



Ottawa, December 19, 2008

# MEMORANDUM D19-4-1

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## In Brief

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

1. This memorandum replaces Memorandum D19-4-1 dated May 17, 1993, as well as Interim Memorandum D19-4-1 dated January 12, 2007.
2. This memorandum has been updated to reflect changes to the Canada Border Services Agency's (CBSA) role in administering the provisions of the *Cultural Property Export and Import Act*.
3. Terminology has been updated to reflect changes in the CBSA's organizational structure
4. New information regarding amending a permit, non-compliance, and penalties has been added to the memorandum in Paragraph 9, 13, 14 and 18 respectively.



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# MEMORANDUM D19-4-1

## 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](http://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](http://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, 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  
15 Eddy Street, 3rd Floor (15-3-A)  
Gatineau QC K1A 0M5

Email : [mcp-bcm@pch.gc.ca](mailto:mcp-bcm@pch.gc.ca)  
Telephone: 819-997-7761  
Toll-free: **866-999-2494**  
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](http://www.cbsa.gc.ca).

## APPENDIX

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

PROVINCE/ REGION	ADDRESS	TELEPHONE	FAX	ALTERNATE/ SUBSTITUT
BRITISH COLUMBIA	Canada Border Services Agency Vancouver Commercial Operations Export Control Unit 333 Dunsmuir Street, 3rd Floor Vancouver, BC V6B 5R4	604-666-2325	604-666-5237	
	Canada Border Services Agency 816 Government Street, Room 107 Victoria, BC V8W 1X1	250-363-3397 or 250-363-3122	250-363-3179	
WHITEHORSE, YUKON (West Coast, Yukon District, Pacific Region)	Canada Border Services Agency 300 Main Street, Suite 110 Whitehorse, Yukon Y1A 2B5	867-667-3965	867-668-2869	
ALBERTA AND NORTHWEST TERRITORIES	Canada Border Services Agency 2588 27th Street NE Calgary, Alberta T1Y 7G1	403-292-5205	403-292-4141	
	Canada Border Services Agency Edmonton International Airport P.O. Box 9866 Edmonton, Alberta T5J 2T2	780-890-4307	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 Regina, Saskatchewan S4W 1B7	306-780-6217	306-780-5630	
	Canada Border Services Agency 2130 Airport Drive Saskatoon, Saskatchewan S7L 6M6	306-975-5083	306-975-5917	
MANITOBA	Canada Border Services Agency Unit 130 - 1821 Wellington Avenue Winnipeg, Manitoba R3H 0G4	204-983-6164	204-984-2312	Wally Espeland 204-983-0767 Wally.Espeland@cbsa-asfc.gc.ca
ONTARIO	Canada Border Services Agency 2265 St. Laurent Blvd., 3rd Floor Ottawa, Ontario K1G 4K3	613-991-0556	613-991-6895	Louise Rochon 613-991-6764
	Canada Border Services Agency Metro Toronto Operations 1 Front Street West, 1st Floor East P.O. Box 10, Station A Toronto, Ontario M5W 1A3	416-973-3239	416-954-9421	Ms. Mickey Ferreira 416-973-8027 Mickey.Ferreira@cbsa.asfc.gc.ca
QUEBEC	Agence des services frontaliers du Canada District St-Laurent Région du Québec 400 Place d'Youville, 2 <sup>e</sup> étage Montréal (Québec) H2Y 2C2	514-350-6113	514-283-8591	France Bolduc 514-350-6114 France.Bolduc@cbsa-asfc.gc.ca
NEW BRUNSWICK	Canada Border Services Agency 495 Prospect Street Fredericton, NB E3B 9M4	506-452-3274 or 506-452-4054	506-452-3587	Margie Holland
PRINCE EDWARD ISLAND	Canada Border Services Agency 161 St. Peters Road, Box 8500 Charlottetown, P.E.I. C1A 8L3	902-566-7364	902-566-7275	John Perry John.Perry@cbsa-asfc.gc.ca

<b>PROVINCE/ REGION</b>	<b>ADDRESS</b>	<b>TELEPHONE</b>	<b>FAX</b>	<b>ALTERNATE/ SUBSTITUT</b>
NOVA SCOTIA	Canada Border Services Agency 1583 Hollis Street Halifax, Nova Scotia B3J 2R7	902-426-1581	902-426-5648	Irv Cohen 902-426-2069 Irv.Cohen@cbsa-asfc.gc.ca
NEWFOUNDLAND	Canada Border Services Agency P.O. Box 12075, 6th Floor 165 Duckworth Street St. John's, NL A1C 5V3	709-772-5548	709-772-2286	Dave Murphy  Cell: 709-685-9560

**REFERENCES**

<p><b>ISSUING OFFICE –</b> Partnerships Division Border and Compliance Programs Directorate Admissibility Branch</p>	<p><b>HEADQUARTERS FILE –</b> 7614-5-1</p>
<p><b>LEGISLATIVE REFERENCES –</b> <i>Cultural Property Export and Import Act</i> <i>Customs Act</i>, section 101</p>	<p><b>OTHER REFERENCES –</b></p>
<p><b>SUPERSEDED MEMORANDA “D” –</b> D19-4-1, May 17, 1993 Interim D19-4-1 dated January 12, 2007</p>	

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



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