

MEMORANDUM D19-4-1

Ottawa, May 17, 1993

SUBJECT

EXPORT OF CONTROLLED CULTURAL PROPERTY (CULTURAL PROPERTY EXPORT AND IMPORT ACT)

This Department assists the Department of Communications with the administration of the Cultural Property Export and Import Act. This Memorandum explains the legislation, how to obtain a cultural property export permit, and the permit validation procedure.

GUIDELINES AND GENERAL INFORMATION

1. This legislation is designed to protect Canada's national heritage through the establishment of export restrictions for objects of historical, scientific, and cultural significance.

Control List

2. These restrictions are accomplished by means of a Canadian Cultural Property Export Control List which defines categories, age, and value limits for cultural property subject to this legislation. To obtain a copy of the Control List, contact the Office of Movable Cultural Property (see paragraph 19 of this Memorandum).

3. The Control List includes objects of cultural value which have archaeological, prehistorical, historical, artistic or scientific interest.

4. The Control List does not apply to objects which are less than 50 years old, or made by a person still living.

Application for Export Permits

5. The export of controlled cultural property is subject to a permit procedure which is administered by designated permit issuing officers at specified Customs offices across Canada (see the Appendix to this Memorandum).

6. These permit issuing officers, upon completion of the application form by the exporter, will either issue the export permit, or refer the application to an expert examiner for a decision. Expert examiners are Canadian residents or Canadian institutions designated by the Department of Communications.

Permit Validation - Permanent or Temporary Exportation

7. A permit to export cultural property may be issued by a permit issuing officer to authorize either the permanent or temporary export of an object. Temporary export is not to exceed five years from the date of export.

8. In either case, the exporter is responsible for the presentation of a completed Permit to Export Cultural Property to Canada Customs at the place of export.

9. Upon presentation, the permit should be validated by a Customs Inspector who will:

(a) ensure that the permit has been completed and authorized by a designated permit issuing officer in the allocated space;

(b) ensure that the permit is in effect; i.e., the effective and expiry dates have been completed on the permit by the permit issuing officer;

(c) ensure that the permit is signed and Customs date stamped in the proper space; and

(d) forward the permit to the Office of Movable Cultural Property.

Permit Validation - Importation After Temporary Export

10. Upon importation after temporary export of an object subject to this legislation, the importer/owner is responsible for the presentation to Canada Customs of a Notice of Return to Canada.

11. Upon presentation, this form should be validated by a Customs Inspector who will:

(a) ensure that the importer/owner has properly completed the Notice of Return to Canada;

(b) validate (Customs date stamp and sign) the form; and

(c) return the form to the importer/owner; in this case the importer/owner is responsible for forwarding the completed form to the Office of Movable Cultural Property.

Non-Compliance

12. Should an exporter of cultural property present an invalid or incomplete export permit, Customs Inspectors should immediately seek the advice of the Office of Movable Cultural Property.

13. Should an exporter fail to present an export permit at the time of export, for an object which a Customs Inspector has reason to believe is subject to this legislation, the Inspector should forward a detailed description of the goods along with the name and address of the exporter to officials of the Office of Movable Cultural Property.

14. Customs Inspectors, other than those designated as permit issuing officers, are not normally expected to determine whether an object is subject to export controls under this legislation. The onus is on the exporter, whether it be a dealer, collector, institution, or the public at large, to obtain information and comply with the permit procedure for objects which may be considered cultural property.

Appeals

15. Decisions which refuse the permanent export of an object included in the Control List, may be appealed by the applicant to a Review Board in Ottawa. Questions concerning the appeals procedure should be directed to the Office of Movable Cultural Property.

Detention

16. Cultural Property subject to this legislation may be detained by Customs on behalf of the Department of Communications.

Penalty Information

17. Any person who contravenes the provisions contained in the Cultural Property Export and Import Act is guilty of an offence, and is liable:

(a) on summary conviction - to a fine not exceeding \$5,000, or to imprisonment for a term not exceeding twelve months, or both; or

(b) on conviction upon indictment - to a fine not exceeding \$25,000, or to imprisonment for a term not exceeding five years, or both.

Additional Information

18. The permit issuing officers listed in the Appendix to this Memorandum should be contacted for more information concerning the Cultural Property Export and Import Act, applications for Cultural Property Export Permits, or for processing and validation of a permit to export cultural property.

19. Additional information on this legislation may be obtained from:

Office of Movable Cultural Property
Department of Communications
300 Slater Street, Room 348
Ottawa, Ontario
K1A 0C8

Telephone: 613 990-4161
Telex: 053-3342
Facsimile: 613 952-1231

20. Questions concerning Customs administration of the procedures outlined in this Memorandum should be directed to Inspection and Control Division, Customs Headquarters in Ottawa at:

Telephone: 613 954-7129
Telex: 053-3330
Facsimile: 613 952-1698

APPENDIX

PERMIT ISSUING OFFICERS

Newfoundland

Chief Officer of Customs
c/o Commercial Operations
Revenue Canada
Customs, Excise and Taxation
215 Water Street
P.O. Box 77
St. John's, Newfoundland
A1C 6C9

Telephone: 709 772-2425
Facsimile: 709 772-2286

Nova Scotia

Chief Officer of Customs
c/o Commercial Operations
Revenue Canada
Customs, Excise and Taxation
Quinpool Centre
6169 Quinpool Road
P.O. Box 3080 South
Halifax, Nova Scotia
B3J 3G6

Telephone: 902 426-5608
Telex: 019-22529
Facsimile: 902 426-2359

New Brunswick

Chief Officer of Customs
c/o Commercial Operations
Revenue Canada
Customs, Excise and Taxation
633 Queen Street
P.O. Box 190
Fredericton, New Brunswick
E3B 4Y9

Telephone: 506 452-3274

Facsimile: 506 452-3821

Prince Edward Island

Chief Officer of Customs
c/o Commercial Operations
Revenue Canada
Customs, Excise and Taxation
Dominion Building
97 Queen Street
P.O. Box 1266
Charlottetown, Prince Edward Island
C1A 7M8

Telephone: 902 566-7275

Quebec

Chief Officer of Customs
c/o Operational Services
Revenue Canada
Customs, Excise and Taxation
6th Floor
400 Youville Square
Montréal, Quebec
H2Y 2C2

Telephone: 514 283-2940

Facsimile: 514 283-9945

Chief Officer of Customs
c/o Operational Services
Revenue Canada
Customs, Excise and Taxation
130 Dalhousie Street, Room 202
Québec, Quebec
G1K 7P6

Telephone: 418 649-6492
Telex: 051-3908
Facsimile: 418 649-8069

Ontario

Chief Officer of Customs
c/o Commercial Operations
Revenue Canada
Customs, Excise and Taxation
2265 St. Laurent Blvd.
Ottawa, Ontario
K1G 4K3

Telephone: 613 991-0501
Facsimile: 613 957-9080

Chief Officer of Customs
c/o Metro Toronto Operations
Revenue Canada
Customs, Excise and Taxation
1 Front Street West
P.O. Box 10, Station A
Toronto, Ontario
M5W 1A3

Telephone: 416 973-8281
Telex: 062-3340
Facsimile: 416 973-7896

Manitoba and Northwest Territories

Chief Officer of Customs
c/o Commercial Operations
Revenue Canada
Customs, Excise and Taxation
Federal Building
269 Main Street
Winnipeg, Manitoba
R3C 1B3

Telephone: 204 983-3770

Facsimile: 204 983-8849

Saskatchewan

Chief Officer of Customs
c/o Commercial Operations
Revenue Canada
Customs, Excise and Taxation
1775 Smith Street
Regina, Saskatchewan
S4P 4C4

Telephone: 306 780-6220

Facsimile: 306 780-5630

Chief Officer of Customs
c/o Commercial Operations
Revenue Canada
Customs, Excise and Taxation
2130 Airport Drive
Saskatoon, Saskatchewan
S7L 6M6

Telephone: 306 975-5083

Facsimile: 306 975-5917

Alberta

Chief Officer of Customs
c/o Commercial Operations
Revenue Canada
Customs, Excise and Taxation
220 Fourth Avenue South East, Room 272
P.O. Box 2970, Station M
Calgary, Alberta
T2P 2M7

Telephone: 403 292-4620
Facsimile: 403 292-4840

Chief Officer of Customs
c/o Commercial Operations
Revenue Canada
Customs, Excise and Taxation
105th Street Building, Room 800
10242 105th Street
Edmonton, Alberta
T5J 4H8

Telephone: 403 495-5605
Facsimile: 403 495-4660

Chief Officer of Customs
c/o Commercial Operations
Coutts, Alberta
T0K 0N0

Telephone: 403 344-3767
Facsimile: 403 344-3094

British Columbia and Yukon

Chief Officer of Customs
c/o Operational Services
Revenue Canada
Customs, Excise and Taxation
333 Dunsmuir Street
Vancouver, British Columbia
V6B 5R4

Telephone: 604 666-0450
Facsimile: 604 666-2826

Chief Officer of Customs
c/o Commercial Operations
Revenue Canada
Customs, Excise and Taxation
816 Government Street, Room 107
Victoria, British Columbia
V8W 1X1

Telephone: 604 363-3177
Facsimile: 604 363-3179

REFERENCES

ISSUING OFFICE —

Inspection and Control Division

LEGISLATIVE REFERENCES —

Cultural Property Export and Import Act
Customs Act, section 101

HEADQUARTERS FILE —

7614-5-1

SUPERSEDED MEMORANDA "D" —

D19-4-1, April 22, 1989

OTHER REFERENCES —

N/A

SERVICES PROVIDED BY THE DEPARTMENT ARE AVAILABLE IN BOTH
OFFICIAL LANGUAGES.

THIS MEMORANDUM IS ISSUED UNDER THE AUTHORITY OF THE DEPUTY
MINISTER OF NATIONAL REVENUE, CUSTOMS, EXCISE AND TAXATION.