

# Report on the application of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

## FINLAND

### I. Information on the implementation of the UNESCO Convention of 1970

#### 1. Ratification of the Convention

Finland ratified the Convention on 14 June, 1999.

#### 2. Implementation in the national legal system and in the organization of services

##### (a) References of the principal national regulations adopted in order to implement the 1970 Convention.

The Act that adopts regulations of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property is No. 875/1999.

The Decree for bringing into force the Convention and the entry into force of the aforementioned Act is No. 876/1999.

[More information on legislation on the website.](#)

##### (b) Definition of “cultural property” used by the national laws

The definition of “cultural property” is based on:

- the Act (115/1999) and Decree (189/1999) on Restrictions to the Export of Cultural Objects;
- the EU Council Regulation (EC) No.116/2009;
- the Commission Regulation (EEC) No752/93 laying down provisions for implementing the Council Regulation.

The National Act on Restrictions to the Export of Cultural Objects (115/1999) applies to objects:

- made in Finland;
- made abroad which have been in Finland for at least 50 of the past 100 years;
- made abroad which have special relevance to the history of Finland, irrespective of the length of time they have been in Finland.

The Act is not applied to an object that is in the possession of the person who made, designed or otherwise created it. Objects which require an export licence are listed in Section 4 of the Act.

##### (c) Specialized units

No.

##### (e) Working meetings

In 2007, the Ministry of Education and Culture appointed a committee to examine what measures are required from Finland on account of the 1970 Convention.

This Committee was to address particular subjects such as the import of cultural objects, the inventory of national cultural heritage, the cooperation between authorities, the need to review legislation as a result of accession to treaties and conventions, the promotion of the use of and compliance with ethical principles and possible need to introduce regulations providing for immunity from seizure of cultural objects temporarily located in Finland.

This committee submitted its report on 31 May 2008 containing its observations. The representatives of police, customs and ministries concerned have met to discuss the committee's proposals. A Bill prohibiting the seizure of certain exhibition items on loan in Finland is before the Parliament. Similarly, the

regulations governing the antiques trade have been reviewed, but as yet, no committee has been set up to look into the matter.

### **3. Inventories and identification**

#### **(a) Inventories**

The inventory of the Finnish public collections is at the level required by UNESCO: about 5 million objects in the professionally managed cultural history museums and art museums have been appropriately inventoried and catalogued. The registers are kept up-to-date. Similarly, other public collections, such as cultural objects in the possession of churches and municipalities, have been inventoried. Private property can be catalogued, if necessary.

Otherwise, nationally, significant movable property is subject to exportation criteria and conditional on licensing, which are applied whenever the matter becomes current. If significant artifacts are exported illegally from Finland, their recovery by a special procedure or under a statute on the return of property in the country in question does not presuppose that the objects are on a pre-made list.

Both the 1970 and 1954 Conventions and the two Protocols entail that protected cultural property is catalogued. Within the scope of implementing the 1954 Convention, Finland is preparing a catalogue of significant cultural property. It is intended for official use and covers both immovable and movable cultural property: built milieus, libraries, archives and antiquities.

#### **(b) Definition of “cultural property” and “national treasures”**

The definition of ‘cultural property’ is based on:

- the Act (115/1999) and Decree (189/1999) on Restrictions to the Export of Cultural Objects
- European Council Regulation (EC) No. 116/2009 on the export of cultural goods
- Commission Regulation (EEC) No. 752/93 on the implementation of the Council Regulation.

In addition, Directive 93/7/EEC stipulates the return of cultural objects unlawfully removed from the territory of a Member State.

Finland has undertaken to determine national treasures, as required by the Convention, by combining cataloguing [public collections, see point 3 (a)] and open criteria determining the significance of an object. Significant cultural property outside public collections is subject to the application of exportation criteria and licensing. This cultural property has not been surveyed in advance.

#### **(c) Reference to the Object ID standard**

The Object ID standard is incorporated into the foremost collection management systems in Finland.

#### **(d) Systems to combat theft and to train staff**

No special units have been instituted. The museums, libraries and archives apply their own professional security guidelines in safeguarding their collections.

### **4. Archaeological excavations**

#### **(a) Basic principles of the regulations on archaeological excavations and on the monitoring of excavations in force**

According to the Antiquities Act (295/1963), excavation for immovable antiquities is subject to a permit. The Antiquities Act maintains all important archaeological activities in government control. The National Board of Antiquities decides on excavations on behalf of the Government and grants excavation permits to universities, museums and competent researchers in an appropriate discipline. The decision for obtaining a permit is based criteria such as: the competence of the researchers, the responsibilities

accepted by the permit holder, the preparation of reports, the cataloguing of the objects founded into the collections of national museums, etc.

#### (b) Illegal excavations

No illegal archaeological excavations or sale or exportation of objects from such excavations have come to light in Finland.

### 5. Monitoring of the export and import of cultural property

#### (a) Estimate of the scale of the illicit export or import of cultural property (statistics)

#### (b) Problem of the illicit export of cultural property

There are no estimates or statistics on the extent of illicit export or import of cultural objects. The police have data on thefts involving cultural objects. It would be especially important to make sure that information about stolen cultural objects is available electronically to authorities and antiques dealers without delay. A committee [see 2 (e)] has proposed that a national database be set up for the purpose.

#### (c) Main rules for monitoring the export and import of cultural property

Regarding export of cultural property:

- The Act on Restrictions to the Export of Cultural Objects (115/1999) and the Decree (189/1999)
- European Union statutes:
  - Council Regulation (EC) No.116/2009 on the export of cultural goods
  - Commission Regulation (EEC) No752/93 on the implementation of the Council Regulation.

Regarding import of cultural property, there is no national legislation especially governing cultural property.

[More information on the legislation on the website.](#)

#### (d) Rules provided for the restitution of illicitly imported cultural property

Yes. European Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State, and the national Act on the return of cultural objects unlawfully removed from the territory of a Member State of the European Economic Area (1276/1994).

#### (e) Obstacles encountered in securing the restitution of illicitly exported cultural property

In 2009 the European Commission appointed a working group subordinate to the Committee on the export and restitution of cultural objects to prepare the revision of Directive 93/7/EEC; Finland contributes actively to the work. The working group is to identify problems in the application of the Directive and put forward efficient solutions.

#### (f) Circumstances in securing the restitution of a stolen cultural object

In 1998 medals illicitly exported to the UK were returned to Finland in 1998 under the directive.

### 6. System for trade-in, acquisition, ownership and transfer of cultural property

#### (a) Description of the cultural goods market in the country (financial volume of the market, number and turnover of auction houses including via the Internet).

There is no statistical information available on the cultural goods market.

(b) Rules governing trade in cultural goods, measures in place for such trade (maintenance of a police register), in particular through the Internet (reference to the basic measures proposed by UNESCO, INTERPOL and ICOM)

The situation in the legislation on trade in cultural objects is under examination.

(c) Existing Measures to control the acquisition of cultural property

In joining ICOM, museum professionals and organizations commit to abiding by the ICOM Code of Ethics, which underpins the work of ICOM. The Code provides the following in regard of the acquisition of objects:

Provenance and appropriate care

Before acquiring any object or exhibit offered on loan, by purchase, donation, bequeath or exchange, the museum must take every measure to verify that it has not been illicitly acquired or exported from the country of origin or some other country where it has been in legal ownership (including the country where the museum is located). Appropriate care must be taken to reveal the provenance of the object from the day it was found or made.

Objects and exhibits originating from illegal or non-scientific field work

Museums should not acquire objects if there are strong grounds for suspecting that their acquisition involves illegal, unscientific or purposeful destruction of or damage to antiquities, archaeological or geological sites, species or living environments. An object should not be acquired if its discovery has been concealed from the land-owner, the occupant of the land or appropriate authorities.

(d) Existing legal system concerning ownership of cultural property:

Yes the principle of inalienability is applied.

The status of unfound cultural objects, of cultural items found by chance and archaeological artifacts found during legal or illegal excavations is covered by the Antiquities Act (295/1963).

(e) Special rules on the transfer of title deeds in respect of cultural property

There are no special rules.

## **7. Bilateral agreements**

(a) Bilateral agreements concluded with other countries on the import, export and return of cultural property

There are no bilateral agreements.

(b) Conditions settled by the importing country with regard to the admissibility of requests for restitution from a country of origin

The following legislation applies to possible requests for restitution of a cultural object:

- Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State,
- the National Act on the Return of Cultural Objects Unlawfully Removed from the Territory of a Member State of the European Economic Area (1276/1994), and
- the National Act on Adopting Certain Regulations of the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects and the application of the Convention (877/1999).

## **II. Code of ethics, awareness raising and education**

## 1. Ethical standards

### (a) Application of the UNESCO International Code of Ethics for Dealers in Cultural Property and the ICOM for museums

Concerning museum professionals see point 6 (c).

The International Code of Ethics for Dealers in Cultural Property was translated into Finnish and Swedish on the initiative of a committee [see point 2 (e)]. The aim is to make the code binding for antique dealers in Finland.

Further transfer of objects which have been illicitly imported to Finland is often unintentional and due to ignorance. The right kind of information could decrease demand for such objects and thereby reduce their interest as objects of trade.

## 2. Awareness raising and education

### (b) Dissemination of the “One hundred missing objects” series and the ICOM Red Lists

The aim should be to affect an electronic system for real-time information about lost cultural objects, which would facilitate timely response to the situation as soon as it is revealed.

(c) Description of activities carried out to raise the awareness of the authorities and educate the public, children in particular, regarding the serious damage that can be caused by illegal excavations, theft of cultural property and illegal export.  
How far can UNESCO contribute to these activities?

Information has been disseminated by means of brochures and training for authorities. There are also plans for producing educational materials intended for the public at large. UNESCO could lend its support to the organization of a large, international information campaign.

## III. Cooperation with other international and regional agencies

### Police

#### (a) State of national cooperation with INTERPOL. Specialized police services to whom the heritage officials can call on for enquiries, legal proceedings and punitive measures

In Finland, the Convention was implemented by the Act on Adopting Certain Regulations of the UNIDROIT Convention and the application of the Convention (877/1999). According to Section 8 of the Act, the principal authority is the Finnish Ministry of Justice.

There are no police services specializing in the crimes in question. Under Section 13 of the Finnish Pre-Trial Investigation Act, the alleged crime is investigated by the police, unless otherwise provided by statutes. The Customs is also a pre-trial investigation authority in their specific area of responsibility.

The INTERPOL National Central Bureau is located in the National Bureau of Investigation and provides a 24/7/365 service to all pre-trial investigation and criminal intelligence authorities in Finland.

#### (b) Check on the INTERPOL database on stolen objects when a cultural object is stolen. Transmission of information on the persons implicated in the theft of cultural property

The Police check the INTERPOL database whether an object is stolen. International thefts of cultural objects are very rare, almost non-existent in Finland. It appears that Finnish cultural objects are not in high-demand of collectors outside the country.

(c) Specific training program for members of police services

There is no permanent training program in the area of cultural property. Special training courses are arranged from time to time on this subject.

(d) Punishment of fraud and theft related to cultural property via criminal law provisions. Specialized judges in this field

There are no fraud or theft statutes specifically pertaining to cultural objects. The punishments for crimes involving cultural objects come under the general provisions on fraud and theft. Nor are there any judges specializing in crimes involving cultural objects.

(e) Cooperation with the United Nations Office on Drugs and Crime (UNODC)

Yes, but only at the strategic level.

## Customs

(f) Status of cooperation with the World Customs Organization. Specialized customs services which could assist heritage officials in preventing the illicit export of cultural property

The Finnish Customs participates actively in the work of the WCO and assists in various enforcement operations. The National Board of Customs has a team for the execution of import and export restrictions. The team also represents Customs in national cooperation among authorities.

(g) Specific training program for members of the customs administration

The initial customs training includes information about the import and export restrictions, including export of cultural objects. Additionally, there is an annual training event.

(h) Reference to the UNESCO-WCO Model Export Certificate for Cultural Objects

No. A person wanting to take a cultural object out of Finland must apply for an export licence (national licence) if the object belongs to a category listed in the National Act on Restrictions to the Export of Cultural Objects, irrespective of the financial value of the object.

If the financial value of a cultural object to be exported outside the EU exceeds the value thresholds set in the Council Regulation, an EU export licence is needed instead of the national licence.

**European Union** - Application of the Council of the European Communities Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State

Based on the Directive, Finland passed an Act on the return of cultural objects unlawfully removed from the territory of a Member State of the European Economic Area (1276/1994). Finland is currently participating in the revision of the directive [(see point 5 (e)).

## IV. Other legislative, legal and administrative measures taken by the State

### 1. Accession to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects

Finland ratified this Convention on 14 June, 1999.

### 2. Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation

Finland is not a Member of the Committee, but the Ministry of Education and Culture distributes its documents and reports to Finnish stakeholders.

### **3. UNESCO Database of National Cultural Heritage Laws – contribution and update**

Finland regularly updates information about its legislation (most recently in 2009) and thus ensures that current information is available.