

**Methodical Instruction of the Ministry of Culture
for Export of Cultural Goods from the Customs Territory of the European
Communities**

Ref. No. : 10774/2004

Article I.

Regulations Governing Export of Cultural Goods from the Customs Territory of the European
Communities

- (1) Council Regulation (EEC) No. 3911/92 on the export of cultural goods, as amended by Council Regulation (EC) No. 2469/96 and Council Regulation (EC) No. 974/01. 1)
- (2) Commission Regulation (EEC) No. 752/93 laying down provisions for the implementation of Council Regulation (EEC) No 3911/92 on the export of cultural goods, as amended by Commission Regulation (EEC) No. 1526/98 and Commission Regulation (EC) No. 656/2004. 1)
- (3) Act 214/2002 Coll., on export of certain cultural goods from the customs territory of the European Communities. 2)

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- 1) The Council and Commission Regulations are directly applicable in the Member States of the European Union.
 - 2) Act No. 214/2002 Coll. stipulates additional conditions for export of cultural goods from the customs territory of the European Communities that are specified in legal regulations of the European Communities governing export of cultural goods from the customs territory.

Article II.

Categories of Cultural Goods that are Subject to an Export License Pursuant to the
Aforementioned Regulations

1. Archaeological objects more than 100 years old which are the products of excavations and finds on land or under water, archaeological sites and archaeological collections, of any value.
2. Elements forming an integral part of artistic, historical or religious monuments which have been dismembered, of an age exceeding 100 years, of any value.
3. Pictures and paintings other than those in category 3A or 4, executed entirely by hand, on any medium and in any material, of an age exceeding 50 years that are not owned by their author and whose value equals or exceeds EUR 150,000.
- 3A. Aquarelles, gouaches and pastel paintings executed entirely by hand, on any medium and in any material, of an age exceeding 50 years that are not owned by their author and whose value equals or exceeds EUR 30,000.
4. Mosaics in any material executed entirely by hand, other than those in category 1 or 2, and drawings executed entirely by hand in any material and on any medium, of an age exceeding 50 years that are not owned by their author and whose price equals or exceeds EUR 15,000.
5. Original engravings, prints, serigraphs and lithographs with their respective plates and original posters, of an age exceeding 50 years that are not owned by their author and whose value equals or exceeds EUR 15,000.

6. Original statuary or sculptures and copies produced by the same process as the original, other than those in category 1, of an age exceeding 50 years that are not owned by their author and whose value equals or exceeds EUR 50,000.
7. Photographs, films and negatives thereof, of an age exceeding 50 years that are not owned by their author and whose value equals or exceeds EUR 15,000.
8. Incunabula and manuscripts, including maps and musical scores, singly or in collections, of an age exceeding 50 years that are not owned by their author, of any value.
9. Books more than 100 years old, singly or in collections, whose value equals or exceeds EUR 50,000.
10. Printed maps more than 200 years old, whose value equals or exceeds EUR 15,000.
11. Archives, and any elements thereof, of any kind or any medium that are more than 50 years old, of any value.
12. a) Collections and specimens from zoological, botanical, mineralogical or anatomical collections,
b) Collections of historical, palaeontological, ethnographic or numismatic interest, whose value equals or exceeds EUR 50,000.
13. Means of transport more than 75 years old, whose value equals or exceeds EUR 50,000.
14. Any other antique items not included in categories 1 - 13
 - a) between 50 and 100 years old, whose value equals or exceeds EUR 50,000 (toys, games, glassware, articles of goldsmiths' or silversmiths' wares, furniture, optical, photographic or cinematographic apparatus, musical instruments, clocks and watches and parts thereof, articles of wood, pottery, tapestries, carpets, wallpaper, arms),
 - b) more than 100 years old, whose value equals or exceeds EUR 50,000.

If a collection, collection item, cultural monument, national cultural monument or any item of cultural value corresponds to any of the above-mentioned categories, it must be accompanied, for the export outside the customs territory of the European Communities, by a standard export license in the form stipulated by Commission Regulation (EC) No. 656/2004. This export license does not replace a consent, permission or certificate issued under special legal regulations. 3)

3) E.g., Act No. 20/1987 Coll., on State monument care, as amended, Act No. 97/1974 Coll., on archives, as amended, Act No. 122/2000 Coll., on protection of collections of a museum character and on amendment to certain other laws, Act No. 71/1994 Coll., on the sale and export of objects of cultural value, as amended, Act No. 16/1997 Coll., on the conditions for the import and export of endangered species of wild fauna and flora and other measures to protect these species and on amending and supplementing Act of the Czech National Council No. 114/1992 Coll., on nature conservation and landscape protection, as amended

Article III.

Lodging Applications for Standard Export Licenses

- (1) Applications for export licenses shall be lodged with the Ministry of Culture (hereinafter the "Ministry"), with the exception of cultural goods classified in category 11 (see Section 3 of Act No. 214/2002 Coll.). The application forms are available at the Department of Conservation of the Movable Cultural Heritage, Museums and Galleries of the Ministry.

(2) The applicant shall complete boxes 1, 3, 6 to 21, 24 and, if applicable, 25 in all three sheets of the form whose specimen is attached hereto, in accordance with the explanatory notes to Commission Regulation (EC) No. 656/2004, as follows:

- The tree form sheets must be filled in legibly and indelibly mechanically or by hand. If filled-in by hand, blank ink and block capital letters must be used. Under no circumstances shall the document contain erasures, overwritten words or other alterations.
- Each empty box must be crossed-out diagonally so that nothing could be added.
- Box 6 shall be completed only if the applicant uses an authorized representative.
- Only the number of the category of an item of cultural goods shall be specified in box 8.
- The nature of the item of cultural goods (e.g. a painting, sculpture, bas-relief, furniture, musical instrument, an article of goldsmiths' or silversmiths' wares, etc.) shall be specified in box 9, together with an objective description of appearance of the item of cultural goods. For objects in category 12, the type of collection and its geographic origin shall be specified. For collections and collection items in the area of natural sciences, the scientific name shall be specified. With respect to archaeological collections and larger archaeological sets, a general description shall be specified and accompanied by the certificate issued by the Institute of Archaeology of the Academy of Sciences of the Czech Republic and a list of the objects shall be attached. If there is not enough space for description of the objects, the applicant shall attach the necessary number of additional pages.
- The combined nomenclature code shall be specified in box 10.
- The number of items forming one unit (e.g. a set of graphic sheets, a functional set of furniture, a dinner service, etc.) shall be specified in box 11.
- If the work has no specific name, a brief description of its appearance shall be given in box 14; with respect to films, the theme thereof shall be specified.
- The dimensions of the item of cultural goods in cm shall be specified in box 15, as well as the dimensions of the basic material, if applicable. With respect to three-dimensional objects, the dimensions shall be specified in the following order: height x width x depth.
- If the exact date of creation of the item of cultural goods is not known, the relevant century and part thereof (e.g. the first quarter, the first half, etc.) or millennium shall be specified in box 16, especially with respect to objects in category 1, 4 or 6, as appropriate.
With respect to whole units (archives, collections of books), the earliest and latest date shall be specified.
With respect to objects in category 14, where the specification according to age is essential (more than 50 or 100 years old or between 50 and 100 years of age) and where specification of a century is not sufficient, a year shall be specified (at least approximately) (e.g. around 1890, approximately 1950, etc.).
- Other information that might be useful for identification of the item of cultural goods shall be specified in box 17 (e.g. historical context, former owner, state of preservation and restoration, bibliography, registration numbers or codes, etc.).
- The name of the author, if known, or the name of the author to whom the work is ascribed shall be specified in box 19. With respect to collective works or copies, the names of the collective or copying authors shall be specified, if known.
If the author is unknown, the workshop, school or style shall be specified (e.g. the Velázquez workshop, the Venice school of art, the Ming dynasty, the Louis XV style, the Victorian style, etc.).

With respect to press materials, the name of the publisher, place and year of publication shall be specified.

- The information on technique and material in box 20 shall be specified with the highest possible accuracy.
 - A colour photograph of the item/items of cultural goods must be affixed in box 24. For easier identification of three-dimensional objects, additional photographs from different angles may be required.
- (3) Applications for export licenses shall be lodged with and export licenses shall be issued by the Department of Conservation of the Movable Cultural Heritage, Museums and Galleries of the Ministry. Lodging and acceptance of applications is governed by Sections 4 and 5 (1) of Act No. 214/2002 Coll.
- The export license for an item of cultural goods that is a cultural monument or a natural cultural monument shall be issued on the basis of an export approval issued under Section 20 of Act No. 20/1987 Coll. The Department of Monument Conservation shall notify the Department of Conservation of the Movable Cultural Heritage of issuing the export approval pursuant to Section 20 of Act No. 20/1987 Coll. and the Department of Conservation of the Movable Cultural Heritage shall request that the applicant lodge an application, unless the application for the export license for export of cultural goods from the customs territory of the European Communities has been filed together with the application for export approval pursuant to Act No. 20/1987 Coll. The Department of Conservation of the Movable Cultural Heritage shall forward the issued export license to the Monument Care Department, which shall submit the export license together with the export approval pursuant to Act No. 20/1987 Coll.
 - An application for the export license for an item of cultural goods that is a collection registered under Act No. 122/2000 Coll. or an item of such collection shall be lodged together with an application for a permit for export outside the territory of the Czech Republic pursuant to Act 122/2000 Coll. and Decree No. 275/2000 Coll., implementing Act No. 122/2000 Coll. If only an application for the export permit pursuant to Act No. 122/2000 Coll. has been lodged, although it refers to an item of cultural goods, whose export is subject to Council Regulation (EEC) No 3911/92, the Department of Conservation of the Movable Cultural Heritage, Museums and Galleries shall request that the applicant lodge an application for an export license and shall suspend proceedings on the application for an export permit pursuant to Act No. 122/2000 Coll. until an application for an export license is delivered. If an application for an export license is not delivered within 30 days of the date of receipt, by the applicant, of the request for lodging the application, the Department of Conservation of the Movable Cultural Heritage, Museums and Galleries of the Ministry shall issue a decision on rejecting the application for the export permit pursuant to Act No. 122/2000 Coll. on the basis of Section 11 (3) of the Act.
 - An application for an export license relating to an item of cultural goods that is an object of cultural value pursuant to the Annex to Act No. 71/1994 Coll., on the sale and export of objects of cultural value, as amended, shall be accompanied by Counterpart D of the certificate issued by the competent professional organization. The Department of Conservation of the Movable Cultural Heritage, Museums and Galleries shall return Counterpart D of the certificate to the applicant upon submission of the issued export license.

Records of Issued Export Licenses

- (1) The records of issued export licenses shall be kept by the Department of Conservation of the Movable Cultural Heritage, Museums and Galleries of the Ministry in numerical series commencing, in each calendar year, by number 1, where the relevant year shall be specified after a slash (1/2004).
- (2) The Department of Conservation of the Movable Cultural Heritage, Museums and Galleries of the Ministry shall keep applications for an export license for the period of 20 years and, after expiry of this deadline, the Department shall forward the applications to the official archive

Article V. Final provisions

- (1) This Methodical Instruction shall come into force upon its publication on the web site of the Ministry of Culture.

Ing. Zdeněk Novotný
1st Deputy Minister of Culture

Prague, August, , 2004