

**FINLAND**

**NATIONAL REPORT ON THE IMPLEMENTATION  
OF THE 1970 CONVENTION ON THE MEANS OF  
PROHIBITING AND PREVENTING THE ILLICIT  
IMPORT, EXPORT AND TRANSFER OF  
OWNERSHIP OF CULTURAL PROPERTY**

**2011 - 2015**

## FINLAND 2015

### **I Information on the implementation of the UNESCO Convention of 1970 (with reference to its provisions)**

#### **1. Ratification of the Convention**

##### **a) Has this Convention already been ratified?**

Yes, in 1999.

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

##### **a) Give the references of the principal national regulations adopted in order to implement the 1970 Convention.**

The Act on adopting certain regulations of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (875/1999)

The Decree for bringing into force the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the entry into force of the Act on adopting certain regulations of the Convention (876/1999)

More information on the legislation: [http://www.nba.fi/en/cultural\\_goods](http://www.nba.fi/en/cultural_goods)

##### **b) A definition of "cultural property" agreeing with the definition proposed by the 1970 Convention is important in order to increase the effectiveness of international cooperation. State what definition is used by the national laws of the country concerned.**

The definition of 'cultural property' is based on the Act (115/1999) and Decree (189/1999) on Restrictions to the Export of Cultural Objects and on the EU Council Regulation (EC) No. 116/2009 on the export of cultural goods, and on Commission Implementing Regulation (EU) No 1081/2012 for the purposes of Council Regulation (EC) No 116/2009 on the export of cultural goods.

The national Act on Restrictions to the Export of Cultural Objects (115/1999) applies to objects made in Finland and objects made abroad which have been in Finland for 50 years or longer during the past 100 years. It also applies to objects 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) Have specialized units been established in order to prevent and combat trafficking and ensure international cooperation for the protection of cultural heritage? Within the Heritage Department? In other government departments (police, customs)?**

No.

**d) Describe briefly the administrative coordination of the activities of these specialized units, especially with the police and customs authorities.**

---

**e) Are working meetings held to enable police officers, customs officials and ministerial representatives to meet and coordinate their activities?**

In 2007 the Ministry of Education and Culture appointed a committee to examine what measures are required from Finland on account of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, and the Unidroit Convention on Stolen or Illegally Exported Cultural Objects. The committee was particularly to address the import of cultural objects, the inventory of national cultural heritage, 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. The committee submitted its report on 31 May 2008.

Main observations in the report are:

- The internationalisation of commerce in cultural objects and the prevalence of internet-based commerce entail more stringent supervision and control. It was also proposed that a committee representing both authorities and antique dealers be set up to prepare statutes on auctions.
  - Situation in 2015: National legislative reform concerning cultural objects is underway, not only in relation to return of objects illegally exported from the country, but also in relation to the exportation of cultural objects. National cooperation among the authorities has been further increased and tightened in connection with the preparatory legislative work.
- The illicit exportation of cultural objects could be curtailed at the international level by means of national import legislation, but there are considerable problems in legislation, which require international benchmarks and investigation to be solved.
  - Situation in 2015: Investigation of the possibilities of import legislation has recently been proposed at EU-level.
- International cooperation between authorities should be stepped up to enable long-term development like the regulation of importation, on the one hand, and illicit actions which require prompt intervention, on the other, to be tackled efficiently in collaboration.
  - Situation in 2015: Presently, cooperation between authorities at EU level is under development as a part of the return process of illegally exported cultural objects. December 2015 will see the deployment of IMI (Internal Market Information System).
- Licensing and supervising authorities should have better access to information both at the national and the international levels. It would be especially important to ensure rapid electronic access to information about cultural objects stolen in Finland.
  - Situation in 2015: So far, the creation of national electronic system has not taken place.

- The committee saw it necessary to regulate seizure in order to ensure the mobility of cultural objects and thereby cultural exchanges.
  - Situation in 2015: This legislation was put into effect in 2011 by means of the Act Prohibiting the Seizure of Certain Exhibition Items on Loan in Finland (697/2011).

### 3. Inventories and identification

#### a) State briefly the extent to which inventories provide for the risks of misappropriation and theft.

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 actual. If significant artefacts 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 UNESCO Convention of 1970 and the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954 and its II Protocol 1999 entail that protected cultural property is catalogued. Within the scope of implementing the 1954 Convention, Finland is finalizing 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) Specify the degree of precision, at the national level, of the definition of "cultural property" covered by international conventions (see above I.2 b). State whether "national treasures" are identified in an official tentative or exhaustive list.

The definition of 'cultural property' is based on the Act (115/1999) and Decree (189/1999) on Restrictions to the Export of Cultural Objects, and on European Council Regulation (EC) No. 116/2009 on the export of cultural goods, and on Commission Implementing Regulation (EU) No 1081/2012 for the purposes of Council Regulation (EC) No 116/2009 on the export of cultural goods. In addition, Directive 2014/60/EU of the European Parliament and of the Council on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (Recast) 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 3a) 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) To what extent is the Object ID standard used? Is the standard adapted to the State's needs?**

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

**d) Are there systems to combat theft and to train museum staff and have specific measures been adopted for libraries, archival and manuscript repositories, and any specialized units established to monitor them?**

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) Summarize the basic principles of the regulations on archaeological excavations and on the monitoring of excavations in force in the country.**

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 basic criteria for obtaining a permit are:

- The leader of an excavation has a Master's degree, archaeological training and sufficient work experience.
- The competence and number of other personnel and the financing are adequate in relation to the research plan.
- The permit holder is responsible for the right handling, cleaning, cataloguing and conservation of the finds and, where appropriate, for the processing of specimens and analyses made on them. This work is done in facilities indicated and approved in the application and granting process.
- The permit holder is responsible for the conservation and uses a conservation method agreed upon with the Conservation Laboratory of the National Museum or with some other agency responsible for conservation.
- The research report, with appended maps and photographs, must be delivered to the archive of the National Board of Antiquities by the due date given.
- The research report must be written in Finnish or Swedish in keeping with the guidelines issued by the National Board.
- The objects found within the research project are catalogued into the collections of the National Museum, unless otherwise agreed upon.
- A copy of the analysis of the objects is submitted to the National Board's archives.
- The National Board must be informed in writing if the research is rescheduled or cancelled.
- If the report has not been supplied in the time indicated and no extension has been agreed upon, the leader of the project will not be granted new permits.

**b) Is there a recurrent problem of illegal excavations? If so, what are the reasons and when did it begin? What steps have been taken to combat this scourge?**

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) Give an estimate of the scale of illicit export or import of cultural property. Are there up-to-date statistics compiled on the theft 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, but it is not easy to retrieve the information from the data register concerning only cultural objects. It would be especially important to make sure that information about stolen cultural objects is available electronically to authorities and antique dealers without delay. A committee (see 2e) has proposed that a national database be set up for the purpose.

**b) Is the illicit export of cultural property a recurring problem? If so, for which reasons (lack of financial and human resources, shortcomings in the legal supervision framework, etc.)?**

See 5a. Currently, it seems that the number of cultural objects passing through Finland is on the increase. The Finnish Customs, within its resource capabilities, is making efforts to address this in its supervisory and monitoring role.

**c) What are the main rules (administrative and legal) for monitoring the export and import of cultural property (existence of an export certificate, public information about the rules of force)? What categories of cultural property are covered by the rules?**

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, and Directive 2014/60/EU of the European Parliament and of the Council on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (Recast).

Regarding import, there is no national legislation especially governing cultural property. Bringing into force import legislation concerning third countries has recently been proposed at EU-level. The matter is still being examined.

For more information about current legislation: [http://www.nba.fi/en/cultural\\_goods](http://www.nba.fi/en/cultural_goods)

**d) Do the rules provide for the restitution of illicitly imported cultural property?**

Yes. Directive 2014/60/EU of the European Parliament and of the Council on the return of cultural objects unlawfully removed from the territory of a Member State and amending

Regulation (EU) No 1024/2012 (Recast). 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) is currently under revision.

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).

**e) What are the main obstacles encountered in securing the restitution of illicitly exported cultural property? What type of obstacles are they (administrative, legal or political) and why do they arise (legal loopholes, unwillingness by importing countries, lack of international cooperation, etc.)?**

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 contributed actively to the work. As of 19 December 2015, updated Directive 2014/60/2014 will repeal Directive 93/7/ETY. The aim of this reform has been to remove the directive's shortcomings that have hampered its application. This modernised directive transfers within the national sphere the power to define what cultural objects satisfy the criteria of the return directive.

**f) If the country has succeeded in securing the restitution of a stolen cultural object, describe the circumstances and state whether that involved legal proceedings, arbitration or alternative dispute resolution.**

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

**a) Give a brief 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) What are the main rules governing trade in cultural goods? Are control measures in place for such trade (maintenance of a police register), in particular through the Internet (for example, 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) Do measures exist to control the acquisition of cultural property (for example, mechanisms to prevent museums and similar institutions from acquiring cultural property exported illegally from another State)?**

In joining ICOM, museum professionals and organisations 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) Specify the existing legal system concerning ownership of cultural property:**

- **Is the principle of inalienability applied to cultural items in national collections and objects originating in heritage sites?**

Yes.

- **What is the status of yet unfound cultural objects, of cultural items found by chance and archaeological artefacts found during legal or illegal excavations?**

These objects are covered by the Antiquities Act (295/1963).

**e) Are there special rules on the transfer of title deeds in respect of cultural property? If so, please summarize their content.**

There are no special rules.

**7. Bilateral agreements**

**a) List the bilateral agreements concluded with other countries on the import, export and return of cultural property and comment briefly on their results.**

There are no bilateral agreements.

**b) What conditions are set 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:

- Directive 2014/60/EU of the European Parliament and of the Council on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (Recast)
- 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) – (the Act will be being renewed during the 2015) 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).

**c) Apart from these agreements, is there administrative aid or any other type of cooperation with neighbouring countries, particularly in respect of police and custom services?**

---

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

### **Ethical standards**

**a) Are the UNESCO International Code of Ethics for Dealers in Cultural Property and that of ICOM for museums known to the professionals concerned (in particular, curators, antique dealers, merchants and collectors)? How is their observance checked?**

As regards museum professionals, see 6c.

The International Code of Ethics for Dealers in Cultural Property was translated into Finnish and Swedish on the initiative of a committee (see 2e). 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.

### **Awareness raising and education**

**a) Are the "One hundred missing objects" series and the ICOM Red Lists disseminated and read?**

Yes, they are known to authorities.

The aim should be to effect 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.

**b) Briefly describe 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 organisation of a large, international information campaign.

### **III. Cooperation with other international and regional agencies**

#### **Police**

**a) What is the state of national cooperation with INTERPOL? What specialized police services can heritage officials 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 on Stolen or Illegally Exported Cultural Objects 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 specialising 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) If a cultural object is stolen, is the INTERPOL database on stolen objects checked? Is information on the persons implicated in the theft of cultural property transmitted to INTERPOL?**

The Police check the Interpol database whether an object is stolen.

International thefts of cultural objects are rare in Finland. Certain groups of objects have begun to arouse increasing interest also in international markets of antiques.

**c) Do members of police services follow a specific training programme?**

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

**d) Do criminal law provisions allow or the punishment of fraud and theft related to cultural property? Are judges specialized in this field?**

In Finland 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 specialising in crimes involving cultural objects.

**e) Does cooperation exist with the United Nations Office on Drugs and Crime (UNODC)?**

Yes, but only at the strategic level.

## **Customs**

**f) What is the status of cooperation with the World Customs Organization and which specialized customs services can assist heritage officials in preventing the illicit export of cultural property?**

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

**g) Do members of the customs administration follow a specific training programme?**

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) Is the UNESCO-WCO Model Export Certificate for Cultural Objects used?**

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**

**Have particular measures been adopted to apply 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 has actively participated in the work on the reform of the directive at EU-level. As of 19 December 2015, updated Directive 2014/60/2014 will repeal Directive 93/7/ETY. Implementation of the directive to make it a part of national legislation is currently underway.

## IV Emergency situations and heritage at risk

### **(a) What is the strategy in place in your country to face emergency situations for heritage in case of natural disaster or conflict?**

In accordance with obligations laid down in international treaties and the Finnish national legislation, Finland is committed to measures to prevent trade in and movement of illegally exported or stolen cultural property.

Finland has ratified, for example, the Hague Convention (The Act on the implementation of certain provisions of the Protocol for the Protection of Cultural Property in the Event of Armed Conflict and on the application of the Protocol (1135/ 1994); The Decree on the implementation of the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the related Protocol and accepting and applying certain provisions of the Protocol (1136/ 1994)).

### **(b) More particularly, what are the measures undertaken to implement UNSC Resolution 2199 (paragraph 17, 12 February 2015) for the protection of Syrian and Iraqi cultural heritage?**

As a Member State of the European Union, Finland is bound by Council Decision 2013/760/CFSP amending Decision 2013/255/CFSP concerning restrictive measures against Syria. Article 13a of the Decision reads as follows:

*It shall be prohibited to import, export, transfer or provide related brokering services for cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance which have been illegally removed from Syria, or where reasonable suspicion exists that they have been illegally removed from Syria, on or after 9 May 2011.*

Finnish museum professionals and museum organisations are committed to complying with the ICOM Code of Ethics for Museums. The Code stipulates the following on the provenance of acquisitions for collections and on due diligence:

*Every effort must be made before acquisition to ensure that any object or specimen offered for purchase, gift, loan, bequest, or exchange has not been illegally obtained in, or exported from its country of origin or any intermediate country in which it might have been owned legally (including the museum's own country). Due diligence in this regard should establish the full history of the item since discovery or production.*

In Finland, the export of cultural objects is regulated both by national legislation (the Act on restrictions to the export of cultural goods (115/1999); and the related Decree (189/1999) and by EU legislation (Council Regulation (EC) No 116/2009 on the export of cultural goods, and Commission Implementing Regulation (EU) No 1081/2012 for the purposes of Council Regulation (EC) No 116/2009 on the export of cultural goods). Moreover, Directive 2014/60/EU of the European Parliament and of the Council regulates the return of cultural objects unlawfully removed from the territory of a Member State.

## Supervision

In Finland, the export of cultural objects is supervised by the National Board of Antiquities, which is the general licensing authority for these matters. In addition, Customs and other licencing authorities (regional museums, the Finnish National Gallery and the Military Museum) have an essential responsibility for supervising such export.

Both the National Board of Antiquities and Customs know the legislation protecting the cultural heritage of Iraq and Syria and observe it in their work. The National Board of Antiquities monitors not only the export of cultural objects but also the main sales channels for them, and follows the Interpol Stolen Works of Art database and the ICOM website with Red Lists of Cultural Objects at Risk.

In March 2015, the Finnish Customs and the National Board of Antiquities jointly stopped a shipment containing an antique of Syrian origin. The provenance of the object is being verified. In addition, other unclear transit shipments of various antiques are being investigated at the moment by the Finnish Customs.

UN Security Council resolution 2199 (2015) has been communicated to the relevant actors.

## Declaration of the Nordic Ministers of Culture

In order to support the UN Security Council resolution, the Nordic Ministers of Culture adopted on 12 May 2015 a declaration calling for action to be taken to clamp down on the illegal trade in cultural objects from Iraq and Syria. The Ministers are also calling for a Nordic initiative in this sphere, starting with a conference on the black market trade to be held in autumn 2015.

The declaration:

<http://www.norden.org/en/news-and-events/news/call-to-curb-black-market-in-cultural-objects-from-iraq-and-syria>

## **V Other legislative, legal and administrative measures taken by the State**

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

#### **a) Has this Convention been ratified, in addition to that of 1970?**

Yes, in 1999.

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

**Describe the extent to which the State concerned is following the work of the UNESCO Intergovernmental Committee (observer, member, State concerned by a case under discussion etc.)**

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**

**Indicate action taken to organize the contribution to the UNESCO Database of National Cultural Heritage Laws and to check whether it contains all historical and existing laws and regulations, including successive amendments.**

Finland has updated information on its legislation in 2009. A new verification of the information will take place in 2015.