



Ottawa, August 9, 2013

MEMORANDUM D19-4-1

In Brief

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

1. This memorandum replaces Memorandum D19-4-1 dated December 19, 2008.
2. This memorandum has been updated to reflect changes to the contact information at the Department of Canadian Heritage and the regional Canada Border Services Agency's (CBSA) offices.





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

The Canada Border Services Agency (CBSA) plays a role in assisting the Department of Canadian Heritage with the administration and enforcement of the *Cultural Property Export and Import Act*. This memorandum explains the legislation, how to obtain a cultural property export permit, and the permit issuance procedure.

GUIDELINES AND GENERAL INFORMATION

1. The *Cultural Property Export and Import Act* is designed to protect Canada's national heritage through the establishment of export controls for objects of historical, scientific, and cultural significance.

Control List

2. This control is accomplished by means of the Canadian Cultural Property Export Control List which defines categories of cultural property according to age, weight and dollar value limits. The broad categories include mineralogy, palaeontology and archaeology; ethnographic material culture; military objects; objects of applied and decorative art; objects of fine art; scientific or technological objects; textual records, graphic records and sound recordings and; musical instruments. To obtain a copy of the control list, refer to the following link at Canadian Heritage's Web site, www.pch.gc.ca. Refer to paragraph 20 of this memorandum to obtain information on how to contact Canadian Heritage.

3. The control list does not apply to objects which are less than 50 years old, or made by a person still living. It should be noted that other restrictions may apply to individual categories identified on the control list.

Application for Export Permits

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

5. These permit issuing officers, upon completion of the application form by the exporter, will verify the application for completeness. They will then either issue the export permit, or refer the application to an expert examiner for a

decision. Expert examiners are affiliated with Canadian institutions designated by the Minister of Canadian Heritage.

Permit Issuance – Permanent or Temporary Exportation

6. 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. A permanent export permit is required for exports of five years or more while a temporary export is not to exceed five years from the date the permit was issued.

7. In either case, the property must be accompanied by a valid permit to export cultural property and the permit must be presented to a CBSA office at the place of export.

8. Upon presentation, the permit should be validated by a border services officer 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 date stamped in the proper space; and

(d) forward the appropriate copy of the permit to the Movable Cultural Property Directorate (refer to paragraph 20).

9. In the event that an amendment is required to a permit that has been issued by permit issuing officer, contact should be made with Canadian Heritage to make such a request.

Permit Issuance – Importation After Temporary Exportation

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

11. Upon presentation, this form should be validated by a border services officer who will:

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

(b) validate (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 Movable Cultural Property Directorate.

Non-compliance

12. In the event an exporter of cultural property presents an invalid or incomplete export permit, the border services officer should immediately seek the advice of the Movable Cultural Property Directorate.

13. Should an exporter fail to present an export permit at the time of export, for an object which a border services officer has reason to believe is subject to this legislation, the border services officer should detain the shipment and forward a detailed description of the goods and any relevant documentation along with the name and address of the exporter to officials of the Movable Cultural Property Directorate. The Movable Cultural Property Directorate will then provide the border services officer with a decision regarding the status of the shipment.

14. Border services officers, other than those designated as permit issuing officers have general knowledge of the range of goods subject to this program but, 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. Penalties for providing false information may include fines or imprisonment. Questions regarding items included on the control list should be directed to the Office of Movable Cultural Property.

Appeals

15. Decisions to refuse the permanent export of an object included on the control list, may be appealed by the applicant to the Canadian Cultural Property Export Review Board. Questions concerning the appeals procedure should be directed to the Movable Cultural Property Directorate.

Detention

16. Cultural property subject to the *Cultural Property Export and Import Act* may be detained by CBSA on behalf of Canadian Heritage under Section 101 of the *Customs Act*.

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.

18. Exporters may be subject to CBSA's Administrative Monetary Penalty System (AMPS). For example an AMP penalty may be applied where an exporter fails to provide an export permit when required or the information on the permit is not accurate or complete. Additional information on these penalties may be found on the CBSA Web site at www.cbsa.gc.ca.

Additional Information

19. 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. Exporters should also ensure that the export of their goods meets the requirements contained in the *Reporting of Exported Goods Regulations* that fall under the *Customs Act*. Memorandum D20-1-1, *Export Reporting* contains detailed information regarding these requirements

20. Additional information on this legislation may also be obtained from:

Movable Cultural Property Directorate
Department of Canadian Heritage
25 Eddy Street, 9th Floor (25-9-N)
Gatineau QC K1A 0M5

Email: mcp-bcm@pch.gc.ca
Telephone: 819-997-7761
Toll-free: 1-866-811-0055
Facsimile: 819-997-7757

21. The CBSA's Border Information Service (BIS) line responds to public inquiries related to import requirements of other government departments, including the Department of Canadian Heritage. You can access BIS free of charge throughout Canada by calling **1-800-461-9999**. If you are calling from outside Canada, you can access BIS by calling 204-983-3500 or 506-636-5064 (long distance charges will apply). To speak directly to an agent, please call during regular business hours from Monday to Friday (except holidays), 8 a.m. to 4 p.m. local time. The BIS Web site can be found at www.cbsa.gc.ca.

APPENDIX

**PERMIT ISSUING LOCATIONS – CULTURAL PROPERTY EXPORT PERMITS
CANADA BORDER SERVICES AGENCY**

PROVINCE/REGION	ADDRESS	TELEPHONE	FAX
BRITISH COLUMBIA	Canada Border Services Agency Metro Vancouver District 305-333 Dunsmuir Street Vancouver, BC V6B 5R4	604-666-2466	604-666-6453
	Canada Border Services Agency 400-1321 Blanshard Street Victoria, BC V8W 1X1	250-363-3531	250-363-3179
WHITEHORSE, YUKON (West Coast, Yukon District, Pacific Region)	Canada Border Services Agency 300 Main Street, Suite 110 Whitehorse, Yukon Y1A 2B5	867-667-3944	867-668-2869
ALBERTA AND NORTHWEST TERRITORIES	Canada Border Services Agency Central Alberta District Commercial Operations By Mail: 2588 27th Street NE Calgary, Alberta T1Y 7G1 In Person: 175 Aero Way NE Unit 162 Calgary, Alberta T2E 6K2	403-292-4006	403-292-4141
	Canada Border Services Agency Edmonton – Commercial Operations Central Alberta District #100-1727 35 Avenue E Edmonton International Airport Edmonton, Alberta T9E 0V6	780-890-4306	780-890-4311
	Canada Border Services Agency Hwy 4, P.O. Box 220 Coutts, Alberta T0K 0N0	403-344-3766	403-344-4427
SASKATCHEWAN	Canada Border Services Agency 2510 Sandra Schmirler Way P.O. Box 4080 Regina, Saskatchewan S2P 3W5	306-780-6222	306-780-5630
	Canada Border Services Agency 2130 Airport Drive Saskatoon, Saskatchewan S7L 6M6	306-975-4755	306-975-5917
MANITOBA	Canada Border Services Agency Unit 130 - 1821 Wellington Avenue Winnipeg, Manitoba R3H 0G4	204-983-3030	204-984-3106

ONTARIO	Canada Border Services Agency Northern Ontario Region 40 Elm Street, Suite 278 Sudbury, Ontario, P3C 1T7	705-669-2197	705-669-2194
	Canada Border Services Agency Metro Toronto Operations 1 Front Street West, 1st Floor East, Cash Wicket #4 Toronto, Ontario M5J 2X6	416-973-8027	416-954-9421
QUEBEC	Agence des services frontaliers du Canada Région du Québec – salle des comptoirs 400 Place d'Youville Montréal, Quebec H2Y 2C2	514-350-6142	514-283-0384
NEW BRUNSWICK	Canada Border Services Agency 495 Prospect Street Fredericton, NB E3B 9M4	506-452-3274 or 506-452-4054	506-452-3587
PRINCE EDWARD ISLAND	Canada Border Services Agency 250 Maple Hills Avenue Suite 194 Charlottetown, P.E.I. C1C 1N2	902-566-7637	902-566-7275
NOVA SCOTIA	Canada Border Services Agency 1583 Hollis Street Halifax, Nova Scotia B3J 2R7	902-426-2072	902-426-5648
NEWFOUNDLAND	Canada Border Services Agency 6th Floor, 165 Duckworth Street St. John's, NL A1C 5V3	709-772-5544	709-772-2286

REFERENCES

<p>ISSUING OFFICE –</p> <p>Commercial Border Programs Division Border Programs Directorate Programs Branch</p>	<p>HEADQUARTERS FILE –</p> <p>7614-5-1</p>
<p>LEGISLATIVE REFERENCES –</p> <p><i>Cultural Property Export and Import Act</i> <i>Customs Act, section 101</i> <i>Reporting of Exported Goods Regulations</i></p>	<p>OTHER REFERENCES –</p> <p>D20-1-1</p>
<p>SUPERSEDED MEMORANDA “D” –</p> <p>D19-4-1, December 19, 2008</p>	

Services provided by the Canada Border Services Agency
 are available in both official languages.

