

This document is meant purely as documentation tool and the institutions do not assume any liability for its contents

► **B**

**COMMISSION REGULATION (EEC) No 752/93**

**of 30 March 1993**

**laying down provisions for the implementation of Council Regulation (EEC) No 3911/92 on the export of cultural goods**

(OJ L 77, 31.3.1993, p. 24)

Amended by:

	Official Journal		
	No	page	date
► <b><u>M1</u></b> Commission Regulation (EC) No 1526/98 of 16 July 1998	L 201	47	17.7.1998

▼**B**

**COMMISSION REGULATION (EEC) No 752/93  
of 30 March 1993**

**laying down provisions for the implementation of Council Regulation  
(EEC) No 3911/92 on the export of cultural goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3911/92 of 9 December 1992<sup>(1)</sup> on the export of cultural goods, and in particular Article 7 thereof,

After consulting the Advisory Committee on Cultural Goods,

Whereas it is necessary to adopt provisions for the implementation of Regulation (EEC) No 3911/92, which provides, *inter alia*, for the establishment of an export licensing system for certain categories of cultural goods defined in the Annex to that Regulation;

Whereas in order to ensure that the export licences provided for by the said Regulation are uniform it is necessary to lay down rules governing the drawing up, issuing and use of the form; whereas to that end a specimen licence should be drawn up;

Whereas export licences must be made out in one of the official languages of the Community,

HAS ADOPTED THIS REGULATION:

**SECTION I**

**Form of licence**

▼**M1**

*Article 1*

1. There shall be three types of licences for the export of cultural goods which shall be issued and used in accordance with Council Regulation (EEC) No 3911/92, hereinafter called the 'Basic Regulation', and with this implementing Regulation:

- the standard licence,
- the specific open licence,
- the general open licence.

2. The use of export licences shall in no way affect obligations connected with export formalities or related documents.

3. Export licence forms shall be provided on request by the competent authority or authorities referred to in Article 2 (2) of the basic Regulation.

*Article 2*

1. A standard licence shall normally be used for each export subject to the Basic Regulation. However each individual Member State concerned may decide whether or not it wishes to issue any specific or general open licences which may be used instead if the specific conditions relating to them are fulfilled as set out in Articles 10 and 13.

2. A specific open licence shall cover the repeated temporary export of a specific cultural good by a particular person or organisation as set out in Article 10.

<sup>(1)</sup> OJ No L 395, 31. 12. 1992, p. 1.

**▼M1**

3. A general open licence shall cover any temporary export of any of those cultural goods that form part of the permanent collection of a museum or other institution, as set out in Article 13.
4. A Member State may revoke any specific or general open licence at any time if the conditions under which it was issued are no longer met. It shall inform the Commission immediately if the licence issued is not recovered and could be used irregularly. The Commission shall immediately inform the other Member States.
5. Member States may introduce whatever reasonable measures they deem necessary in their national territory to monitor the use of their own open licences.

**SECTION II****The standard licence***Article 3*

1. ►**M1** Standard licences shall be issued on the form, a model of which is in Annex I. ◀ The form shall be printed on white paper without mechanical pulp, dressed for writing purposes and weighing not less than 55 grams per square metre.
2. Forms shall measure 210 × 297 mm.
3. Forms shall be printed and filled out in an official language of the Communities designated by the competent authorities of the issuing Member State. The competent authorities of the Member State in which the form is presented may ask for it to be translated into the language, or one of the official languages, of that Member State. In this case, the translation costs shall be met by the licence holder.
4. Member States shall be responsible:
  - for having the forms printed, bearing the printer's name and address or identifying mark,
  - for taking any measure necessary in order to avoid the forging of forms. The means of identification adopted by Member States for this purpose shall be notified to the Commission, for communication to the competent authorities of the other Member States.
5. Forms shall preferably be filled in by mechanical or electronic means. However, the application may be filled in legibly by hand; in the latter case it shall be written in ink and in block capitals. Whatever the process used, forms shall not contain erasures, overwritten words or other alterations.

**▼B***Article 4*

1. Without prejudice to paragraph 3, a separate export licence shall be issued for each consignment of cultural goods.
2. For the purposes of paragraph 1 a consignment shall mean either a single cultural object or a number of cultural objects.
3. Where a consignment comprises of a number of cultural objects, it is for the competent authorities to determine whether one or several export licences should be issued for the consignment in question.

*Article 5*

The form shall comprise three sheets:

- one sheet, marked as No 1, which shall constitute the application,
- one sheet, marked as No 2, for the holder,
- one sheet, marked as No 3, which shall be returned to the issuing authority.



*Article 6*

1. The applicant shall complete boxes 1, 3 to 19 A and 21 and, if necessary, 23 of the application and the other sheets. However, Member States may provide that only the application need be completed.
2. The application shall be accompanied by:
  - documentation providing all relevant information on the cultural object(s) and its (their) legal status at the time when the application is made, by means of any supporting documents (invoices, expert appraisals etc). where appropriate,
  - a duly authenticated photograph or, where appropriate and at the discretion of the competent authorities, photographs in black and white or in colour (measuring at least 8 cm by 12 cm) of the cultural goods in question.  
This requirement may be replaced, where appropriate and at the discretion of the competent authorities, by a detailed list of the cultural goods.
3. The competent authorities may require, for the purposes of issuing an export licence, the physical presentation of the cultural goods to be exported.
4. Any costs incurred by the application of paragraphs 2 and 3 shall be met by the applicant requesting the export licence.
5. In order that an export licence may be granted, the duly completed form shall be presented to the competent authorities designated by the Member States pursuant to Article 2 (2) of the basic Regulation. When the authority has granted the export licence, copy 1 shall be kept by that authority and the remaining copies shall be returned to the holder of the export licence or to his authorized representative.

*Article 7*

The following shall be presented in support of the export declaration:

- the sheet for the holder,
- the sheet to be returned to the issuing authority.

*Article 8*

1. The customs office authorized to accept the export declaration shall ensure that the items of information given on the export declaration are in conformity with those given on the export licence and that reference is made to that licence in box 44 of the export declaration.

It shall take suitable measures for identification purposes. The measures may consist in the affixation of a seal or stamp of the customs office. The export licence form, a copy of which is attached to sheet 3 of the single administrative document, shall be returned to the issuing authority.

2. After completing box 19B the customs office authorized to accept the export declaration shall return to the declarant or to his authorized representative the sheet intended for the holder.
3. The authorization form, which shall be returned to the issuing authority, must accompany the consignment to the customs office at the point of exit from the Community. The customs office shall, if necessary, fill in box 5 of the form and affix its stamp to box 22, and return it to the holder of the export licence or his authorized representative in order that the form may be sent back to the issuing authority.

*Article 9*

1. The period of validity of export licences shall not exceed twelve months from the date of issue.
2. In the case of an application for temporary exportation, the competent authorities may specify the time limit within which the cultural goods must be reimported into the issuing Member State.

**▼B**

3. Where an export licence expires without having been used, the holder shall immediately return to the issuing authority the sheets in his possession.

**▼M1**

---

**SECTION III****Open licences**

## CHAPTER 1

## Specific open licences

*Article 10*

1. Specific open licences may be issued for a specific cultural good which is liable to be temporarily exported from the Community on a regular basis for use and/or exhibition in a third country. The cultural good must be owned by, or be in the legitimate possession of, the particular person or organisation that uses and or exhibits the good.
2. A licence may only be issued provided the authorities are convinced that the person or organisation concerned offers all the guarantees considered necessary for the good to be returned in good condition to the Community and that the good can be so described or marked that there will be no doubt at the moment of temporary export that the good being exported is that described in the specific open licence.
3. A licence may not be valid for a period that exceeds five years.

*Article 11*

The licence shall be presented in support of a written export declaration or be available in other cases for production with the cultural goods for examination upon request.

The competent authorities of the Member State in which the licence is presented may ask for it to be translated into the language, or one of the official languages, of that Member State. In this case, the translation costs shall be met by the licence holder.

*Article 12*

1. The customs office authorised to accept the export declaration shall ensure that the goods presented are those described on the export licence and that a reference is made to that licence in box 44 of the export declaration if a written declaration is required.
2. If a written declaration is required then the licence must be attached to copy 3 of the single administrative document and accompany the good to the customs office at the point of exit from the customs territory of the Community. Where copy 3 of the single administrative document is made available to the exporter or his representative, the licence shall also be made available to him for use on a subsequent occasion.

## CHAPTER 2

## General open licences

*Article 13*

1. General open licences may be issued to museums or other institutions to cover the temporary export of any of the goods that belong to their permanent collection that are liable to be temporarily exported from the Community on a regular basis for exhibition in a third country.

▼M1

2. A licence may only be issued if the authorities are convinced that the institution offers all the guarantees considered necessary for the good to be returned in good condition to the Community. The licence may be used to cover any combination of goods in the permanent collection at any one occasion of temporary export. It can be used to cover a series of different combinations of goods either consecutively or concurrently.

3. A licence may not be valid for a period that exceeds five years.

*Article 14*

The licence shall be presented in support of the export declaration.

The competent authorities of the Member State in which the licence is presented may ask for it to be translated into the language, or one of the official languages, of that Member State. In this case, the translation costs shall be met by the licence holder.

*Article 15*

1. The customs office authorised to accept the export declaration shall ensure that the licence is presented together with a list of the goods being exported and which are also described in the export declaration. The list shall be on the headed paper of the institution and each page shall be signed by one of the persons from the institution and named on the licence. Each page shall also be stamped with the stamp of the institution as placed on the licence. A reference to the licence must be made in box 44 of the export declaration.

2. The licence shall be attached to copy 3 of the single administrative document and must accompany the consignment to the customs office at the point of exit from the customs territory of the Community. Where copy 3 of the single administrative document is made available to the exporter or his representative the licence shall also be made available to him for use on a subsequent occasion.

## CHAPTER 3

## Forms for the licences

*Article 16*

1. Specific open licences shall be issued on the form, a model of which is in Annex II.

2. General open licences shall be issued on the form a model of which is in Annex III.

3. The licence form shall be printed in one or more of the official languages of the Community.

4. The licence shall measure 210 × 297 mm. A tolerance of up to minus 5 mm or plus 8 mm in the length shall be allowed. The paper used shall be white, free of mechanical pulp, dressed for writing purposes and weigh at least 55 g/m<sup>2</sup>. It shall have a printed guilloche pattern background in light blue such as to reveal any falsification by mechanical or chemical means.

5. The second sheet of the licence, which shall not have a guilloche pattern background, is for the exporter's own use or records only.

The application form to be used shall be prescribed by the Member State concerned.

6. Member States may reserve the right to print the licence forms or may have them printed by approved printers. In the latter case, each must bear a reference to such approval. Each form must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or stamped, by which it can be identified.

7. Member States shall be responsible for taking any measure necessary in order to avoid the forging of licences. The means of identification adopted by Member States for this purpose shall be notified to the Commission, for communication to the competent authorities of the other Member States.

▼M1

8. Licences shall be made out by mechanical or electronic means. In exceptional circumstances they may be made out by black ball point pen in block capitals. They shall not contain erasures, overwritten words or other alterations.

**SECTION IV**

**General provisions**

▼B

*Article ►M1 17 ◀*

This Regulation shall enter into force on 1 April 1993.

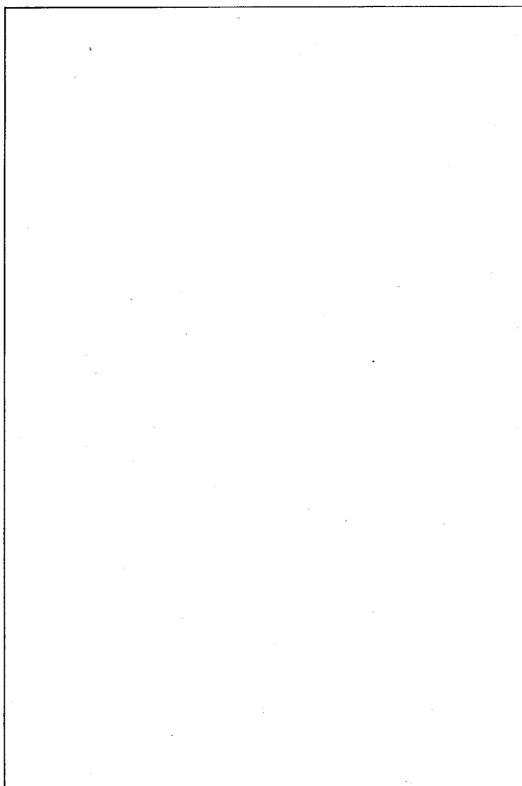
This Regulation shall be binding in its entirety and directly applicable in all Member States.



▼**B**

21. PHOTOGRAPH OF CULTURAL OBJECT

(minimum 8 cm x 12 cm)



22. CUSTOMS OFFICE OF EXIT :

Stamp :

23. This form is accompanied by ... supplementary pages

Note

Any unused space in box 8 or on accompanying supplementary pages shall be duly barred by the competent authorities

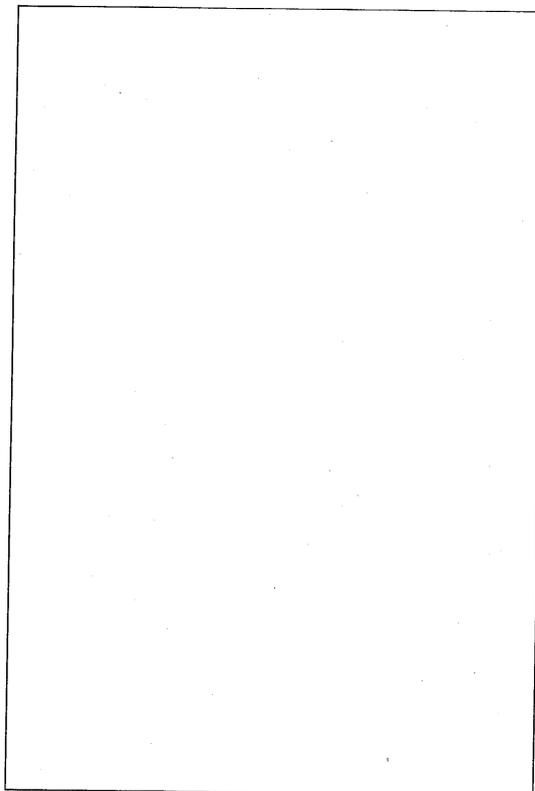
▼B

<b>2</b> <b>HOLDER'S SHEET</b>	1. APPLICANT (Name and address)		2. EXPORT LICENCE No                      Valid until:                            Definitive <input type="checkbox"/> Temporary <input type="checkbox"/> Date for reimportation	
	3. APPLICANT'S REPRESENTATIVE (Name and address)		4. ISSUING AUTHORITY (Name and address)	
	5.A. COUNTRY OF DESTINATION OR OF TEMPORARY STAY		6. MEMBER STATE OF CONSIGNMENT	
	5.B. CONSIGNEE			
	7. DESCRIPTION IN TERMS OF THE ANNEX TO REGULATION (EEC) No 3911/92 CATEGORY OF THE CULTURAL GOODS			
<b>2</b>	8. DESCRIPTION OF CULTURAL OBJECT OR OBJECTS		9. COMMODITY CODE	
			10. MASS	
	If this space is insufficient you may continue on one or more supplementary pages which should be copied in triplicate and should contain the information required in boxes 8 to 18 (see note in box 23)		11. ESTIMATED VALUE	
	Criteria to be used for identification			
	12. MEASUREMENTS	13. TITLE OR SUBJECT	14. DATING	15. OTHER CHARACTERISTICS
16. ARTIST, PERIOD OR WORKSHOP		17. MEDIUM OR TECHNIQUE		
18. DOCUMENTS SUBMITTED / SPECIFIC INDICATIONS RELATING TO IDENTIFICATION Photograph <input type="checkbox"/> List <input type="checkbox"/> Identification marks <input type="checkbox"/> Bibliography <input type="checkbox"/> Catalogue <input type="checkbox"/>				
19. B. ENDORSEMENT BY COMPETENT CUSTOMS OFFICE Customs office:                      SAD No: Member State:                      Date of issue: Signature and stamp:		20. Signature and stamp of the issuing authority:  Place and date:		

▼**B**

21. PHOTOGRAPH OF CULTURAL OBJECT

(minimum 8 cm x 12 cm)



22. CUSTOMS OFFICE OF EXIT :

Stamp :

23. This form is accompanied by ... supplementary pages

Note

Any unused space in box 8 or on accompanying supplementary pages shall be duly barred by the competent authorities

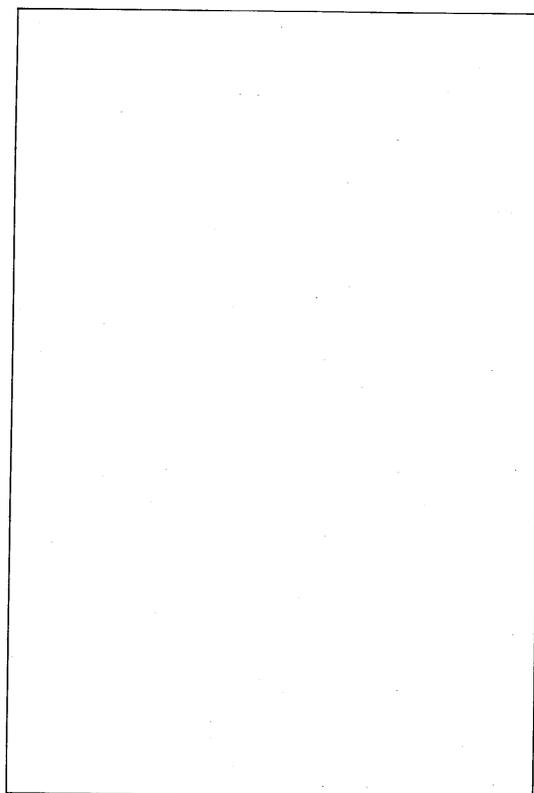
▼B

<b>3</b> SHEET FOR OFFICE OF CLEARANCE	1. APPLICANT (Name and address)		2. EXPORT LICENCE No                      Valid until:                                Definitive <input type="checkbox"/> Temporary <input type="checkbox"/> Date for reimportation	
	3. APPLICANT'S REPRESENTATIVE (Name and address)		4. ISSUING AUTHORITY (Name and address)	
	5.A. COUNTRY OF DESTINATION OR OF TEMPORARY STAY		6. MEMBER STATE OF CONSIGNMENT	
	5.B. CONSIGNEE			
<b>3</b>	7. DESCRIPTION IN TERMS OF THE ANNEX TO REGULATION (EEC) No 3911/92 CATEGORY OF THE CULTURAL GOODS			
	8. DESCRIPTION OF CULTURAL OBJECT OR OBJECTS		9. COMMODITY CODE	
				10. MASS
If this space is insufficient you may continue on one or more supplementary pages which should be copied in triplicate and should contain the information required in boxes 8 to 18 (see note in box 23)				11. ESTIMATED VALUE
Criteria to be used for identification				
12. MEASUREMENTS		13. TITLE OR SUBJECT	14. DATING	15. OTHER CHARACTERISTICS
16. ARTIST, PERIOD OR WORKSHOP			17. MEDIUM OR TECHNIQUE	
18. DOCUMENTS SUBMITTED / SPECIFIC INDICATIONS RELATING TO IDENTIFICATION Photograph <input type="checkbox"/> List <input type="checkbox"/> Identification marks <input type="checkbox"/> Bibliography <input type="checkbox"/> Catalogue <input type="checkbox"/>				
19. B. ENDORSEMENT BY COMPETENT CUSTOMS OFFICE Customs office:                      SAD No: Member State:                      Date of issue: Signature and stamp:			20. Signature and stamp of the issuing authority:  Place and date:	

▼**B**

21. PHOTOGRAPH OF CULTURAL OBJECT

(minimum 8 cm x 12 cm)



22. CUSTOMS OFFICE OF EXIT:

Stamp:

23. This form is accompanied by ... supplementary pages

Note

Any unused space in box 8 or on accompanying supplementary pages shall be duly barred by the competent authorities

▼M1

## ANNEX II

## Model of form for specific open licences and copies thereof

EUROPEAN COMMUNITY		EXPORT OF CULTURAL GOODS (Regulation (EEC) No 3911/92)											
SPECIFIC OPEN LICENCE	1	1. Exporter	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">A. Identification number</td> <td style="width: 50%;">B. Expiry date</td> </tr> </table>	A. Identification number	B. Expiry date								
	A. Identification number	B. Expiry date											
1		<p><b>This space should be used for pre-printing the name and address of the issuing authority. A national symbol or logo can also be placed here</b></p>											
		2. Description of the goods	<table border="1" style="width: 100%;"> <tr> <td>3. Commodity code</td> </tr> <tr> <td>4. Photograph of cultural good (not more than 8 cm × 12 cm)</td> </tr> </table>	3. Commodity code	4. Photograph of cultural good (not more than 8 cm × 12 cm)								
3. Commodity code													
4. Photograph of cultural good (not more than 8 cm × 12 cm)													
		<p><b>This space is available for pre-printed information at the discretion of the Member States, including any conditions</b></p>	<table border="1" style="width: 100%;"> <tr> <td colspan="2">C. For completion by issuing authority</td> </tr> <tr> <td>Signature:</td> <td style="text-align: right;">Stamp</td> </tr> <tr> <td>Position:</td> <td></td> </tr> <tr> <td>Place:</td> <td></td> </tr> <tr> <td>Date:</td> <td></td> </tr> </table>	C. For completion by issuing authority		Signature:	Stamp	Position:		Place:		Date:	
C. For completion by issuing authority													
Signature:	Stamp												
Position:													
Place:													
Date:													

▼M1

EUROPEAN COMMUNITY		EXPORT OF CULTURAL GOODS (Regulation (EEC) No 3911/92)			
COPY FOR EXPORTER	2	1. Exporter	<table border="1"> <tr> <td>A. Identification number</td> <td>B. Expiry date</td> </tr> </table>	A. Identification number	B. Expiry date
	A. Identification number	B. Expiry date			
2	<p>This space should be used for pre-printing the name and address of the issuing authority. A national symbol or logo can also be placed here</p>				
2. Description of the goods		3. Commodity code	4. Photograph of cultural good (not more than 8 cm × 12 cm)		
<p>This space is available for pre-printed information at the discretion of the Member States, including any conditions</p>		<p>C. For completion by issuing authority</p> <p>Signature: _____ Stamp'</p> <p>Position:</p> <p>Place:</p> <p>Date:</p>			



▼M1

EUROPEAN COMMUNITY

EXPORT OF CULTURAL GOODS (Regulation (EEC) No 3911/92)

<b>2</b>	1. Exporter	A. Identification number	B. Expiry date		
<b>COPY FOR EXPORTER</b>	<p><b>This space should be used for pre-printing the name and address of the issuing authority. A national symbol or logo can also be placed here</b></p>				
<b>2</b>	<p style="text-align: center;">This is a general open licence which allows for the temporary export of cultural goods which are part of the permanent collection of</p> <p style="text-align: center;">.....</p> <p style="text-align: center;">It may be used to cover a number of different export consignments to different destinations during the period</p> <p style="text-align: center;">..... to .....</p> <p style="text-align: center;">It is only valid provided that it is presented together with a list of the cultural goods to be temporarily exported in a particular shipment made out on their headed notepaper and marked with this stamp</p> <p style="text-align: center;">and signed by one of the following.</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">Name</td> <td style="text-align: center;">Signature</td> </tr> </table>			Name	Signature
Name	Signature				
<p><b>This space is available for pre-printed information at the discretion of the Member States, including any conditions</b></p>		<p>C. For completion by issuing authority</p> <p>Signature: _____ Stamp'</p> <p>Position:</p> <p>Place:</p> <p>Date:</p>			