

Administrative Rules for Examination and Approval of Entry and Exit of Cultural Relics

Article 1 This Rules is formulated in order to reinforce management of examination and approval of entry and exit of cultural relics, in accordance with the Law of the People's Republic of China on Protection of Cultural Relics and the Implementation Regulations for the Law of the People's Republic of China on Protection of Cultural Relics.

Article 2 The State Administration of Cultural Heritage is responsible for of the management of examination and approval of entry and exit of cultural relics and it assigns examining and approving institutions for entry and exit of cultural relics to take up the actual responsibility for seeing to entry and exit of cultural relics.

Examining and approving institutions for entry and exit of cultural relics are law-enforcing organs with independent authority. They report to the State Administration of Cultural Heritage and accept its professional guidance.

Article 3 Examining and approving institutions are to be jointly established by the State Administration of Cultural Heritage and provincial people's governments. Provincial people's governments shall guarantee the authorized size, workplace and work fund for their institutions for examining and approving entry and exit of cultural relics. The State Administration of Cultural Heritage shall provide a subsidy to the operational fund of institutions.

Article 4 The examining and approving institutions for entry and exit of cultural relics shall have the following qualifications:

- (1) It shall be manned with at least seven full-time cultural-relics appraisers,

of whom there shall be at least five who have the final say for entry and exit of cultural relics;

(2) There shall be a fixed work place with necessary technological equipment;

(3) The work fund is within financial budget.

Article 5 When or if necessary, the State Administration of Cultural Heritage will assign qualified institutions for examining and approving entry and exit of cultural relics to undertake examination and approval for entry or exit of cultural relics. Marks for exiting cultural relics and temporary-stay marks for entering cultural relics shall be used and permits be issued to cultural relics that are allowed to leave the country.

Article 6 Personnel working in institutions for examining and approving entry and exit of cultural relics must have certificates for qualifications. They are not allowed to hold a part-time job in a cultural-relics shop or auction enterprise. The major responsible person of the examining and approving institution for entry and exit of cultural relics shall obtain the qualification certificate issued by the State Administration of Cultural Heritage.

The appraiser who has the final say to exit of cultural relics shall at least have a bachelor degree and at least a mid-level professional title for majors in cultural relics and museums and shall pass the examination of the State Administration of Cultural Heritage.

Article 7 The provincial competent authorities for cultural heritage administration are responsible for routine management of the local institutions for examining and approving entry and exit of cultural relics. The authorities shall formulate relevant management regulations and submit them to the State Administration of Cultural Heritage for filing.

The institution for examining and approving entry and exit of cultural relics shall adopt measures to ensure effectiveness and fairness of examination and approval.

Article 8 The following cultural relics shall be examined and approved before their exits:

- (1) Works of art and handicraft art articles made in or before 1949;
- (2) Original or holograph manuscripts, literature documents, books and reference materials the history of which began from or before 1949;
- (3) Tangible cultural relics related to social systems, social production and social life of various nationalities the history of which began from or before 1949;
- (4) Representative tangible cultural relics related to important events that happened after 1949 or related to famous figures;
- (5) Representative tangible relics related to production activities, habits and customs, culture, art and religious beliefs of various nationalities that took place after 1949;
- (6) Works by deceased well-known painters and handicraft artists the exit of which has been restricted by the State Administration of Cultural Heritage; the corresponding list has been made public;
- (7) Ancient ape fossils, ancient human-being fossils and ancient vertebrate fossils of the Quarternary Period related to human activities.

The standards for examination and approval of exit of cultural relics are to be regularly revised and made public by the State Administration of Cultural Heritage.

Article 9 If any cultural relic is to be shipped, mailed or carried out of China, the application form for exit shall be filled in before its exit and the form be submitted to the institution for examining and approving entry and exit of cultural relics.

The institution shall give its decision within 15 (fifteen) working days after the application is received whether the cultural relic in question is permitted to leave the country.

Article 10 When the institution is examining and approving exit of a cultural relic, there shall be at least 3 (three) cultural relics appraisers present and there shall be at least 2 (two) appraisers who have the final say to its exit.

The exit permit is to be jointly signed by the appraisers present who have the final say to the exit of the relic in question. Only when there is consensus among the appraisers who have the final say can the special seal for exit be stamped.

Article 11 The institution for examining and approving exit of cultural relics is to attach a mark to the relic to be permitted to exit and issue an exit permit. After the exit mark is inspected by the customs and the permit shown, the relic will then leave the country.

The exit permit is in triplicate. The first triplicate is to be kept by the institution for examining and approving exit of cultural relics, the second triplicate by the customs and the third triplicate by the carrier.

If a relic is not permitted to exit, the institution for examining and approving entry and exit of cultural relics shall have it registered before returning it.

At the request of the customs at the exit venue or the carrier, the institution for examining and approving entry and exit of cultural relics may issue certificates for duplicated cultural relics after examination.

Article 12 If a cultural relic is to have a short stay in China for repairing, exhibition, sale or assessment, after it is pasted with a paper strip seal by the customs, it shall be submitted to the institution for examining and approving entry and exit of cultural relics for examination and approval. After checking the customs' seal, the institution shall then examine and approve the relic in question, attach a mark for its temporary stay in the country and have it registered

When the same relic is ready to exit, an application shall be submitted to the institution for examining and approving entry and exit of cultural relics where it was originally examined and registered. The institution shall conduct a check against the entry record. After the entry mark is confirmed, it shall be marked with an exit sign and an exit permit be issued.

Article 13 The temporary stay shall not be over 6 months unless approval from the customs and the institution for examining and approving entry and exit of cultural relics is obtained.

If a cultural relic of temporary entry that stays longer than the deadline is now ready to leave the country, it shall be subject to examination and approval according to corresponding standards and procedure.

Article 14 When cultural relics leave the country temporarily for exhibition or scientific research or for any other purpose, an application shall be submitted to the institution for examining and approving entry and exit of cultural relics before their exit. The institution shall then undergo relevant formalities according to the documents approved by the State Administration of Cultural Heritage.

When cultural relics of temporary exit come back, the original institution for examining and approving entry and exit of cultural relics is responsible for checking them.

Article 15 If the institution for examining and approving entry and exit of cultural relics finds that there is suspected illegitimate possession or loss of cultural relics, it shall report it to the public security department and the State Administration of Cultural Heritage.

Article 16 Marks for exit and entry of cultural relics and exit permits shall be well kept by a person specially assigned by the institution for examining and approving entry and exit of cultural relics. When any of them is used, signature confirmation of the responsible person of the institution is required.

Article 17 If loss of cultural relics is due to non-compliance with these Rules, responsibility of the responsible person shall be looked into according to relevant stipulations.

Article 18 The State Administration of Cultural Heritage is to see to the making of all marks for exit and temporary stay of cultural relics, exit permits, certificates for duplicated cultural relics and application forms for exit of cultural relics.

Article 19 Provinces, autonomous regions and municipalities directly under the central government where the institution for examining and approving entry and exit of cultural relics has not been established yet shall set up one in accordance with these Rules. Before its establishment examination and approval for cultural relics shall be done by the institution assigned by the State Administration of Cultural Heritage.

Article 20 This Rules will come into force upon promulgation and the Administrative Rules for Assessment of Exit of Cultural Relics promulgated by the Ministry of Culture in 1989 is nullified on the same day.

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