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Guide to Exporting Cultural Property from Canada

June 2015



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1. Introduction

As outlined in the [Cultural Property Export and Import Act](#) (Act), a cultural property export permit is required to export certain cultural or heritage objects from Canada.

The Cultural Property Export and Import Act

The Act encourages and ensures the preservation in Canada of significant examples of our artistic, historic and scientific heritage. The Act contains provisions to control the export and import of cultural objects in accordance with the [1970 UNESCO Convention](#) to prevent illicit traffic in these objects. These provisions include permits to export certain cultural or heritage objects, as well as fines and penalties for not complying with the law.

The Act also contains tax incentives to encourage Canadians to donate or sell significant objects to organizations designated by the Minister of Canadian Heritage. Designated organizations have demonstrated the capacity to preserve cultural property over the long term and to exhibit or otherwise make cultural objects available to the public.

The Act is administered by the Department of Canadian Heritage, and the Canadian Cultural Property Export Review Board (Review Board). In addition, the Canada Border Services Agency (CBSA) has a specific responsibility to issue export permits and the authority to enforce the Act.

2. What Is “Cultural Property”?

Any cultural or heritage object, regardless of its place of origin, which may be important from an archaeological, historical, artistic or scientific perspective is considered “cultural property.” Cultural property includes works of art, military medals, ethnographic objects, scientific objects, antique automobiles or aircraft, as well as natural history objects such as fossils, minerals and gemstones.

3. What Cultural Property Requires an Export Permit?

The [Canadian Cultural Property Export Control List](#) (Control List) describes the types of cultural property that requires an export permit. The Control List is divided into eight types or groups of objects:

Group I	Objects recovered from the soil or waters of Canada (including fossils, minerals and archaeological objects)
Group II	Objects of ethnographic material culture
Group III	Military objects
Group IV	Objects of applied and decorative art
Group V	Objects of fine art
Group VI	Scientific or technological objects
Group VII	Textual records, graphic records and sound recordings
Group VIII	Musical instruments

Cultural property requires an export permit if it is:

- More than 50 years old;
- Made by a person who is no longer living (where applicable); and,
- Meets the criteria, including age or a minimum dollar value, as set out in the [Control List](#).

For example:

- Archaeological material (Group I) is subject to export control after being buried, concealed or abandoned for 75 years or more regardless of its monetary value.
- A painting or sculpture (Group V) made outside Canada is subject to export control only if the work is more than 50 years old, the artist is deceased, and the work has a fair market value in Canada of more than \$30,000 CAD.
- Machines, such as aircraft or automobiles (Group VI), are not subject to export control if they are being exported for a manufacturing, industrial or commercial purpose.

Works of art made by living artists, and all cultural property that is less than 50 years old *do not* require cultural property export permits.

Anyone wishing to export cultural property from Canada should first determine whether the property is subject to export control by consulting the Control List. [Appendix 2](#) contains additional notes on interpreting the Control List.

Object included in the Control List: A permit is required to export it from Canada regardless of the reason for export.

Object *not* included in the Control List: No cultural property export permit is required.

Please note that other permits or documentation may be required before exporting the object. Exporters should [contact the CBSA](#) concerning what documentation may be required.

4. Who Can Apply?

Any person, business or organization in Canada that wishes to export controlled cultural property must apply for an export permit. Applications must be made by a resident of Canada. A “resident of Canada” means a person who ordinarily resides in Canada, or a business that has its head office in Canada, or maintains one or more business offices in Canada.

The applicant may apply for an export permit on behalf of the owner of an object. The owner does not have to be a resident of Canada.

Once issued, export permits are not transferable to another individual or business.

5. What Kinds of Export Permits are Available?

There are three types of export permits available:

- [Temporary export permits](#) for objects leaving Canada for less than five years
- [Permanent export permits](#) for objects leaving Canada more than five years
- [General permits](#) for certain businesses or organizations with a high volume of exports

One Open General Permit has also been issued by the Minister of Canadian Heritage. This Open General Permit allows Canadians to temporarily export vintage vehicles (automobiles) and musical instruments for personal use without the need to apply for an export permit. No forms are required for objects exported under the Open General Permit.

6. Temporary Export Permits

Temporary permits may be used when exporting controlled cultural property for a period of **less than five years**. Temporary permits are issued for the following reasons:

- research
- processing
- exhibition
- restoration
- conservation
- repair
- appraisal
- authentication
- loan
- personal effects

a) Application forms

Application forms for temporary export are available from the [Department of Canadian Heritage](#). Application forms are submitted to one of 16 [CBSA Permit Issuing Offices](#) across Canada.

b) Service standards

Temporary permits are issued automatically by the CBSA, without any significant delay. Please consult a CBSA Permit Issuing Office for approximate timelines to issue permits.

c) Exporting property under a temporary permit

Once issued, Part II of the application becomes the permit. The permit is valid for 90 days from the date of issue. If unused within this 90-day period, the permit will expire. Please refer to [How to Amend or Change a Permit](#) for information on reinstating an expired permit.

When exporting cultural property under a temporary permit, the permit-holder must give the permit to the CBSA officer at the port of exit prior to its export. If exporting by mail the permit

must be given to Canada Post at the time of mailing. The permit will then be sent to the Department of Canadian Heritage.

The permit-holder must keep the Notice of Return which will be used to notify Canadian Heritage of the property's return to Canada.

d) Notice of Return

Exporters are required to inform Canadian Heritage when objects exported under a temporary permit are returned to Canada. This notice must be provided within 15 days following the day the object is returned to Canada. Exporters must submit:

- the Notice of Return stamped or validated by a CBSA officer, and
- documentary evidence of object's return (e.g., a customs waybill).

If the Notice of Return is lost or misplaced, an e-mail or letter signed by the permit holder, which includes the exporter's name, address and telephone number, and the reference number of the export permit issued for the object, is acceptable in its place.

7. Permanent Export Permits

A permanent export permit is required to export cultural property from Canada on a **permanent basis** (or for a period of more than five years), regardless of the reason for the export.

a) Application forms

Application forms for permanent export are available from the [Department of Canadian Heritage](#). Application forms are submitted to one of 16 [CBSA Permit Issuing Offices](#) across Canada.

b) Service standards

These permits are issued by the CBSA. Please consult a [CBSA Permit Issuing Office](#) for approximate timelines to issue a permit. It is important to note that permanent export permits reviewed by an expert examiner will require more time before an applicant will be informed of a decision.

c) Permits issued automatically

In certain cases, permanent export permits are issued automatically by the CBSA. A permanent export permit will be granted automatically, without any significant delay, when the property:

- is not included in the [Control List](#), or
- is being returned to a non-resident after it has been loaned to an institution or public authority in Canada, or

- has been imported into Canada within the past 35 years.¹ Documentary evidence or a signed declaration by the applicant is required to support the application to export the property under the 35-year rule.

d) Permit applications reviewed by an Expert Examiner

All other applications for permanent export are forwarded by the CBSA to an expert examiner. Expert examiners are organizations designated by the Minister of Canadian Heritage to review export permit applications. These organizations include museums, art galleries, libraries, archives and university departments that have expertise in the cultural property.

Expert examiners must determine whether the property listed on the export permit application is of “outstanding significance and national importance” to Canada (see [Appendix 3](#)). Expert examiners may take approximately 10 business days to review a permit application.

In certain cases, expert examiners may request further information about the object through the CBSA. Expert examiners may also request that the applicant submit the property for examination.

If the expert examiner determines that the property is not of outstanding significance and national importance, they will advise the CBSA officer to issue the permit. CBSA will then issue the permit with minimal delay.

If the expert examiner determines that the property is of outstanding significance and national importance, they will provide a brief reason and advise the CBSA permit officer not to issue the permit (see [What Happens When a Permit Is Refused?](#)).

e) Exporting cultural property with a permit

Once issued, Part II of the application becomes the permit. The permit is valid for 90 days from the day of issue. If unused within this 90-day period, the permit lapses and must be reinstated before it can be used (see [How to Amend or Change a Permit](#)).

The permit-holder must give the permit to the CBSA officer at the port of exit prior to exporting the property from Canada, or if exporting by mail, to Canada Post at the time of mailing. The permit will then be sent to the Department of Canadian Heritage.

f) What happens when a permit is refused?

When an application for a permanent export permit is refused, the CBSA officer will record the date of refusal and the appeal deadline on the application form and send a Notice of Refusal to the applicant.

In cases where only some of the objects on an application are refused, the applicant may complete a new application for the allowed objects and a new permit will be issued by the CBSA

¹ To be eligible for an automatic permit under the 35-year rule, the property cannot have been exported from Canada under a previous cultural property export permit.

with minimal delay. The original permit application with the objects not recommended for export will remain refused.

When notified of a refused permit the applicant may choose to:

- keep the cultural property
- donate or sell the property to another individual, business, museum, art gallery, library or archive in Canada
- appeal the refused permit to the Review Board.

If the refusal is not appealed, no permanent export permit shall be issued for the object, even if there has been a change in ownership, for a period of two years from the date when the Notice of Refusal was sent.

g) How to appeal a refused permit

When an application for a permanent export permit is refused, the applicant may submit a written request to appeal the refusal to the Review Board. The request must be made within 30 days of the date when the Notice of Refusal was sent. (See [How to Appeal a Refused Export Permit](#) for an explanation of the appeal process.)

8. General Permits

A general permit may be issued to any resident of Canada who regularly exports a particular type of cultural property that falls under the [Control List](#). General permits may be granted to organizations whose core business is unduly inconvenienced by the necessity of applying for individual permits or to organizations which have a large volume of cultural property exports.

A general permit will be issued when it can be demonstrated that the property to be exported would routinely be approved for export. Routinely approved permits include temporary permits, permits for objects that have been in Canada less than 35 years or permits for objects returned after loan to a Canadian institution or public authority. Cultural property that must be reviewed by an Expert Examiner under the permanent export permit process would not normally be considered eligible for a general permit.

a) Application forms

The application form for a general permit is available from the [Department of Canadian Heritage](#). Once complete, submit the form to Canadian Heritage.

b) Service standards

Receipt of a general permit application will be acknowledged within **15 calendar days**.

Written notification of the decision will be made within **18 weeks** from the date a **complete** application is received. Processing of the application will not begin until the application is complete.

c) Assessment criteria

Canadian Heritage will review the application based on the following assessment criteria:

- The type of controlled cultural property to be exported
- The reason for the export
- The volume of cultural property (number of objects) exported under an export permit by the applicant during the six-month period preceding the date of the application
- The inconvenience, if any, to obtain individual export permits for the objects exported
- The distance between the applicant's place of business and the nearest CBSA Permit issuing office
- The applicant's business specialization and number of employees, and
- Consultation, where applicable, with provincial or territorial authorities.

Based on the analysis of the application, a recommendation is made to the Minister of Canadian Heritage.

d) What happens when a permit is issued?

Once issued by the Minister, the general permit is in effect for a period of up to five years. General permit-holders should reapply for a new general permit prior to its expiry date.

e) Exporting cultural property with a general permit

When exporting cultural property under a general permit, a completed Cultural Property Export Permit Declaration must be given to the CBSA officer at the port of exit prior to export. Please note that the Cultural Property Export Permit Declaration must be presented in addition to any other documentation required by CBSA.

If exporting by mail, the Cultural Property Export Permit Declaration must be given to Canada Post at the time of mailing.

f) Reporting requirements

Exporters are required to provide a list of controlled cultural property exported under the general permit to Canadian Heritage on a regular basis as specified on the general permit.

9. How to Appeal a Refused Export Permit

The Administrative Tribunals Support Service of Canada (ATSSC), as Secretariat to the Review Board, schedules reviews of refused export permits.

The Review Board reviews refused permits four times a year at regularly scheduled Board meetings in March, June, September and December. The meeting schedule is posted on the Review Board's [website](#).

a) Deadlines

When an exporter wishes to appeal a refused export permit application, the exporter must [send a request by e-mail, mail or fax to the Review Board](#) within 30 days of the date when the Notice of Refusal was sent.

Reviews will be held at the next scheduled Review Board meeting provided that there is sufficient time for all parties to prepare and submit information beforehand. Where there is not sufficient time to prepare, the review will be held at the subsequent Review Board meeting.

b) Service standards

In accordance with the Act, the Review Board shall review an application for an export permit and render its decision within four months after the request for appeal, unless the circumstances of a particular case require otherwise.

c) Preparing for the appeal hearing

Both the exporter and expert examiner will be asked to submit written statements supporting their position as to why the permit should be issued or refused. The exporter will also be asked to provide a complete description of the object(s) and good quality digital colour images. It is important to note that submissions may be shared with the Department of Canadian Heritage.

When both statements are received, they will be exchanged between the parties who will then have the opportunity to submit a written rebuttal. When both rebuttals are received, they will be exchanged between the parties for information only. No additional comments or material will be accepted from the exporter or the expert examiner.

The Review Board receives an information package which includes the request for appeal and the written statements and rebuttals from both parties.

d) What to include in your written statement

Under Section 29(3) of the Act, the Review Board must base its decision with respect to appeal requests on the criteria below.

Exporters and expert examiners should refer to Appendix 3, [Framework for Understanding Outstanding Significance and National Importance](#), for guidance on preparing a statement on outstanding significance and national importance. The written statement should respond to the following questions:

- i) What section of the Control List applies to this object?
- ii) Is the object of outstanding significance by reason of:
 - its close association with Canadian history?
 - its close association with national life?
 - its aesthetic qualities?
 - its value in the study of the arts?

- its value in the study of the sciences?

iii) Is the object of such a degree of national importance that its loss to Canada would significantly diminish the national heritage?

iv) If the object is of outstanding significance and national importance, might an institution or public authority in Canada make a fair offer to purchase the object within six (6) months of a decision to set an export delay period? The Review Board may consider whether any Canadian has previously been made aware of the availability of the object, and whether the object falls within the collecting mandate of any Canadian institution.

e) How to participate in the appeal hearing (optional)

The exporter may choose to appear before the appeal hearing in person or by teleconference to present arguments in favour of issuing an export permit, although there is no obligation to do so. The exporter should notify the ATSSC that they wish to participate in the hearing as early as possible after requesting the appeal. The expert examiner will also be invited to participate.

By teleconference: If the exporter wishes to participate in the appeal by teleconference, the exporter and expert examiner will be provided with the date, time and telephone number to access the teleconference.

In person: If the exporter wishes to participate in person, he or she will be responsible for all expenses incurred while attending the appeal hearing.

The appeal hearing process typically lasts 30-40 minutes.

If the exporter does not wish to participate, the Review Board's decision will be based upon the written submissions of the exporter and the expert examiner.

f) Determination by the Review Board

When the Review Board reviews a refused permit, it determines whether the object(s) listed on the application is included in the [Control List](#).

If it is, the Review Board must then decide whether the object(s):

- is of outstanding significance for one or more of the reasons set out in section 11(1)(a) of Act and
- is of such a degree of national importance that its loss to Canada would significantly diminish the national heritage as per section 11(1)(b).

Object does not meet criteria: If the Review Board determines that an object fails to meet these criteria, the object may be exported and the Review Board will direct the CBSA officer to issue the export permit without delay.

Object meets criteria: If the Review Board determines that an object meets the criteria set out in the Act, and if it is of the opinion that a

fair offer to purchase might be made by an institution or public authority in Canada, the Review Board will establish an export delay period of between two and six months. During the delay period, the object must not be exported from Canada.

g) Notification of delay period

If the Board establishes an export delay period, the exporter will be notified within ten calendar days of the hearing. On occasion, the Review Board may require additional time and information to make its decision. In such cases, the parties will be informed as soon as possible.

Canadian institutions and public authorities designated under the Act are notified by the Minister that an export delay period has been established and that they may make an offer to purchase the object with the possible assistance of a Movable Cultural Property Grant from the Department of Canadian Heritage.

h) Expiry of delay period

If by the end of the export-delay period the exporter does not receive an offer to purchase, the exporter may request, in writing to the ATSSC, that the Review Board direct CBSA to issue the permit.

i) Requesting issuance of the export permit

Exporters may request the issuance of a permit at any time once the export-delay period expires.

Note: Before requesting issuance the permit, exporters should verify that the information on the permit is still accurate. Minor changes, including altering the name of the shipper or consignee, should be requested **before** the permit is issued. These requests should be directed to the Department of Canadian Heritage. No amendments can be made once the permit is issued.

Once issued, the permit is only valid for 90 days, and the object must be exported before the permit expires. Permits issued at the direction of the Review Board that have expired cannot be reinstated.

If the permit expires before the object is exported, a new permit application is required and the export process will begin again.

10. What Is a “Fair Cash Offer”?

The purchase price for an object subject to export delay is negotiated between the exporter and an organization that is designated under the Act. However when an offer to purchase an object is made and that offer is refused, the institution or the exporter may, pursuant to Section 30 of the Act, submit a written request to the Review Board that it determine an amount that would constitute a "fair cash offer to purchase."

a) Deadlines

The request for the Review Board to make a “fair cash offer” determination must be [made in writing to the ATSSC](#) no less than 30 days before the expiry of the export delay period.

b) Effect on export delay period

Under the terms of the Act, if the Review Board has not made its determination of what constitutes a fair cash offer by the expiry of the export delay period, the export permit shall not be issued until that determination is made.

c) Determination by the Review Board

Both parties (the exporter and the institution making an offer to purchase) are invited to provide written statements supporting their position as to what constitutes a fair cash offer amount to purchase. These statements should include information on recent sales of comparable objects. As in the export appeal hearing, all information received relating to the fair cash offer request is shared with both parties, and each has the opportunity to provide a rebuttal for the Review Board's consideration. The Board also reserves the right to seek its own monetary appraisal. In such cases, the parties will be informed as soon as possible.

Once the Review Board determines a fair cash offer amount, both parties are informed. The Review Board encourages both parties to negotiate an agreement to purchase the object.

No Offer: If no institution makes an offer to purchase the object(s) for an amount equal to or greater than the amount determined by the Review Board, it will direct the Permit Officer to issue the export permit upon the expiration of the delay period, and at the request of the applicant. See [Section 11\(i\)](#), above.

Offer made but refused: The permit remains refused for two years. If the exporter refuses or fails to respond to an offer to purchase equal to or greater than the fair cash offer amount determined by the Review Board, the object must not be exported from Canada for a period of two years from the date the Notice of Refusal was sent. After the two year period has expired, the exporter must apply for a new permit. Although the cultural property may be sold within Canada at any time during the two years, the exporter is required to inform the new owner of the Review Board's decision and the two year permit refusal.

11. How to Amend or Change a Permit

The Minister of Canadian Heritage may amend, reinstate, suspend or cancel any export permit, **except** permits that are issued following a Review Board export appeal hearing or upon the expiry of an export delay period.

To request a permit amendment or reinstatement, contact [Canadian Heritage](#). Please include the change requested, the reasons for the change, as well as a scanned copy of Part II of the permit.

Canadian Heritage will amend a permit within five business days.

12. Failure to Obtain a Permit when One is Required

The Act includes offences and penalties for improperly exporting cultural property from Canada. Under the Act, it is an offence to:

- export or attempt to export any object included in the Control List without a cultural property export permit;
- transfer a cultural property export permit to another person not authorized to use it;
- willfully provide false or misleading information or knowingly make misrepresentations:
 - in the application for an export permit
 - to procure the issuance of a permit under this Act or
 - in connection with the use of a permit, or the disposition of any object to which the permit relates

If convicted of one of these offences by a court of law, an exporter may be fined and/or face time in prison.

13. Lost or Destroyed Permits

If an export permit is lost or destroyed, a replacement copy may be obtained by contacting Canadian Heritage. The permit holder must provide a statutory declaration stating the permit has been lost or destroyed and explaining the circumstances under which the loss or destruction occurred. In the case of a lost permit, the permit holder must promise that, if the original permit is found, it will be returned to Canadian Heritage.

14. Contact Us

Department of Canadian Heritage
25 Eddy (25-9-P)
Gatineau, Quebec
K1A 0M5

Phone: (819) 997-7761
Toll Free: 1-866-811-0055
Fax: (819) 997-7757
Email: bcm-mcp@pch.gc.ca
Web: www.pch.gc.ca/mcp

Requests to appeal refused export permits should be made to:

Secretariat to the Canadian Cultural Property Export Review Board
Administrative Tribunals Support Service of Canada
25 Eddy (25-9-N)
Gatineau, Quebec
K1A 0M5

Email: ccperb-cceebc@pch.gc.ca

Appendix 1: How to Complete an Application for Temporary or Permanent Export

The same form is used for both temporary and permanent export permits. Applicants must complete and submit both Part I and Part II of the form and include all required attachments.

PART I

A: Applicant

- Applicant Provide the name, address, telephone number of the applicant (the person, business or organization applying for the permit)
- The applicant must be a resident of Canada
- Owner Provide the name, address, telephone number of the owner of the property (if different from the applicant)
- Shipper Provide the name, address, telephone number of the shipper or consignor who will export the property from Canada. The shipper will present the export permit at the point of exit from Canada
- Consignee Provide the name, address, telephone number of the person/organization who will receive the property
- Attach documentary evidence, such as an invoice, loan agreement, customs waybill, showing the proposed destination**
- Date of Export Indicate the proposed date of export of the object

B: Temporary Export Information

Complete section B only when applying for a temporary export permit

Check the appropriate box to identify the reason for the temporary export. Be sure to circle, underline or write in the specific purpose of the temporary export.

Write the approximate date (day-month-year) when the cultural property will return to Canada. The approximate date of return must be less than five (5) years from the date the permit is issued.

C: Permanent Export Information

Complete section C only when applying for a permanent export permit

- Returning a loan Check this box if the property is being permanently exported AFTER being temporarily on loan to an institution or public authority in Canada.

If the borrower of the property was an institution other than the applicant, identify the name, address and telephone number of that institution.

If the object is being exported after import on a temporary basis for any other reason, please explain the reason.

Other permanent export Check the appropriate box to identify the reason for the permanent export. **If the export is the result of a firm sale or offer, attach documentary evidence, such as an invoice, as proof.** If the object is exported for another reason, explain the reason for the permanent export.

Prior Application Refused Has a prior application for an export permit been refused for an object described in the application? If yes, identify the previous permit application number.

35-year rule Was the object described in the application imported into Canada within 35 years preceding the date of the application? If yes, attach documentary evidence as proof, or a signed declaration to that effect.

Prior permit issued Was the object previously exported from Canada under a cultural property export permit? If yes, indicate the type of permit (temporary, permanent or general), the permit number and the date of issue.

D. Declaration

The Applicant identified in Section A must sign the declaration.

PART II

Applicant Provide the same name, address, telephone number of the applicant provided in PART I of the application

Port and Country Identify the port and the name of the country where the cultural property is being sent/exported to

Consignee Provide the same name, address, telephone number of the person/organization who will receive the property as indicated in PART I of the application

Shipper Provide the same name, address, telephone number of the shipper or consignor who will conduct the property across the border, if other than the Applicant, as indicated in PART I of the application.

Identification of Object

- 1 Write the quantity of objects being described. For example 1 painting (add full description of the painting in column 2), or 15 ammonite fossils, or 6 meteorite fragments.

2 Describe each object being exported. The following basic information should normally be included for objects made by a person or people:

- Name of manufacturer or artist
- Country and place of origin
- Date of manufacture
- Material or medium
- Dimensions
- Brief physical description
- Whether signed, inscribed or dated
- Provenance (history)
- Listing in descriptive catalogue or other reference.

Include additional details, such as geographical coordinates for archaeological material or calibre for military ordnance, when possible and applicable.

The following information should normally be included for paleontological, mineralogical or natural history objects:

- A full scientific description

3 Indicate the dollar value for each object in Canadian dollars. The dollar value should be the fair market value when known.

4 Indicate the source of the dollar value. Is the value a pre-auction estimate, an insurance value, a sale price, or other specified value?

5 Indicate the Control List Reference. For example:
invertebrate fossils: Group I 3(d)
military medals: Group III 2(a)
a painting by a Canadian artist: Group V 2(b)
a collection of books by Charles Dickens: Group VII 9(b)

Permit Officer Only This section is to be completed only by a CBSA Permit Issuing Officer.

Notice of Return to Canada To be completed by the exporter only when objects exported under a temporary export are returned to Canada.

Object Identification: Examples

Quantity (1)	Description (2)	Total Fair Market Value \$ Cdn (3)	Type of Value (4)	Control List Ref (5)
1	Vincent Van Gogh (Dutch, 1853-1890), "Vase with 12 Sunflowers", ca 1888, oil on canvas, 91 x 72 cm.	\$X million	Insurance	V 4(b)
210	Ammolite gemstones (naturals and triplets)	\$5,500	FMV (fair market value)	I 2(c)

What to Include with your Application

a) Documentary evidence

When exporting objects that have been in Canada for less than 35 years the applicant must include either:

- documentary evidence such as an invoice or customs document that demonstrates that the object was imported into Canada less than 35 years ago, or
- a declaration signed by the applicant attesting that the object was imported into Canada less than 35 year ago. The declaration must identify the object or objects to be exported, and when possible, the year of import and the name of the importer.

Example of a 35-year declaration:

I declare that the painting Untitled by Anonymous was imported into Canada less than 35 years ago. This work was imported to Canada in 1995 by my father, Mr. J. Smith.

Temporary and permanent export applications must also include documentary evidence of proposed final destination of the cultural property. This documentary evidence may include an invoice, a will, a customs document, etc.

b) Photographs

In most cases, applicants are required to include photographs of the objects with their application for an export permit. The photographs should be of sufficient size and quality to ensure the proper identification of the objects. Where numerous multiple objects, such as minerals or gemstones, are proposed for export, several objects may be photographed together, as long as each object can be identified.

Photographs are NOT required with an application when the cultural property in question:

- consists of mineral or fossil specimens in bulk²
- was imported into Canada on a temporary basis as a loan to an institution or public authority in Canada by a non-resident (at the time of the loan) of Canada;
- is being exported on a temporary basis by an institution or public authority
- was imported into Canada under a “temporary admission form E29B” or a “Canada A.T.A. Carnet”;
- was imported into Canada on a temporary basis (other than for resale) and a copy of the relevant export permit, and a certified translation, is included with the permit application.

c) Archival documents

When exporting archival documents, photocopies of the documents may be attached to the application instead of photographs. Where the archival documents consist of more than 12 pages, include photocopies of no more than 12 pages that are representative of the whole.

² The mineral specimens in bulk must meet the criteria set out in Group I 2(d) of the Control List. Fossil specimens in bulk must meet the criteria set out in Group I 3(e) or Group I 3(f) of the Control List.

Appendix 2: Tips for interpreting the Control List

The Control List describes the range of cultural property that requires an export permit. It sometimes requires interpretation to determine if or where a specific object fits into the List.

Exporters who have questions about the Control List should always contact the Department of Canadian Heritage for clarification. However, the following notes may assist exporters in understanding the Control List and to determine where their property fits on the List.

General Notes

- Objects must be more than fifty years old and have been made by a natural person who is no longer living in order to be included in the Control List. Naturally occurring objects and industrially manufactured objects are also included on the Control List.
- When a collection of objects is exported, and only part of the collection is controlled under the List, export permits are required only for those controlled items in the collection.
- A pair or a set of objects created as a pair or set or presented for export as a pair or set (e.g. tea sets, a set of jewelry, etc.) will be considered “an object” for the purposes of the Control List.
- Certain objects fall under more than one group in the Control List, and advice as to where they should fit is given below for such cases.

Group I: Objects Recovered From the Soil or Waters of Canada

- Mineral and palaeontological specimens that were not recovered from the soil or waters of Canada do not require export permits to leave Canada.
- Mineral and palaeontological specimens in "bulk" from a single outcrop, quarry or locality are controlled to prevent the loss from Canada of an entire unique significant occurrence of either material.
- Unset gemstones that are faceted and polished by a person or persons are controlled under Group I (Mineralogy). Once set, they are considered jewellery and may be controlled under Group IV - Objects of Applied and Decorative Art.
- Carvings or sculptures made from minerals are excluded from the definition of "mineral," and are not controlled under Group I. They may however be controlled either under Group IV (Objects of Applied and Decorative Art) or under Group V (Objects of Fine Art).
- Objects that might otherwise come under another group of the Control List are controlled in Group I, if recovered from the soil or waters of Canada more than 75 years after concealment, burial or abandonment. This includes objects associated with Aboriginal peoples of Canada, and military objects recovered from the soils or waters of Canada.

- Material that originated from an archaeological context in a territory outside that which is now Canada may, in some cases, be controlled under other Control List groups.

Group II: Objects of Ethnographic Material Culture

- Military objects made, reworked or adapted for use by Aboriginal peoples are controlled under Group II, unless they were recovered from the soil or waters of Canada, in which case they are controlled under Group I.
- Military objects that were used by Aboriginal peoples but not made, reworked or adapted for use by them are controlled under Group III, unless they were recovered from the soil or waters of Canada, in which case they are controlled under Group I.
- Religious or sacred objects made or used by Aboriginal peoples are controlled under either Group II or, if the object utilizes principles of ornamentation or decoration, Group IV.
- Objects of applied and decorative art and objects of fine art, made by Aboriginal peoples are controlled under Group IV and Group V.
- Scientific or technological objects made, reworked, adapted for use, or used by Aboriginal peoples are controlled under Group VI.
- Textual records, graphic records and sound recordings associated with Aboriginal peoples are controlled under Group VII.
- Musical instruments made or used by Aboriginal peoples are controlled under Group II.

Group III: Military Objects

- Military objects recovered from the soil or waters of Canada more than 75 years after concealment, burial or abandonment are considered archaeological and are controlled under Group I.
- Military objects made, reworked or adapted for use by Aboriginal peoples are controlled under Group II unless they were recovered from the soil or waters of Canada - in such cases they are controlled under Group I.
- Military objects that were used by Aboriginal peoples but not made, reworked or adapted for use by them are controlled under Group III unless they were recovered from the soil or waters of Canada - in such cases they are controlled under Group I.
- Works of art related to military history that are sculpted are controlled under either Group IV or Group V. Drawings, prints and paintings that relate to military history are controlled under Group V.
- Textual records, graphic records and sound recordings that relate to an aspect of military history are controlled under Group VII.

- Musical instruments that were used in a military context are controlled under Group III.
- Medals, aside from military medals, awarded to a person who ordinarily resided in the territory that is now Canada, may be controlled under Group IV.

Group IV: Objects of Applied and Decorative Art

- With the exception of certain carved or sculpted works, objects that are described in Group IV of the List are controlled under Group III if they are associated with military history. Examples of this include flags and other textiles such as uniforms.
- Export permits are not required for coins made in or outside Canada, unless they are Canadian pattern coins made outside Canada or trial strikes of Canadian coins made outside Canada.

Group V: Objects of Fine Art

- Artists' sketch books are controlled under Group VII.
- All photographic positives and negatives, whether considered fine art or archival in nature, are controlled under Group VII.

Group VI: Scientific or Technological Objects

- Textual records, graphic records and sound recordings related to the history of science and technology are controlled under Group VII.
- Vehicles controlled under Group VI that are exported on a temporary basis for personal use are subject to an Open General Permit, and, therefore, applications for temporary export permits are not required.

Group VII: Textual Records, Graphic Records and Sound Recordings

- A newspaper is considered a manuscript, record or document described in Group VII 2(1)(a).

Group VIII: Musical Instruments

- Musical instruments controlled under Group VIII that are exported on a temporary basis for personal use are subject to an Open General Permit, and, therefore, applications for temporary export permits are not required.

Appendix 3: Framework for Outstanding Significance (OS) and National Importance (NI)

Under Section 11(1) of the *Cultural Property Export and Import Act* (Act), if cultural property is to be refused an export permit, it must be both

1. of outstanding significance by reason of its close association with Canadian history or national life, its aesthetic qualities, or its value in the study of the arts or sciences

and
2. of such a degree of national importance¹ that its loss to Canada would significantly diminish the national heritage.²

¹ National importance includes local, regional, and community importance.

² For the purposes of the Act, national heritage includes cultural property that originated in Canada, or the territory now known as Canada, as well as significant examples of international cultural property that reflects Canada's cultural diversity or that enrich Canadians' understanding of different cultures, civilizations, time periods, and their own place in history and the world.

The OS/NI Framework

Under the OS/NI framework, outstanding significance is a question of *nature* or *kind* (i.e., what?) whereas national importance is a matter of degree (i.e., how much, to what extent?)

When addressing outstanding significance, consider questions such as the following:

- **What** kind of association does the property have with Canadian history or national life?
- **What** is the nature of the property's aesthetic qualities?
- **What** is the nature of the property's value in the study of the arts or sciences?

In other words, what makes the cultural property of outstanding significance?

When addressing national importance consider questions such as the following:

- **How** notable is the property's association with Canadian history or national life?
- **How** singular or striking are the property's aesthetic qualities?
- **How** great is the property's value in the study of the arts or sciences?

In other words, if the cultural property were lost to Canada, how significantly would the national heritage be diminished?

INDICATORS OF OUTSTANDING SIGNIFICANCE

OS CRITERIA (discuss all that apply)	NOTE: Participants in an expert appeal should consider whether the object meets one or more of the five OS criteria. The following indicators are prompts for thinking about the property's outstanding significance. They are not meant to be exhaustive or used as a checklist.
Close association with Canadian history	<ul style="list-style-type: none"> ▪ Is the property closely associated with an important historical <ul style="list-style-type: none"> ○ person or group? ○ place or event? ○ Canadian discovery or innovation? ○ theme, trend, process, pattern of life, or aspect of Canadian history? ▪ Is the property closely associated with the development of Canada or a part of Canada?
Close association with national life	<ul style="list-style-type: none"> ▪ Is the property closely associated with <ul style="list-style-type: none"> ○ a cultural tradition or way of life in Canada? ○ customs, beliefs, ideas, or values that are meaningful to a group or community in Canada? ○ a major change in society or a transformation of a way of life? ▪ Does the property occupy a distinct place in the national consciousness?
Aesthetic qualities	<ul style="list-style-type: none"> ▪ Is the property uniquely expressive or provocative? ▪ Is the property original or innovative in its conception, style, design, composition, or execution? ▪ Does the property embody or reflect great technical accomplishment or craftsmanship? ▪ Does the property have symbolic dimension? What qualities make the property exceptional?
Value in the study of the arts	<ul style="list-style-type: none"> ▪ Does the property contribute to an understanding of <ul style="list-style-type: none"> ○ the arts (art, art history, design, literature, music, theatre, etc.)? ○ a style, genre, school, period, movement, or design? ▪ Is the property a particularly representative or revealing example of a creator's style, genre, or oeuvre? ▪ Is the property of interest to the artistic community? ▪ Does the property have research value?
Value in the study of the sciences	<ul style="list-style-type: none"> ▪ Is the property associated with a scientific discovery or breakthrough? ▪ Does the property contribute to an understanding of natural history, technology, or the sciences? ▪ Does the property contribute to an understanding of the history of science or technology?

INDICATORS OF OUTSTANDING SIGNIFICANCE

- Is the property of interest to the scientific community?
- Does the property have research value?

FACTORS SUPPORTING NATIONAL IMPORTANCE

(discuss all that apply)	NOTE: Participants in an export appeal should consider whether any of the following factors contribute or enhance the object's national importance such that its loss to Canada would significantly diminish the national heritage. The following factors are neither exhaustive or a checklist but rather a point of departure to prompt further reflection.
Provenance	<ul style="list-style-type: none"> ▪ Is the property's creator, user, owner, or place of origin notable? ▪ Is the chain of ownership complete and unambiguous?
Impact of creator	<ul style="list-style-type: none"> ▪ Is the creator well known or recognized in Canada or internationally? ▪ Is the creator highly influential? ▪ Does the creator have a major public presence (e.g., exhibitions, publications, etc.)?
Origin	<ul style="list-style-type: none"> ▪ Is the property associated with or discovered at an important location? ▪ What makes the property important to Canada and Canadians?
Authenticity	<ul style="list-style-type: none"> ▪ Is the property's authenticity credible and verifiable? ▪ Is the property a known or particularly important copy, fake, or forgery?
Condition	<ul style="list-style-type: none"> ▪ Is the property in good or excellent condition? ▪ Is the property in its original, unrestored condition? ▪ Has the property been restored to its original condition? ▪ Has the property been repaired, conserved, or compromised?
Completeness	<ul style="list-style-type: none"> ▪ Is the property intact, complete, or comprehensive? ▪ Is the property a draft, a prototype, or a finished work? ▪ Is the property characterized by exceptional unity or integrity of parts?
Rarity or uniqueness	<ul style="list-style-type: none"> ▪ Is the property rare, unique, endangered, or extinct? ▪ Is the property an unusual example of its class or type? ▪ Is the property a duplicate of an item already held by the organization or elsewhere in Canada?
Representativeness	<ul style="list-style-type: none"> ▪ Is the property a good or outstanding example of its class, type, genre, or style?

FACTORS SUPPORTING NATIONAL IMPORTANCE

Documentary or research value	<ul style="list-style-type: none">▪ Is the property of high real or potential interest to scholars?▪ Does the property hold the potential for new scholarship in a field of study?▪ Does the property have the potential to make a significant and lasting contribution to a field of study?▪ Does the property have significant educational value?
Contextual associations	<ul style="list-style-type: none">▪ Does the property have a notable present or historical value to a community or group in Canada?▪ Does the property have an important relationship to other objects in Canada?▪ Does the property illuminate an aspect or dimension of its physical or historical context?