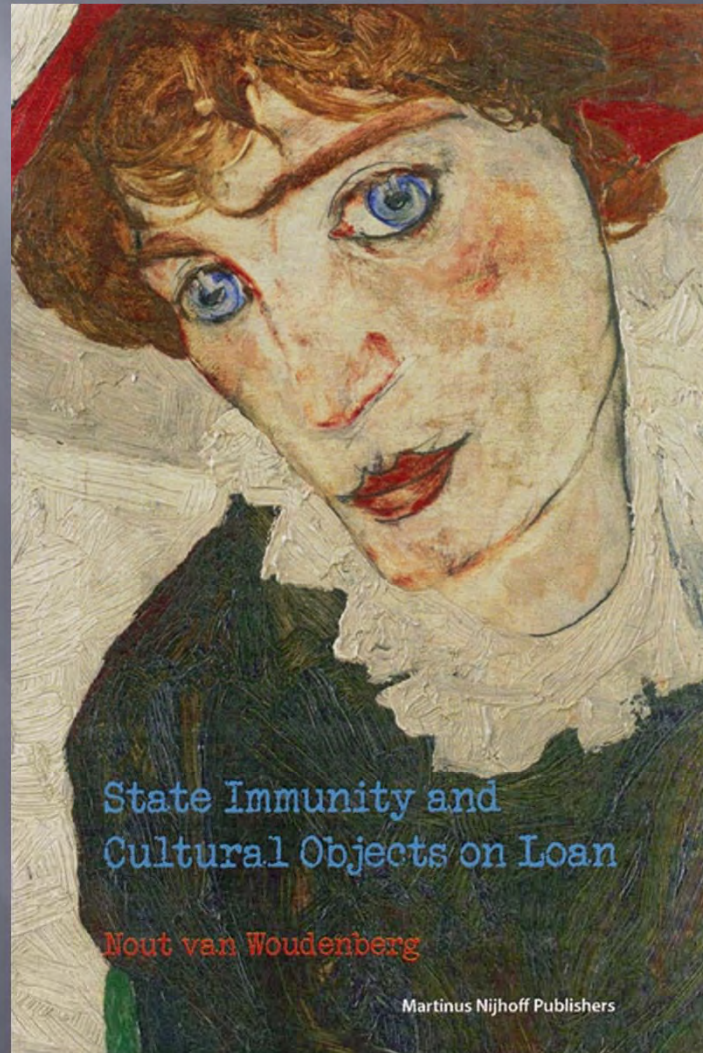


Situation in the Netherlands



“Based on customary international law, cultural objects belonging to foreign States and on temporary loan in the Netherlands are to be considered as property intended for public service, as long as the objects do not clearly have a commercial goal.”

Code of Civil Procedure

Act on General Provisions of Kingdom
Legislation

Court Bailiffs Act



Code of Civil Procedure
(articles 436 and 703):

“Goods intended for public service
may not be seized.”

Decisive is whether the objects are
INTENDED FOR PUBLIC SERVICE

Act on General Provisions of Kingdom Legislation (section 13a):

“The jurisdiction of the courts and the execution of judicial decisions and deeds are subject to the exceptions recognised in international law.”

Court Bailiffs Act (section 3a):

empowers the State to intervene if it considers that the service of a notification of seizure would be contrary to the obligations of the Netherlands under international law

Minister of Justice

(consults)

International Law Division
of the Ministry of Foreign Affairs

(advices)

Minister of Justice

(notifies)

bailiff

Due to legislation and judicial practice in the Netherlands, the risk of property forming part of the cultural heritage of a foreign State being subject to seizure in the Netherlands is minimal.

The final ruling is always up to the judiciary.

GUARANTOR'S DECLARATIONS

A reassurance to the lender and a commitment of effort that in case an attempt to seize the objects would be made, the authorities of the borrowing State will do everything in their power to prevent or stop that.

Explanatory Letter

- reference is made to existing Dutch legislation
- as well as to the fact that NL considers it established judicial practice to treat cultural objects of a foreign State that are in NL temporarily for an exhibition as goods intended for public service and as such immune from seizure

THANK YOU! (END OF PART 3)

