in whose territory a cultural object unlawfully removed from the territory of another State is located.

e. *possessor*

- the person physically holding the cultural object on his own account.

f. *holder*

- the person physically holding the cultural object for third parties.

## § 2.

The categories referred to in section 1, litra a, second bullet point, are as follows:

1. Archaeological objects more than 100 years old which are the products of:
  - land or underwater excavations and finds
  - archaeological collections.
2. Elements forming an integral part of artistic, historical or religious monuments which have been dismembered.
3. Pictures and paintings other than those included in categories 4 and 6, executed entirely by hand on any medium and in any material.
4. Water-colours, gouaches and pastels executed entirely by hand on any medium and in any material.
5. Original artistic assemblages and montages in any material.
6. Mosaics other than those included in categories 1 and 2, executed entirely by hand, on any medium and in any material, and drawings executed entirely by hand, on any medium and in any material.
7. Original engravings, prints, serigraphs and lithographs with their respective plates and original posters.
8. Original sculptures or statuary and copies produced by the same process as the original, other than those included in category 1.
9. Photographs, films and negatives thereof.
10. Incunabula and manuscripts, including maps and musical scores, singly or in collections.
11. Archives and any elements thereof, of any kind, on any medium, comprising elements more than 50 years old.
12. Property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance.
13. a) Collections and specimens from zoological, botanical, mineralogical or anatomical collections,  
b) Collections of historical, palaeontological, ethnographic or numismatic interest.
14. Postage, revenue and similar stamps, singly or in collections.
15. Means of transport more than 75 years old.
16. Books more than 100 years old, singly or in collections.
17. Printed maps more than 200 years old.
18. Any other antique item not included in categories 1 to 17, more than 50 years old.

These regulations apply to the cultural objects that are included in the first paragraph, categories 2 to 13, if they are more than 50 years old and do not belong to their originators.

In the case of a State outside the European Economic Area that is a Contracting Party to the Unidroit Convention of 24 June 1995, these regulations apply to cultural objects made by a member or members of a tribal or indigenous community for traditional or ritual use by that community and that will be returned to that community, even if the objects were exported within a period of 50 years after they were created.

These regulations apply to all cultural objects listed in the first and second paragraphs if their value corresponds to or exceeds the financial thresholds listed in the fifth paragraph. These thresholds do not

apply to cultural objects unlawfully removed from States outside the European Economic Area that are Contracting Parties to the Unidroit Convention of 24 June 1995.

Financial thresholds applicable to certain categories of cultural objects, cf. the first paragraph:

*Whatever the value:*

- Category 1 (Archaeological objects)
- Category 2 (Dismembered monuments)
- Category 10 (Incunabula and manuscripts)
- Category 11 (Archives)

*Value EUR 15 000:*

- Category 6 (Mosaics and drawings)
- Category 7 (Engravings)
- Category 9 (Photographs)
- Category 17 (Printed maps)
- Category 14 (Postage and revenue stamps)

*Value EUR 30 000:*

- Category 4 (Water colours, gouaches and pastels)

*Value EUR 50 000:*

- Category 8 (Statuary)
- Category 16 (Books)
- Category 13 (Collections)
- Category 15 (Means of transport)
- Categories 12 and 18 (Any other item)

*Value EUR 150 000:*

- Category 3 (Pictures)
- Category 5 (Artistic assemblages and montages)

The assessment of whether or not the conditions relating to financial value are fulfilled shall be made when return is requested. The financial value is that of the object in the requested State.

### **§ 3.**

The competent authority shall:

- a. upon application by the requesting State, seek a specified cultural object which has been unlawfully removed from its territory, identifying the possessor and/or holder,
- b. notify the States concerned, where a cultural object is found in Norwegian territory and there are reasonable grounds for believing that it has been unlawfully removed from the territory of another State, and accept such notification from other States,

- c. enable the competent authorities of the requesting State to check that the object in question is a cultural object, and act in this capacity in Norway,
- d. take any necessary measures, in cooperation with the State concerned, for the physical preservation of the cultural object,
- e. prevent, by the necessary interim measures, any action to evade the return procedure, even when the claim for restitution or request for return of the object is brought before the courts or other competent authorities of another State,
- f. act as intermediary between the possessor and/or holder and the requesting State with regard to return,
- g. notify the competent authority in the State where the Norwegian State has initiated proceedings with the aim of securing the return of a cultural object, and accept similar notification from other States,
- h. otherwise cooperate with and promote consultation between competent authorities in other States.

The check referred to in the first paragraph, litra c), shall be made within two months of the notification provided for in litra b). If it is not made within the stipulated period, litra d) and e) shall cease to apply.

#### **§ 4.**

The parties may agree to submit the dispute to any court or other competent authority or to arbitration.

#### **§ 5.**

The costs of the measures referred to in section 3, first paragraph, litra d, shall be borne by the requesting State.

#### **§ 6.**

The provisions of these regulations that apply to States within the European Economic Area (EEA) enter into force immediately, and from the same time the regulations of 28 February 1997 No. 236 are repealed. The provisions that apply to States that are Contracting Parties to the Unidroit Convention enter into force on the date on which the Convention enters into force for Norway.