

Executive Order No. 404 of 11 June 1987 on Protection of Cultural Assets in Denmark

Part 1

§ 1. Cultural assets, covered by the Act may not be exported to foreign countries or to the Faroe Islands and Greenland without a licence from the Cultural Assets Commission. Such licences are required at both permanent as temporary export. *Subsection 2.* The Act covers the following cultural assets which are not owned by the public:

- Cultural assets from the time before 1660.
- Cultural assets, which have a value of DKK 100,000 or more and are older than 100 years.
- Photographs which have a value of DKK 30,000 or more regardless of age.
- Other cultural assets after specific decision by the Minister for Cultural Affairs in pursuance of Section 2 (4) of the Act. Such a decision can only be made when the Cultural Assets Commission makes a proposal hereof, and when special circumstances speaks in favour hereof.

Subsection 3. Coins and Medals are not covered by the Act, except from situations where there is passed a decision hereof according to Section 2 (4) in the Act.

Subsection 4. The amounts mentioned in subsection 2 number 2 and 3 are excluded VAT.

Cultural Assets Commission

§ 2 According to Section 5 in the Act, the Cultural Assets Commission consists of the State Antiquary, the Director of the National Archives, the Director of the Royal Museum of Fine Arts, the Chief Librarian at the Royal Library as well as the Chairman of the National Council of Museums. The Commission elects its own chairman and deputy chairman for one year at the time.

Subsection 2. The Commission lay down its order of business, which is approved by the Minister for Cultural Affairs.

§ 3 The Cultural Assets Commission shall make the final administrative decision on export licences.

Subsection 2. An overall quality evaluation should form the basis for the assessment of cultural objects worth protecting, and an important element of the Commissions

considerations must thus be whether the export will entail a substantial deterioration of the national cultural heritage.

Subsection 2. No distinction shall be made between Danish and foreign originators, and where the originator is unknown, between Denmark and other countries as country of origin. However, where the owner attests that the object which is subject to the general protection provisions in Section 2 (1) and (2) of the Act has been created outside Denmark and was imported to Denmark within the last 100 years, an export licence must be granted in accordance with Section 7 of the Act.

Subsection 4. On refusal of an application for an export licence the Commission shall offer to buy the object in accordance with Section 11 of the Act.

§ 4 The Commission can in accordance with Section 2 (4) of the Act make a proposal to the Minister for Cultural Affairs regarding letting a cultural assets which does not fulfil the ordinary age and value conditions in the Act be covered by the Act after the Minister's specific decision. The Commission can make such an proposal on its own or after recommendation by others, e.g. special experts on specific areas.

§ 5 The Commission shall administer the funds available for acquisition of cultural assets according to Section 11 of the Act. The governmental funds determined on the annual finance Act can be supplemented from other parties. *Subsection 2.* The Commission can consult special experts.

Subsection 3. If the appraisal in connection with the submission of an offer for the cultural asset pursuant to the Acts section 11 rises any doubts, the Commission consults special experts , appointed by the professional associations, such as "Foreningen af Auktionsledere i Danmark", "Dansk Antikvitetshandler Union", "Kunst og Antikvitets handlerringen" and "Den danske Antikvarboghandlerforening".

Subsection 4. The Commission distributes annually accounts and report for its business. Account and report is submitted to the minister of cultural affairs within 4 months after the termination of the financial year.

§ 6 An application for an export licence shall be send to the Secretariat for the Cultural Assets Commission.

Subsection 2. The application shall according to section 6 (1) of the Act contain:

- a detailed description of the item,
- an assessment of the value, made by a special expert within the area,
- one or more photographs suited to give an impression of the item (two pieces of each photo),
- information about the place of inspection of the item.

Subsection 3. The demand regarding photograph does not apply if the

application concerns books, documents or the like.

Subsection 4. A special application document can be used.

Subsection 5. An export permit can only be applied for by the items owner or a person authorized hereto by the owner.

§ 7 An application for an export licence will normally be processed within one month. If on special grounds the processing of any application cannot be completed within this period, the Commission shall notify the applicant hereof, as well as of the time at which the decision is expected to be available.

Subsection 2. In the event that a decision is not available three months at the latest from receipt of the application by the Commission, the latter shall issue a statement to the effect that the export licence may be considered as granted in pursuance of section 6 (2) of the Act.

§ 8 The export licence must be submitted to the export control authority.

§ 9 Regardless of the normal requirements of an application for an export permit in pursuance of section 6 of the Act, the procedure stipulated in subsection (2) below may be applied on sale of cultural objects by auction, in accordance with special agreement with the Cultural Assets Commission; provided that the auction house uses catalogues describing individual objects, quoting estimated values and illustrating the most valuable objects.

Subsection 2. When the catalogue for an upcoming auction is available, and at least ten days prior to the auction, the auctioneer shall send one copy to the Commission secretariat and one copy to the members of the Commission at their institutional addresses. The Commission shall review the catalogue and may inspect the objects. On this basis the Commission shall notify the auctioneer in writing of any lots requiring submission to the Commission, in the event of a wish to export such objects after the auction. In such cases the auctioneer shall be obliged to keep the objects in custody, until an export licence is available. The other lots are thus not considered to be worthy of protection, and may be exported freely under the Act. The auction invoice shall be endorsed to this effect. The invoice must be presented to the export control authority on request. *Subsection 3.* The Commission may enter into similar agreement with others on advance valuation or review on the basis of catalogues or similar informative lists.

§ 10 In the event of acquisition of an object sold by auction in pursuance of section 11 of the Act, the value of the object under section 11 (2) shall be the auction price with addition of auction costs, corresponding to the purchaser's net purchase price.

§ 11 This order enters into force on the day it is published in Lovtidende.