

The Submission of Requests for the Export of Objects of Cultural Value Pursuant to the Act No. 71/1994 Coll.

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This report deals with the submission of requests for the issuance of certificates in accordance with Law No. 71/1994 Coll., on the sale and export of objects of cultural value, as subsequently amended. Complete information on the possibilities of exporting and selling objects of cultural value is available on the web site of the Ministry of Culture of the Czech Republic, www.mkcr.cz (to access this information in Czech, click on: www.mkcr.cz → Struktura → Kulturní dědictví → Sbírký a muzea → Metodické pokyny a formuláře → Postupy při vyřizování žádostí a jiných dožadání veřejnosti = www.mkcr.cz → Structure → Cultural heritage → Collections and Museums → Methodological Guidelines and Forms → the file titled “ Procedures for dealing with requests and other requests from the public”).

Notification No. 1: The Act No. 71/1994 Coll. concern export of cultural objects except of registered cultural monuments, national cultural monuments, registered collections of a museum character and collection items that form part of those collections, as well as archival materials and original artworks created by living artists. It is stipulated in that the National Gallery Prague can only issue a certificate for the permanent or temporary export of objects of cultural value in the field of visual arts specified in the list given in Article IV, Supplement 1 of the Act, to applicants residing in the capital of Prague and the regions of Central Bohemia, South Bohemia, Pilsen, Karlovy Vary, Ústí nad Labem, Liberec, Hradec Králové and Pardubice.

Notification No. 2: The list given in Article IV, Supplement 1 of the Act No. 71/1994 specifies in various fields of the visual arts items that are objects of cultural value. The market price and the date of creation of the relevant artworks form an integral part of the specification. For example, Point 1 of the list mentions “*paintings executed in any media on any material*”, whose market price exceeds 30,000 CZK and are older than fifty years. Paintings executed in any media, whose market price is lower than 30,000 CZK or whose date of creation is shorter than fifty years are not specified in the Act No. 71/1994 as objects of cultural value, which means that the act does not determine their export in any way. The National Gallery Prague is therefore not legally authorized to grant export certificates in accordance with the aforementioned Act. Should the exporter wish to export such “*a painting executed in any media on any material*”, the exporter must have documents available for Customs inspection confirming that the item’s market price is lower than 30,000 CZK (a certificate in the form of a statement documenting the acquisition of such a work, or the appraisal by a certified expert in

economics, or in price assessment and the valuation of artworks, who are recorded in the list of certified experts kept by the relevant municipal or district courts), or stating that the painting was created less than fifty years ago. Such certificates are sufficient for the export of these items and there is no need to request the National Gallery Prague to grant certificates confirming that the works for export are not objects of cultural value in accordance with the Act No. 71/1994. Information on the price of the “painting” and the date of its creation is the exclusive responsibility of the exporter. Should the National Gallery Prague be requested to state that the “painting” is not an object of cultural value in accordance with the Act No. 71/1994, the National Gallery will require a certificate on its market price and date of its creation. On these grounds, the National Gallery will only make reference to the applicant's claim and state that if the market price of the “painting” is lower than 30,000 CZK and the age of the “painting” is less than fifty years, as the applicant claims, then the item under consideration is not an object of cultural value as governed by the Act No. 71/1994.

Notification No. 3: The issuance of certificates for the export of artworks with religious themes or works depicting Church figures is in the legal competence of the National Heritage Institute. The National Gallery Prague is not authorized to issue such certificates.

In accordance with the Act No. 71/1994, applicants can submit:

- A request for the issuance of a certificate for the export of works of art from the Czech Republic **for a limited period of time, to be submitted on the following application forms:**
Page 1 of Sheet A, Page 1 of Sheet B, Page 1 of Sheet C, Page 1 of Sheet D, Page 2 (reverse side) of Pages A, B, C, D
- A request for the issuance of a certificate **for the permanent export of works of art from the Czech Republic, to be submitted on the following application forms:**
Page 1 of Sheet A, Page 1 of Sheet B, Page 1 of Sheet C, Page 1 of Sheet D, Page 2 (reverse side) of Pages A, B, C, D

Pages 2 of the requests (both pages are on one sheet) are filled out only by the specialized institutions listed in the Supplement to Law No. 71/1994. The National Gallery Prague is one of them.

Each request comprises four sheets marked with the letters A, B, C, D. The applicant fills out only the first page of each form, to which the applicant **attaches (but does not paste) four photographs of the artwork under consideration as viewed from the front and four photographs of the artwork as viewed from the back, in the required format.**

Pages 2 of the requests (both pages are on one sheet) are filled out only by the specialized institutions listed in the Supplement to the Act No. 71/1994. The National Gallery Prague is one of them.

The text of the request A through D is identical, differing only in being marked with the letters A through D at the top right of the requests' first page, with the letters designating the various recipients of the request.

Requests are submitted in writing, accompanied by a covering letter with the applicant's signature and, in the case of a legal entity, with a stamp. The covering letter shall list all identification information that the National Gallery Prague, after verifying it, enters onto Page 2 of the request for the granting of a certificate for the permanent or temporary export of a work of art. We recommend that the applicants mention in the covering letter whether they are interested in collecting the export certificate in person or through the mail, and that they include their phone number, fax number and/or email address.

In accordance with the Act No. 71/1994, the request is submitted by the owner of the artwork. The law allows for the request to be submitted by another person. However, this other person is required to attach the original or an officially verified copy of a power of attorney, in which the owner of an artwork authorizes that person to represent him/her in matters that are precisely specified in that power of attorney.

In accordance with the Act No. 71/1994, the National Gallery Prague can call upon the owner to co-act. In case of such an appeal to collaborate, the owner is obliged to enable the National Gallery Prague to inspect the object of cultural value.

The National Gallery Prague will not accept a request if:

1. the request is not submitted on a prescribed application form, the information on Page 1 of the request is incomplete or all four duplicates (A through D) of the request are not filled in identically and with identical photographs attached,
2. some necessary information is missing in the covering letter signed by the owner (or a person authorized by the owner in an original or an officially verified copy of a power of attorney), which information the National Gallery Prague must fill in on Page 2 of the request,
3. an original or an officially verified copy of a power of attorney is missing from the request, should the request not be submitted by the owner of the artwork,
4. the object is not specified in the list of Article IV of Supplement 1 of the Act No. 71/1994 Coll.,
5. the National Gallery Prague is not authorized to issue such a certificate due to the applicant's place of residence being outside the National Gallery's region of competence.

In all of the above-mentioned instances, the National Gallery Prague will inform the applicant that the request has been rejected and will state the reasons why. In cases listed under Points a. through c., the Gallery will invite the applicant to correct or complete the necessary information, should the applicant insist on the further processing of the request.

In the case that the request for the issuance of a certificate for the permanent or temporary export of an artwork is complete, i.e. it includes all the necessary information, the National Gallery Prague will accept the request and will have 21 calendar days to process it, beginning the day a complete request is delivered.

The National Gallery Prague will not issue a certificate for the permanent or temporary export of an artwork pursuant to the Act No. 71/1994 Coll., should an expert statement conclude that the item:

1. cannot be exported in accordance with the Act No. 71/1994 Coll. (see Notification No. 1 or consult the Web page of the Ministry of Culture of the Czech Republic mentioned in the first paragraph of this report),
2. shows hallmarks for which it deserves protection governed by special legal regulations (Act No. 20/1987 Coll., on State Heritage Preservation, as subsequently amended)
3. is reasonably suspected to be a stolen artwork or one that has gone missing.

In the case of Point b., the National Gallery Prague will refer the request to the Ministry of Culture for further processing within 21 days from its delivery and at the same time will duly inform the applicant who is requesting the issuance of such an export certificate.

A permanent export certificate is subject to a fee of 500 CZK for each and every object of cultural value, for which the certificate is issued. The issuance of a certificate for the temporary export of an object of cultural value is exempt from a fee.

A permanent export certificate is valid for no more than three years from the day it was issued.

The National Gallery Prague will inform the applicant requesting the issuance of a permanent or temporary export certificate as follows:

Should a temporary export certificate be issued:

1. where the applicant for a temporary export certificate has not expressed an interest in collecting it in person, the National Gallery Prague will send the certificate to him/her, together with a delivery note
2. where the applicant for a temporary export certificate wishes to collect it in person, the National Gallery Prague will send a written notice to him/her, or will inform the applicant in another way, which the applicant requested in the covering letter accompanying the application.

Should a permanent export certificate be issued:

1. where the applicant for a certificate for permanent export has not expressed interest in collecting the certificate in person, the National Gallery Prague will send an advice that the certificate has been prepared, together with an invoice for the sum to be paid. After the National Gallery Prague receives the payment based on the invoice, the Gallery will send the permanent export certificate in writing, together with a delivery note
2. where the applicant for a certificate for permanent export wishes to collect it in person, the National Gallery Prague will send an advice that the certificate has been prepared, or will inform the applicant in another way, which the applicant requested in the covering letter accompanying the application. At the same time, the Gallery will inform the applicant how much and where he/she should pay for the certificate, and will determine the place where the applicant may collect the permanent export certificate.

Should a permanent or temporary export certificate not be issued for any of the above-mentioned reasons, the National Gallery Prague will duly inform the applicant, always in writing.

Notification No. 4: Exports of objects from the customs territory of the European Union are pursuant to the Act No. 214/2002 Coll., on the Export of Cultural Goods from the Customs Territory of the European Union. Detailed information on how to apply this law is stated in Chapter 2 of the “Methodological Instructions” issued by the Ministry of Culture of the Czech Republic, which is referred to in the first paragraph of this report.