



LAW OF UKRAINE

On Exportation, importation and restitution of cultural values

(Official bulletin (Vidomosti) of the Verhovna Rada (BBP), 1999, N 48, p.405

)

(with changes introduced in compliance with the Laws

N 594-IV ([594-15](#)) of [06.03.2003](#), BBP, 2003, N 24, p.159

N 2599-IV ([2599-15](#)) of [31.05.2005](#), BBP, 2005, N 26, p.349)

The present Law regulates relations with regard to exportation, importation and restitution of cultural values and is aimed at protection of national cultural heritage and development of international cooperation in cultural sphere.

The force of the present law is not applied on modern souvenir products, objects of cultural purpose of serial and mass production.

Part I

GENERAL CLAUSES

Article 1. Definition of terms

The terms in the present Law are applied in the following sense:

Cultural values - objects of material and spiritual culture, having artistic, historic, ethnographic and scientific significance and that are subject to preservation, renovation and protection according to the legislation of Ukraine, namely:

Original artistic works of painting, graphics and sculpture, artistic compositions and assemblages from different kinds of material, works of traditional folk arts and crafts;

Objects, pertaining to historic events, development of society and state, history of science and culture as well as those, pertaining to life and activity of prominent national figures, political parties, public and religious organizations, science, culture and arts;

Objects of museum value, found during archeological digs;

Constituting parts and fragments of architectural, historic, artistic heritage and works of monumental art;

Ancient books and other editions of historic, artistic, scientific and literary value, separate or as a part of collection;

Manuscripts or incunabula, first prints, archival documents, including cine-, photo- and phonodocuments, separate or as a part of a collection;

Unique or rare musical instruments;

Different types of weapons of artistic, historic, ethnographic and scientific value;

Rare postage stamps, other philatelic materials, separate or as a part of a collection;

Rare coins, decorations, medals, stamps and other objects of collecting;

Zoological collections of scientific, cultural and educational, teaching or esthetical value;

Rare collections and specimen of flora and fauna, mineralogy, anatomy and paleontology;

Family valuables - cultural values, objects of personal or family nature;

Collection of cultural values - homogenous objects or objects selected according to certain characteristics that, independently from cultural value of each and every one of them, are of artistic, historic, ethnographic or scientific value;

Exportation of cultural values – practical displacement of cultural values from the territory of Ukraine by legal or natural persons through the Ukrainian customs border with any purpose and without obligation of their return to Ukraine;

Importation of cultural values – practical displacement by legal or natural persons of cultural values from the territory of a foreign state to Ukraine through the Ukrainian customs border with any purpose and without obligation of their return from Ukraine;

Temporary exportation of cultural values – stipulated by the Contract displacement of cultural values from the territory of Ukraine by legal or natural persons with any legal aim through the customs border of Ukraine with an obligation of their return in Ukraine in the period stipulated by the Contract;

Temporary importation of cultural values - stipulated by the Contract displacement of cultural values from the territory of a foreign state to Ukraine by legal or natural persons with any legal aim through the customs border of Ukraine with an obligation of their return from the territory of Ukraine in the period stipulated by the Contract;

Transit of cultural values through the territory of Ukraine – displacement of cultural values by any legal means and with any purpose from the territory of one foreign state to the territory of another foreign state through the territory of Ukraine without exploit of these cultural values on the territory of Ukraine;

Illegally exported cultural values - cultural values, exported from the territory of Ukraine with violation of Ukrainian legislation and international legal norms, without return after the end of the stipulated by the Contract temporary exportation period or in case of divergences with the terms, regulating such temporary;

Illegally imported cultural values – cultural values, imported on the territory of Ukraine with violation of Ukrainian legislation and international legal norms, regulating the procedure of importation of cultural values;

Restitution of cultural values – a total of actions, related to importation to the territory of Ukraine or exportation from the territory of Ukraine to other states of cultural values according to suits and claims of Ukraine, other states, their authorized bodies, decisions of Ukrainian or foreign courts.

Article 2. Legislation of Ukraine on exportation, importation and restitution of cultural values

Legislation of Ukraine on exportation, importation and restitution of cultural values is composed of the Constitution of Ukraine ([254к/96-BP](#)), Basic legislation of Ukraine on Culture ([2117-12](#)), this Law, international contracts of Ukraine and other legal acts

If the international contract of Ukraine, consented as obligatory by the Verhovna Rada of Ukraine is regulated by principles, other than those provided for by the legislation of Ukraine on exportation, importation and restitution of cultural values, then the principles of the international contract are applied.

The order of exportation, importation and restitution of cultural values is applied to all cultural values independently from the form of property and is obligatory for carrying out for all natural and legal persons residing or carrying out their activities on the territory of Ukraine.

Article 3. Cultural values of Ukraine

According to the Ukrainian legislation the cultural values of Ukraine are:

Cultural values, produced on the territory of Ukraine by the citizens of Ukraine;

Cultural values, produced on the territory of Ukraine by foreigners or persons without citizenship, residing permanently or having resided on the territory of Ukraine;

Cultural values, discovered on the territory of Ukraine;

Cultural values, imported to Ukraine and obtained by archeological, archeographic, scientific and other expeditions with consent of relevant bodies of the country of origin of the mentioned values;

Cultural values, imported to Ukraine, obtained as a result of voluntary exchange;

Cultural values, imported to Ukraine granted or obtained with consent of the relevant bodies of the country of origin of the mentioned values;

Illegally exported cultural values of Ukraine, being outside its territory;

Cultural values, evacuated from the territory of Ukraine during wars, armed conflicts and not being returned;

Cultural values, temporarily exported from the territory of Ukraine and not returned to Ukraine;

Cultural values, displaced on the territory of Ukraine as a result of the Second World War as a partial compensation for damages, inflicted by the invaders.

Article 4. Cultural values subject to return to Ukraine

Subject to return to Ukraine are:

Cultural values, illegally exported from the territory of Ukraine;

Cultural values, evacuated from the territory of Ukraine during wars, armed conflicts and not returned;

Cultural values temporarily exported from the territory of Ukraine and not returned to Ukraine.

Cultural values, situated outside Ukraine on legal basis can be returned by means of concluding and contract on purchase and sale with the owner of cultural values, their exchange on mutually beneficial basis or by receiving at as grant.

Article 5. Restitution of cultural values from the territory of Ukraine

Cultural values owned on legal grounds by natural or legal persons of Ukraine, whose origin is related to the history and culture of other states, can be returned to these states by means of concluding an contract of purchase and sale with the owner of the cultural values, exchange on mutual basis or receiving it as grant.

Article 6. Importation to Ukraine, sending and export outside its borders of zoological collections

Importation to Ukraine, sending and export outside its borders of zoological collections is carried out according to rules set by the Ministry of environmental protection and nuclear safety of Ukraine.

Article 7. Encouragement of persons, facilitating restitution of cultural values to Ukraine.

Citizens of Ukraine, foreigners and persons without citizenship, who facilitate restitution of cultural values to Ukraine, may be encouraged according to the legislation of Ukraine.

With consent of an individual, having granted Ukraine cultural values, the name of the grantor is mentioned during their attribution and exhibit.

Part II

**MANAGEMENT AND CONTROL OVER EXPORTATION,
IMPORTATION AND RESTITUTION OF CULTURAL VALUES**

Article 8. State authority, executing control over exportation, importation and restitution of cultural values

A specially authorized state organ of control over exportation, importation and restitution of cultural values is the State service of control over displacement of cultural values through the state border of Ukraine under the Ministry of culture and arts of Ukraine (further on – the State service of control).

The State service of control executes the entrusted mission in cooperation with the specially authorized central organ of executive power in the sphere of archives and record-keeping, the National commission on restitution to Ukraine of cultural values, State customs service, law enforcement services. (Second part of the article 8 with changes, introduced in compliance with the law N 594-IV ([594-15](#)) of [06.03.2003](#))

Article 9. Inter-departmental council on exportation, importation and restitution of cultural values

In order to coordinate the work of ministries and other central bodies of executive power in management and control over exportation, importation and restitution of cultural values, an Inter-departmental council on exportation, importation and restitution of cultural values is created. The composition of the Inter-departmental council on exportation, importation and restitution of cultural values as well as its status is approved by the Cabinet of Ministers of Ukraine.

Article 10. Field of competence of the State service of control

The State service of control within the limits of its competence:

Ensures the realization of the state expertise of cultural values, claimed for exportation (temporary exportation) and by its return after temporary exportation;

Examines the petitions of owners of cultural values or authorized persons;

Takes decision on the possible exportation (temporary exportation) of cultural values;

Delivers certificates on the right of exportation (temporary exportation) of cultural values;

Realizes registration of imported (temporarily imported) cultural values;

Sets up registers of cultural values, that are exported (temporarily exported) and sets the regime of temporary exportation;

Informs the public in Ukraine and outside its borders of the facts of loss or theft of cultural values;

Takes necessary measures for restitution of stolen, illegally exported, evacuated and unreturned cultural values;

Sets up and implements measures aimed at realization of international obligations of Ukraine with regard to prevention of illegal exportation, importation and restitution of cultural values.

Article 11. State expertise of cultural values

Declared for exportation (temporary exportation) and returned after temporary exportation cultural values are subject to mandatory state expertise. The order of carrying out of the state expertise of cultural values and amount of its payment are approved by the Cabinet of Ministers of Ukraine.

Refusal of the natural or legal person, who has initiated a petition on exportation (temporary exportation) of cultural values, to present for state expertise the declared for exportation cultural values is regarded as the refusal of the declarant of their exportation.

In case the result of the state expertise gives grounds for inscription of the declared for exportation cultural value to the State Register of national cultural heritage, the materials of the expertise are transmitted to the relevant central body of executive power regardless of the consent of the person, who has initiated the petition.

Article 12. Decision on the possibility of exportation (temporary exportation of cultural values)

Upon the petition of the owner of cultural values or the authorized person the State service of control takes decision, based on the result of the state expertise, on the possibility or impossibility of exportation of cultural values. The owner of the cultural values or his authorized person is informed of the decision taken in written form within one month's time from the official receipt of the petition.

Article 13. Certificate on the right of exportation (temporary exportation) of cultural values

In case the State service of control takes decision on possibility of exportation (temporary exportation) of cultural values, the owner of cultural values or authorized person is given a certificate of a standard form on the right of exportation (temporary exportation) of cultural values. The sample of the

certificate concerning the right of exportation (temporary exportation) of cultural values is approved by the Cabinet of Ministers of Ukraine.

The certificate on the right of exportation (temporary exportation) of cultural values is the basis for admission of the mentioned in the certificate cultural values through the customs territory of Ukraine. The exportation of cultural values without such certificate is prohibited.

Part III

EXPORTATION AND IMPORTATION OF CULTURAL VALUES

Article 14. Cultural values not subject to exportation from Ukraine

Not subject to exportation from Ukraine are:

Cultural values, inscribed to the State Register of national cultural heritage;

Cultural values inscribed to the National archive fund;

Cultural values inscribed to the Museum fund of Ukraine.

Article 15. Procedure of acquiring the right to exportation of cultural values

Application for the right to exportation of cultural values is to be submitted not later than in a month before the date of their exportation by the owner or person, authorized by him, to the States control service

Application should be attached by:

document, that confirms the right of ownership of cultural values;

decision of state commission of experts.

Article 16. Exportation of family values

Family values, which are not in state museums charge, institutions, libraries and other state storehouses of cultural values, are exported according to legislature of Ukraine.

Article 17. Exportation of personal decorations

In case of citizens leaving for the permanent residence to other states, they are allowed to export their personal decorations, confirmed by order books or award certificates.

Exportation of decorations, which left after the dead parents, by citizens leaving for the permanent residence to other states, is possible on the basis of presenting the documents, which confirm citizens leaving for the permanent residence to other states, death certificate, order books or award certificates and documents that confirm relative relations.

Article 18. Exportation of cultural values by persons which have diplomatic privilege

Procedure of exportation of cultural values, determined by this Law, applies to the persons, which have diplomatic privilege. Personal luggage of mentioned persons may be the subject to customs examination according to customs legislation of Ukraine and international treaties of Ukraine.

Article 19. Exportation of cultural values by international post service carriage

Exportation of cultural values by international post service carriage is conducted according to procedure determined by this Law, customs legislation of Ukraine.

(Article 19 with amendments, adopted according to the Law N 2599-IV ([2599-15](#)) of [31.05.2005](#))

Article 20. Acquisition into state property of cultural values, declared for exportation

On the basis of decision of state commission of experts Ministry of culture and arts, specially authorized body of executive power in the sphere of archives and proceedings, Inter-departmental council on exportation, importation and restitution of cultural values may take a decision about the necessity of acquiring cultural value, declared for exportation, for the state part of museum, library and archive reserves at the price, declared by the owner of cultural value in the application about issuing of certificate for the right to its exportation and confirmed by experts decision. At the same time a postponement of payments may be given for the period up to 3 months, during which the State body should find out the money for acquiring of this cultural value. (Article 20 with amendments, adopted according to the Law N 594-IV ([594-15](#)) of [06.03.2003](#))

Article 21. Importation of cultural values in Ukraine

Cultural values, which are imported in Ukraine, are the subject for registration according to the procedure, determined by the Ministry of Culture and Arts of Ukraine, specially authorized central body of executive power in the sphere of archives and proceedings together with State customs service of

Ukraine. During the importation of cultural values into the territory of Ukraine certificate for the right of their exportation is presented to the customs body, if it envisaged by the legislation of the State, from which cultural values are imported. In the case of absence of such certificate imported values are to be arrested by customs bodies of Ukraine until clarification of their owner and receiving his instruction concerning further relocation or use of these values. Such instruction has to be confirmed by diplomatic mission or consular office of the country, citizen of which is the owner of the cultural values.
(Article 21 with amendments, adopted according to the Law N 594-IV ([594-15](#)) of [06.03.2003](#))

Article 22. Cultural values prohibited for import

Import of cultural values declared under search is prohibited. Such cultural values are to be confiscated by customs bodies of Ukraine with the purpose of their restitution to the owner according to the established procedure.
This article is also applied to the pirate copies of works of arts.

Part IV

TEMPORARY EXPORTATION AND TEMPORARY IMPORTATION OF CULTURAL VALUES

Article 23. Temporary exportation of cultural values

Temporary exportation of cultural values may be conducted by natural and juridical persons:

- for arrangement of exhibitions;
- for conducting restoration works and scientific researches;
- in connection with theater, concert and other artistic activity;
- in other cases, envisaged by the legislation of Ukraine.

Those cultural values, which were temporary exported from Ukraine and were not returned in the provided by the contract period, are considered unlawfully exported.

Article 24. Procedure of temporary exportation of cultural values

Application about the certificate for temporary exportation of cultural values is presented by the owner or person authorized by him to the State control service.

Application is to be attached by:

notarized copy of the contract with receiving side about the purpose, guarantee of safe preservation and restitution of cultural values in the period provided by the contract;

document on insurance of cultural values, which are temporary exported, with providing of all cases of insurance risk or document on State guarantee of financial cover of any risk, issued by a country, receiving cultural values;

document, that confirms the rights to property of cultural values;

decision of State commission of experts.

Article 25. Refusal of issuing the certificate for the right of temporary exportation of cultural values

Certificate for the right to temporary exportation of cultural values can not be issued if:

guarantee on safe preservation and return of cultural values in the period, provided by the contract are absent;

cultural values, declared for temporary exportation are in such condition, that renders the change of their keeping conditions impossible;

cultural values are the subject of dispute concerning the right of their ownership;

insurance cost of cultural values, declared for temporary exportation, does not correspond with their real cost;

cultural values, declared for temporary exportation, are under search;

in the State, to which the temporary exportation of cultural values is envisaged, natural disaster occurred, armed conflicts appeared, state of emergency is imposed or there are other obstacles, which prevent the securing of safe preservation and return of cultural values, which are temporary exported into this State.

Article 26. Terms of contract on temporary exportation of cultural values

Terms of contract on temporary exportation of cultural values can not be changed after the issuing certificate for the right to temporary exportation of cultural values.

Article 27. Procedure of temporary exportation of cultural values

Cultural values that are temporary exported to Ukraine, are to be registered according to procedure, determined by the State control service together with State customs service of Ukraine.

Part V

RIGHT TO OWNERSHIP OF CULTURAL VALUES

Article 28. Right to ownership of cultural values

Cultural values, confiscated by customs bodies or law enforcement agencies, and also confiscated according to court decision, are returned free of charge to the Ministry of culture and arts of Ukraine, specially authorized central body of executive power in the sphere of archives and record keeping, which secure their preservation, examination and information about them with the purpose of the property right clarification. (Part I of Article 28 with amendments, adopted according to the Law N 594-IV ([594-15](#)) of [06.03.2003](#))

After clarification of the right of property on the mentioned cultural values they are to be returned according to the established procedure to legal owner or person, authorized by him.

Expenses for preservation and examination of cultural values are covered by the owner if other is not envisaged by the legislation of Ukraine or court decision.

If withdrawn or confiscated cultural values are transferred into the income of the State according to the Law, Inter-departmental council on exportation, importation and restitution of cultural values is taking decision on the return of these cultural values free of charge for permanent safe preservation to the State part of museum-, library an archival reserves or to the religious organizations.

Article 29. Preventing of acquisition of cultural values illegally exported from other states, stolen or unfairly acquired

For preventing of acquisition of cultural values illegally exported from other states, stolen or unfairly acquired natural and juridical persons irrespective of the form of property, which wish to possess the rights of property

on cultural values, should take necessary measures for receiving information about origin of these cultural values.

Juridical and natural persons which conduct trade activity with regard to cultural values, should keep a register, containing information about origin of each cultural value, family name, name, patronymic and address of supplier, description of cultural value and its cost.

Article 30. Vindication of cultural values from illegal possession

National Commission on return of cultural values in Ukraine assists the owners or persons authorized by them in the process of bringing suits and presenting applications on vindication of cultural values from illegal possession.

Article 31. Return of illegally imported cultural values to Ukraine

Return of illegally imported cultural values to Ukraine is conducted according to the legislation of Ukraine or court decision.

Illegally imported to Ukraine cultural values, which are returned, are exempted from taxes and other duties. All expenses related to return of cultural values are to be covered by the side insisting on their return.

Article 32. Rights of bona fide holder of cultural values

Natural or juridical persons in possession of cultural values, unaware that these values were stolen earlier or illegally exported, are recognized as bona fide holders of cultural values.

In case of acquisition of stolen or illegally exported cultural values from other states, the mentioned values are to be returned to legal owner. Bona fide holder of cultural value has the right to receive compensation in case of its restitution.

The State or owner, requesting restitution of illegally exported cultural values, compensate, in case of their restitution, the expenses for their preservation, restoration, examination etc.

Article 33. Contracts concerning cultural values

For prevention of illegal exportation of cultural values and giving the right of property on them, all contracts concerning cultural values, which are under the effect of this Law, are concluded in the written form.

Contracts, concluded with violation of this Law, are considered invalid.

Article 34. Transit of cultural values

Transit of cultural values through the territory of Ukraine is regulated by customs legislation and international treaties of Ukraine.

Article 35. Tax payments for cultural values

In case of exportation or importation of cultural values tax is paid according to the laws of Ukraine.

Part VI

INTERNATIONAL COOPERATION

Article 36. International cooperation of Ukraine in the sphere of prevention of illegal exportation, importation of cultural values and giving them the right of property

Ukraine takes part in international cooperation in the sphere of prevention of illegal exportation, importation of cultural values, giving them the right of property and also in restituting illegally exported and imported cultural values to legal owners according to Constitution and legislation of Ukraine.

Part VII

RESPONSIBILITY FOR VIOLATION OF LEGISLATION OF UKRAINE
ON EXPORTATION,
IMPORTATION AND RESTITUTION OF CULTURAL VALUES

Article 37. Responsibility for violation of legislation of Ukraine on exportation, importation and restitution of cultural values

Persons, charged for violation of legislation of Ukraine on exportation, importation and restitution of cultural values, are subject to responsibility according to the legislation of Ukraine.

Part VIII

FINAL PROVISIONS

1. This Law shall come into force starting from the day of its publication.
2. Until the adaptation of legal acts according to the present Law they function in the part which does not contradict with this Law.

3. In three months starting from the day of enactment of this Law, the Cabinet of Ministers of Ukraine has to:

submit to Verhovna Rada of Ukraine proposals concerning the amendments to the laws of Ukraine resulting from the present Law;

elaborate and to bring its legal acts in correspondence with this Law;

provide the revision and cancellation by the ministries and other Ukrainian central bodies of executive power their legal acts contradicting the present Law.

President of Ukraine

L.Kuchma

Kyiv, 21 September, 1999
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