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Republic of Latvia

Cabinet

Regulation No 526

Adopted 16 September 2003

## **Procedures for Return of Unlawfully Removed Art and Antique Objects**

Issued pursuant to Section 18.<sup>2</sup>, Paragraph four of  
the Law On Protection of Cultural Monuments

### **I. General Provisions**

1. These Regulations prescribe the procedures for the return of unlawfully removed art and antique objects (hereinafter – unlawfully removed cultural objects) with respect to Latvia and European Union Member States, the European Economic Area states and other states with which Latvia has entered into an agreement regarding the return of unlawfully removed art and antique objects (hereinafter – Member States).

2. The procedure for the return of unlawfully removed cultural objects shall be organised by the State Inspection for Heritage Protection (hereinafter – Inspection) in co-operation with the State Museums Administration, Office of the Director General of the State Archives, the National Library of Latvia and the State Police. The return procedure shall begin with negotiations regarding the return of the unlawfully removed cultural object and end with the physical return thereof to the country from which the cultural object has been unlawfully removed and the return of which the relevant state has requested (hereinafter – requesting state).

3. These Regulations apply to cultural objects, which comply with the following requirements:

3.1. the cultural object is under State protection in the requesting state before or after removal thereof; and

3.2. the cultural object belongs to one of the categories referred to in the Annex of these Regulations or forms an integral part of the conservation collection or public collection of a museum, archive or library (a collection which, in accordance with the legislation of the relevant Member State, is public and which is the property of the State (Member State), the property of a local or regional authority or the property of such institution situated in the Member State which is the property of the State (Member State), local authority or which is significantly financed thereby) or it is the inventory of an ecclesiastical institution in accordance with the legislation of the requesting state.

4. A cultural object shall be considered to have been unlawfully removed, if regulatory enactments regarding the removal of art and antique objects have been violated when

removing it from the State, or if it has not been returned after the end of a period of lawful temporary removal.

## **II. Procedures by which Cultural Objects Unlawfully Removed from Another State and Imported into Latvia are Sought and Returned**

5. The Inspection shall begin a search for the cultural object unlawfully imported into Latvia on the basis of a written application which has been received from the competent authority of the requesting state and which provides the information necessary for the commencement of the search regarding the unlawfully imported cultural object, actual or presumed location thereof and other information that facilitates the search.

6. If the application by the competent authority of the requesting state does not provide the information necessary for the commencement of a search for the unlawfully imported cultural object or the information is insufficient, the Inspection shall request additional information. The search shall be commenced after the receipt of the relevant information.

7. After the receipt of an application from the competent authority of the requesting state, the Inspection shall send to the State Police an application for the commencement of a search for the cultural object, as well as inform the relevant institution referred to in Paragraph 2 of these Regulations.

8. The State Police shall inform the Inspection of the results of the search for a cultural object, as well as, if the cultural product is found or there are reasonable grounds for believing that it has been unlawfully removed from the requesting state.

9. The Inspection shall send to the requesting state a notification regarding the results of a search for a cultural object.

10. The Inspection in co-operation with the State Police and the relevant institution referred to in Paragraph 2 of these Regulations shall take the necessary interim measures for the preservation of the cultural object found, as well as, on the basis of a mutual agreement, prevent any action which impedes the procedures for return thereof.

11. Within a period of two months from the date of sending the notification by the Inspection, the competent authorities of the requesting state may verify whether the object found is the cultural object sought. If the verification has not been performed within a period of two months, the interim measures referred to in Paragraph 10 of these Regulations shall be discontinued. The period for interim measures may be extended if a relevant application by the requesting state has been received.

12. If no agreement is reached regarding the return of a cultural object, the Inspection may act as an intermediary between the owner (possessor) and/or holder of the unlawfully removed cultural object and the requesting state in an extrajudicial examination process with regard to the return of the unlawfully removed cultural object, provided that written consent from the owner (possessor) and/or holder of the unlawfully removed cultural object and from the competent authority of the requesting state has been received.

13. In submitting a complaint in a Latvian court against the owner (possessor) of the cultural object or, in case there is no such owner (possessor), against the holder of the cultural object, the Inspection shall be informed thereof in writing, appending to the complaint:

13.1. a description of the relevant cultural object and documents certifying that it is a cultural object; and

13.2. a declaration by the competent authorities of the requesting state that the cultural object has been unlawfully removed from the territory of the requesting state.

14. After information regarding the initiation of court proceedings against the owner (possessor) or holder of the cultural object has been received, the Inspection shall immediately inform thereof those institutions of other Member States which organise procedures for the return of unlawfully removed art and antique objects in the relevant states.

15. The possessor in good faith of the cultural object, in accordance with the adjudication of a court, shall receive compensation (payment for losses) paid by the requesting state after the physical return of the cultural object. If the possessor has received an unlawfully removed cultural object as a donation or inheritance, he or she may not be in a more advantageous situation than the person from whom he or she has obtained the relevant object may.

### **III. Return of Cultural Objects Unlawfully Removed from Latvia**

16. After the receipt of information regarding the fact that a cultural object has been unlawfully removed from Latvia, the Inspection shall enter the necessary information in the register of stolen and lost art and antique objects, as well as, after co-ordination with the institution referred to in Paragraph 2 of these Regulations, send a written application to the country where the object unlawfully removed from Latvia is actually located or is thought to be located (hereinafter – requested state).

17. In the application, the Inspection shall specify the information necessary for a search regarding the unlawfully imported cultural object, actual or presumed location thereof and other information facilitating the search.

18. On the basis of the application referred to in Paragraph 16 of these Regulations, the Inspection shall commence a search for the unlawfully removed cultural object in another country.

19. Within a period of two months after the receipt of the application by the requested state regarding the finding of the cultural object sought, the Inspection, in co-operation with the relevant institution referred to in Paragraph 2 of these Regulations, shall ascertain whether the object found is the cultural object sought.

20. If the object found is the cultural object sought, after co-ordination with the relevant institution referred to in Paragraph 2 of these Regulations, the institution shall submit to the Ministry of Culture a proposal regarding the continuation of the return procedure of the unlawfully removed cultural object.

21. If an agreement regarding the return of the cultural object is not reached, the Ministry of Culture shall appoint a responsible institution which will represent Latvia in court proceedings, as well as it shall take a decision regarding the financial sources for the court proceedings.

22. The Inspection shall submit a complaint to the court of the requested state against the owner (possessor) of the cultural object or, where there is no such owner (possessor), against the holder of the cultural object. The following shall be appended to the application:

22.1. a description of the relevant cultural object and documents certifying that it is a cultural object; and

22.2. a declaration by the Inspection stating that the relevant cultural object has been unlawfully removed from Latvia.

23. After the submission of the complaint to the court, the Inspection shall inform thereof the institution of the requested state with which it had co-operated prior to the submission of the complaint.

24. If the court adjudication of the requested state provides for the return of the cultural object to Latvia, as well as payment of compensation (payment for losses) to the possessor in good faith, the Ministry of Culture shall cover the expenses related to the return of the unlawfully removed cultural object to Latvia – payment of compensation (payment for losses) to the possessor of the cultural object in another country, the expenses arising from the execution of the court adjudication regarding the return of the cultural object, and the expenses related to the physical preservation thereof during the return process – only after the return of the unlawfully removed cultural object to Latvia.

25. If the owner of the cultural object unlawfully removed from Latvia is not the State, the person who has owned it shall cover the expenses related to the costs of the recovery of and compensation (payment for losses) for the relevant cultural object. The cultural object shall be returned to the person after he or she has paid all the expenses referred to.

### **Informative Reference to European Union Directives**

Legal norms arising from directives 1993/7/EC, 96/100/EEC and 2001/38/EC have been included in these Regulations.

Prime Minister

E. Repše

Minister for Culture

I. Rībena

**Annex 1**  
Cabinet Regulation No. 526  
16 September 2003

**Categories and Value of Cultural Objects**

No.	Category	Cultural objects	Value (in lats)
1	2	3	4
1.	1.	Archaeological objects more than 100 years old and obtained:	any
1.1.		from excavations or found in the ground, on the ground or in water	
1.2.		- in archaeological sites	
1.3.		from archaeological collections	
2.	2.	More than 100 years old separate elements of a cultural object which form an integral part of artistic, historical or religious monuments	any
3.	3.	Paintings and drawings executed by hand on any material and by any means and which may not be included in category A3 or 4 <sup>(1)</sup>	89 100 or more
4.	3 A	Water-colours, gouache paintings and pastel drawings executed by hand on any material <sup>(1)</sup>	17 820 or more
5.	4.	Mosaics which may not be included in category 1 or 2, and drawings executed by hand on any material and by any means <sup>(1)</sup>	8910 or more
6.	5.	Original engravings, prints, serigraphs and lithographs, as well as respective plates and original posters <sup>(1)</sup>	8910 or more
7.	6.	Original sculptures and statuettes and copies thereof (when produced by the same process as originals) which may not be included in category 1 <sup>(1)</sup>	29 700 or more
8.	7.	Photographs, films and negatives thereof <sup>(1)</sup>	8910 or more
9.	8.	Incunabula and manuscripts, including geographical maps and musical scores (singly or in collections) <sup>(1)</sup>	any
10.	9.	Books more than 100 years old (singly or in collections)	29 700 or more
11.	10.	Printed geographical maps more than 200 years old	8910 or more
12.	11.	Archives of various types comprising elements more than 50 years old (irrespective of the material)	any

13.	12.	Collections <sup>(2)</sup> :	29 700 or more
13.1.		particular specimens from zoological, botanical, mineralogical or anatomical collections	
13.2.		collections of historical, palaeontological, ethnographic or numismatic value	
14.	13.	Means of transport which are more than 75 years old	29 700 or more
15.	14.	Other antique items:	29 700 or more
15.1.		from 50 to 100 years old antique items:	
15.1.1.		toys and games	
15.1.2.		glassware	
15.1.3.		goldsmiths' and silversmiths' ware	
15.1.4.		furniture	
15.1.5.		optical devices and apparatuses, photographic and cinematographic apparatuses and devices	
15.1.6.		musical instruments	
15.1.7.		clocks, watches and parts thereof	
15.1.8.		articles of wood	
15.1.9.		pottery	
15.1.10.		tapestries	
15.1.11.		carpets	
15.1.12.		wallpaper	
15.1.13.		arms	
15.2.		more than 100 years old antique items	

Notes.

<sup>(1)</sup> Cultural objects that are more than 50 years old and do not belong to the originators thereof.

<sup>(2)</sup> Collection items classified in the commodity position 9705 of the Combined Nomenclature of Latvia – items the characteristics of which comply with the requirements for admission to the collection. These are relatively rare items which are not usually used for the originally intended purpose, but special transactions regarding thereof are entered into that do not comply with the usual handling of similar utility items and which are of high value.

Minister for Culture

I. Rībena