



# Preventing illegal export of cultural objects

*Summary*



# Preventing illegal export of cultural objects

A summary of report 2012:10

**Brå – a centre of knowledge on crime and measures to combat crime**

The Swedish National Council for Crime Prevention (Brottsförebyggande rådet – Brå) works to reduce crime and improve levels of safety in society by producing data and disseminating knowledge on crime and crime prevention work and the justice system's responses to crime.

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## Background

Most countries have adopted legislation for protecting against the export of certain older cultural objects. There are also common EU regulations regarding the export of such objects to a third country.

In Sweden, export has been regulated by law since the beginning of the 1920's. A person who unlawfully takes out a protected object from the country risks being sentenced for up to six years in prison for smuggling. The purpose behind the legislation is that objects that are considered important to the cultural heritage should remain within the country. Cultural heritage is considered important because it contributes to the creation of a common identity<sup>1</sup>. Additionally, it is seen as especially valuable because a cultural heritage that is lost cannot be compensated for financially.

Objects that are encompassed by the export regulations include old paintings, drawings, incunabula<sup>2</sup>, books, archives and other antiques. Examples of objects included in the "other antiques" category are the cabinet on the front cover and the mirror sconce on the back cover.

In general, the export restrictions apply to cultural objects that are older than 100 years. For many objects, there are also value limits that need to be reached in order for the export regulations to apply. There is no value limit for old furniture, and the age limit is fixed. This means that all furniture manufactured before 1860 requires a permit for export.

### Application procedure and administration

Application forms are provided by the Swedish National Heritage Board (Riksantikvarieämbetet) and can be downloaded from their web site.<sup>3</sup>

Export permit application forms are sent to the Swedish National Heritage Board's registrar in Visby. The application must be accompanied by photographs of the object. If the object is to be exported outside the EU, an EU export permit form needs to be submitted<sup>4</sup>. After making its records, the Swedish National Heritage Board forwards the application to the permit-issuing authority responsible.

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<sup>1</sup> There are differing opinions as to which objects should be included in the cultural heritage category. This report has in mind objects covered by the export regulations. In the interviews, there were also voices advocating a broader definition, since, in their view, there is a common global, or European, cultural heritage. the interviews, there were also voices advocating a broader definition, since, in their view, there is a common global, or European, cultural heritage. the interviews, there were also voices advocating a broader definition, since, in their view, there is a common global, or European, cultural heritage.

<sup>2</sup> An incunabulum is a book printed before 1500.

<sup>3</sup> The application forms for export permits and EU export permits can be found in appendix 3 and 4.

<sup>4</sup> Of note is that certain objects only require export permits for within the EU, even if they are to be exported outside the EU. If objects are covered by Swedish legislation as well as EU regulations, permits are required for export both within and outside the EU if the objects are to be transferred to a third country. There are also objects that are only covered by the EU regulations and therefore only require an EU export permit.

The National Library of Sweden (Kungliga Biblioteket) processes applications mainly to do with books and incunabula. Nationalmuseum and Prince Eugen's Waldemarsudde deal with applications regarding visual art etc., as well as ceramics, porphyry and precious metals. Nordiska Museet processes applications mainly regarding furniture, means of transportation, textiles and inventories. The Swedish National Heritage Board processes, amongst other things, applications to do with archaeological objects. The National Archives (Riksarkivet) processes mainly applications relating to archives. In exceptional circumstances, decisions are made by the Government.

If the permit-issuing authority so wishes, objects must be made available to the authority for inspection. Application for export permits (within or outside the EU) is without charge. Permits that are granted are valid for one year from the decision date. Processing time varies, but does not normally take longer than one month. Refusals can be appealed to a general administrative court.

## Implementation of the study

The study is a collaboration between the Swedish National Heritage Board and The Swedish National Council for Crime Prevention (Brottsförebyggande rådet – Brå). The Swedish National Heritage Board, which is a national authority responsible for matters relating to cultural heritage, has noticed that the number of applications for exporting cultural objects has varied since Sweden became a member of the EU in 1995, declining between 2006–2010 and increasing again in 2011. The reasons for these variations are not clear. The lack of understanding is deemed problematic and is the reason for this report.

One possible explanation for the reduced number of applications could be an increased amount of smuggling. Several traders, auction houses and transportation companies that were interviewed do not believe that that is the case. Instead, they say that the decline in the number of applications is due to a sharp drop in international trade in recent years. The reason is the weaker economy, that interest in cultural objects from Sweden has fallen and that the US has introduced new import regulations for certain materials that are present in some antiques. These informants believe that the decline in applications cannot be explained by smuggling.

## Purpose and questions

The purpose of this report is to identify obstacles to applications for permission to export cultural objects being submitted to the permit-issuing authorities. A secondary aim is to propose improvements so that more applications are submitted. Additionally, the report aims to examine the suggestions given by the interviewees for changes in legislation and alternative models to the current permit procedure.

The general question areas are as follows:

1. What is the level of awareness in the relevant industries regarding the export regulations and their application?



2. What routines are in place for providing information about the export regulations, giving support during the application process, making necessary contact with permit-issuing authorities and other key parties?
3. What obstacles are there to fulfilling the requirements in the export regulations for applying for a permit?
4. In what way can the identified obstacles be overcome, or in what other way can the export regulations be made more effective?
5. Are there alternative models to the current permit procedure for achieving the intentions behind the cultural heritage legislation?

## Method and material

The report is based mainly on 30 interviews. The interviewees are officials at the following permit-issuing authorities: the Swedish National Heritage Board, the National Library of Sweden, Nationalmuseum and Prince Eugen's Waldemarsudde<sup>5</sup>, Nordiska Museet and the National Archives. Additionally, interviews were conducted with antique dealers, auction houses and carriers of cultural objects, as well as customs officials and police officers. The interviewee categories can be considered as various "lines of defence" with the task of protecting old cultural objects from illegal export (within and outside the EU).

Based on the obstacles that the interviewees perceived within the current export regulations and practices surrounding these, Brå presents proposed solutions in the form of various regulatory approaches.

## Roles and routines according to six lines of defence

Established practice surrounding the export regulations constitutes key knowledge as to the obstacles and possible solutions to increasing the number of applications. The report describes which roles and routines key actors have in observing the export regulations (chapter 5 of the Heritage Conservation Act – *Kulturminneslagen* - and the Heritage Conservation Ordinance – *Kulturminnesförfordningen*). The presentation follows the Strandman Ullrich model (2011) of different lines of defence. The model means that various entities, through their roles and routines, can defend or undermine observation of the export legislation<sup>6</sup>. The reason for analysing according to lines of defence is that the purpose of the report is to examine how crime can be prevented and how key actors consider compliance with the rules can increase.

The six lines of defence are:

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<sup>5</sup> Henceforth, the name Nationalmuseum is used, which also includes Prince Eugen's Waldemarsudde.

<sup>6</sup> The objective of increased compliance with the regulations is not only to reduce smuggling; several interviewees consider compliance with the rules as a way to facilitate the preservation and use of cultural objects.

1. The Swedish National Heritage Board
2. Dealers and brokers
3. The general public
4. Carriers
5. Permit-issuing authorities (the National Library of Sweden, Nationalmuseum and Prince Eugen's Waldemarsudde, Nordiska Museet and the National Archives)
6. Other authorities (Swedish Customs and the Police)

## **The Swedish National Heritage Board**

Since the Swedish National Heritage Board is the national authority responsible for issues regarding cultural heritage, the authority can be considered the first line of defence for the protection of cultural heritage. This means that the authority is responsible for informing other interested parties about relevant legislation, issuing regulations, keeping in contact with the EU and coordinating the work of the permit-issuing authorities. In order to be able to act as a first line of defence, the Swedish National Heritage Board needs to have sufficient resources to carry out its work.

## **Antique dealers and auction houses**

It is the second line of defence – antique dealers and auction houses – that has most contact with purchasers of cultural objects. The responsibility of the authorities for observing the rules of the export regulations can be viewed as formal, since it is regulated by laws and regulations. Voluntary efforts to protect against unlawful export are also important. Such efforts can be made by dealers (antique dealers and antiquarian bookshops) and brokers (auction houses) of objects covered by the regulations. These actors do not have any statutory duty to provide information about the application obligation or support customers with their applications. But they can still voluntarily facilitate the preservation and use of cultural heritage, and they have a vested interest in following the rules, since there is a danger that their own activities could be negatively affected if the rules are violated. Some examples of negative effects for sellers and brokers are being pointed out for smuggling and losing a good reputation.

### *Dealers*

Dealers' routines with regards to permit applications vary. About half of the dealers interviewed help their customers apply for permits. Other dealers let customers apply for permits on their own.

The information about export regulations that dealers give to their customers varies. Some dealers ask customers if they are planning to take the object out of the country after purchase and, in such cases, provide information about the obligation to apply for a permit. In rare cases, the information has led to the buyer choosing not to go through with the purchase. Other dealers reply that it is a sensitive subject to ask customers what they are going to do with the object after purchase. If the customer does not voluntarily explain that the object is going to be exported, no information is given.

All dealers who were interviewed state that they apply for permits when they participate in exhibitions abroad. Some dealers usually then receive a visit by officials from Nordiska Museet, who take a look at the objects and say which ones require permits. Some dealers who do not receive visits by officials apply for permits only for objects that they believe to be covered by the regulations.

### ***Brokers***

The provision of information is done in a similar way at most auction companies. The majority of the auction houses interviewed state that they inform their customers about the applicable rules.

All of the auction companies interviewed, apart from the two that are located outside the Stockholm area and the internet firm, are covered by Nordiska Museet's and Nationalmuseum's advance notification service. Prior to auctions of high quality, auction houses send their catalogues to the museums. Officials then visit the auction houses to inspect the objects and provide notification about which objects are preliminarily assessed to be given an export prohibition in the event of an application being made.

### ***Information about advance notification to customers***

After the visit by the officials and their notification about which objects are given a preliminary export prohibition, the auction companies then provide information about which objects the prohibition applies to. The information is put on the company's web site, communicated in the change-list as well as when requested. There is also a box in auction catalogues that provides information about the legislation and where an application should be sent. The information is given in both Swedish and English.

### ***Permit applications are often taken care of by the buyer or carrier***

Following the auction, it is most common that either the buyer personally applies for a permit or requests a carrier to take care of the permit whilst booking shipment. Sometimes, personnel from the auction company aid buyers in applying for permits or explain to them that they can find more information at the Swedish National Heritage Board's web site.

### ***Information about the export regulations in connection with internet auctions***

In connection with internet auctions, information about the legislation is provided in the terms of service that the customer must accept when registering, as well as on the invoice. Since no advance notification is given for these auctions, it is up to the buyer to inform themselves about which cultural objects require export permits. Where carriers are hired to ship objects to the buyers, they can help with the application process.

## **The general public**

The majority of purchasers of cultural objects keep the objects within the country. Dealers and auction houses say that knowledge of the export regulations varies amongst buyers, but they believe that most returning customers are aware of the rules. That applies to

both Swedish and foreign buyers. Routines for applications vary amongst purchasers who desire to export objects. They either apply for a permit personally, let a carrier or the seller do it, or they fail to apply for a permit altogether.

Buyers who are aware of the rules can be viewed as a public interested in antiques. This interested public can care for the cultural heritage by complying with the requirement for applying for export permits. Interviewees say that the antiques-interested public provide tip-offs regarding planned illegal exports. The tip-offs are received by permit-issuing authorities, Swedish Customs and the Police, and occasionally also to brokers of cultural objects. By means of these tip-offs, the antiques-interested public constitute a third line of defence that is able to activate control units in other lines of defence.

The general public can be assumed to have limited knowledge of the legislation. These persons are dependent on other parties taking responsibility, providing information and giving support in order to become aware of the rules.

### **Carriers**

The carriers that were interviewed usually take care of all permits required when shipping cultural objects to the customer.

The information given to customers regarding the export regulations varies. One of the companies has information about the rules on its web site, with a link to the Swedish National Heritage Board. Another company offers training to its customers. The training provides information about export regulations. It is very uncommon for customers to choose another carrier when they are informed that a permit is required to export cultural objects.

The carriers interviewed refuse the work if a customer does not want to follow the export rules. In rare cases, customers ask for help in shipping objects that have been served a preliminary export prohibition. The carriers interviewed state that they refuse such shipping consignments.

The procedure for applying for permits varies amongst the different carriers. Sometimes, officials from Nordiska Museet make visits and explain which objects need to have a permit. After the visit, the carrier sends applications for these objects. More commonly, though, applications are made without prior contact being made. Applications are mainly submitted in hard copy.

Where buyers and carriers apply for export permits, the five permit-issuing authorities enter the line-of-defence model. When buyers and carriers do not apply for permits, the line-of-defence model is broken.

### **Permit-issuing authorities**

The Swedish National Heritage Board appears in both the first and fifth lines of defence; first as a key authority and then as a permit-issuing authority. What all permit-issuing authorities have in common is that the procedure is taken care of by a person who deals with export matters as part of his or her work.

### *The procedures are similar*

Not only are the procedures similar amongst the permit-issuing authorities but so is the view of information regarding export regulation. No authority apart from the Swedish National Heritage Board has information about the legislation on its web site. That means that neither do the other authorities have a link to the information at the Board's web site. Nor do the National Library of Sweden, Nationalmuseum and the National Archives usually have any special awareness campaigns for providing information about export issues.

Nordiska Museet processes the majority of applications – about 63 percent between 2000 and 2011. The National Archives processes the fewest applications – 0.5 percent over the same period.

### *Routines for advance notification are similar*

Regarding advance notifications, officials at Nationalmuseum and Nordiska Museet work in similar ways. Prior to high quality auctions, the officials first study the auction catalogues. They sometimes search for more information about the object and, occasionally, other experts are contacted before a decision is made. A visit is then made to the auction house, and the officials examine the objects affected by export prohibitions. Finally, it is decided which objects should be given a preliminary export prohibition, notification of which is then given to each respective auction company: Bukowskis in Stockholm, Stockholms Auktionsverk and Uppsala auktionsskammare. Previously, advance notification has also been given in connection with high-quality auctions in Gothenburg, Norrköping and Lund.

## **Other authorities**

In order for the export regulations to be able to be followed, more authorities apart from permit-issuing ones need to be involved in the work. Swedish Customs constitutes the final defence before the objects leave the country. The police are responsible for investigating the suspected illegal export of cultural objects and are therefore included in the sixth line of defence.

### *Swedish Customs*

When becoming a part of the EU, Sweden also joined the Treaty of Rome, which means free movement for, amongst other things, goods. Whilst it is true that there are exceptions for certain goods, including antiques covered by the EU rules and the Swedish cultural heritage legislation, border controls have been reduced.

### *Border controls and follow-up of tip-offs*

For transport within the EU, controls are very few. Monitoring illegal exports it also to a certain extent done through transport controls and by personnel at border controls. Customs officers can, for example, stop and check a person or shipment following a tip-off. All tip-offs that are received are evaluated, but tips relating to objects such as weapons and narcotic drugs are given higher priority than cultural objects.

### *Knowledge is needed in order to recognise protected objects*

In order to ascertain whether an object is covered by restrictions, it is necessary for customs officers to know the export rules and recognise the objects or otherwise contact the Swedish National Heritage Board or another permit-issuing authority. In connection with customs training, information regarding legislation is included. There is also the possibility of looking at the authority's internal web site and comparing objects so as to facilitate the assessment of whether they are covered by restrictions or not. In cases of doubt, customs officers try to contact one of the officials working at the permit-issuing authorities.

At the Swedish Customs web site, there is information relating to export declarations and permits for export (within and outside the EU) of cultural objects. There is also a link to the Swedish National Heritage Board's web site.

### *The Police*

Currently, only one police officer works specifically with cultural heritage crime, where issues relating to illegal export constitute a part of the work. Although cultural heritage crime is not the area of highest priority for the Police, work is under way to develop a handbook that deals with the subject. The book will be mainly intended for police officers and prosecutors, but also for customs and coastguard officials. The book is being written in cooperation with the Swedish National Heritage Board.

### *Cultural heritage crime is rare*

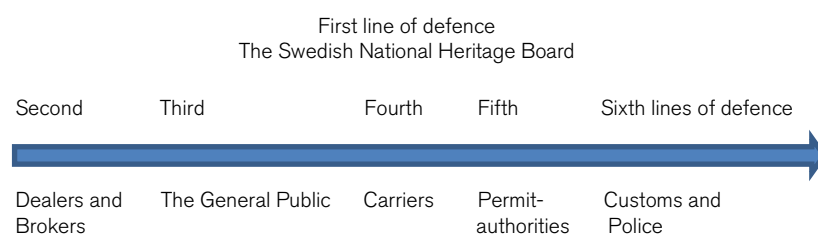
Cultural heritage crime is described in the interviews as a rarely-occurring crime. A possible explanation for this is that the police who receive reports of crime are not always aware that it is a case of cultural heritage crime.

On a few isolated occasions, the police have investigated suspected illegal export of a cultural object where the application was rejected. According to Swedish Customs and the Police, however, it has proved difficult to find the suspect because it is not easy to know who exported the object and is therefore guilty of smuggling.

## Lines of defence for cultural heritage

Each line of defence plays a specific role and has special procedures for protecting cultural heritage, but the protection also presupposes cooperation with each other in order for the line to remain unbroken. If contact between the lines is broken somewhere, the risk of cultural objects being exported illegally from the country increases.

**Figure. Lines of defence for protecting cultural heritage.**



## Factors that obstruct compliance with the regulations

In the report, Brå identifies fourteen general problems with the current design of the export regulations and the way they are applied. The obstacles deemed most important to obeying the rules according to the informants are presented below.<sup>7</sup>

### **The application process is considered complicated and antiquated**

Several dealers, brokers and carriers feel that the current application process is complicated and antiquated. If the application process is seen as cumbersome, there is a risk that people will fail to apply for permits. When an application has been submitted, however, the informants observe that the procedure is relatively quick.

### **Information about the export regulations should be increased**

Representatives from all interviewee categories are unanimous in their opinion that the information available about the current rules should be increased. They request more information being made available by the permit-issuing authorities for the general public as well as purchasers of cultural objects.

Carriers above all state that they would like brokers to inform their customers to a greater extent about current export regulations. True, the majority of dealers and brokers say that they inform customers, but several informants would still like to see an improvement.

### **Varying levels of knowledge impedes oversight**

The issue of knowledge is closely related to that of information. Several informants say that customs personnel and the police, who rarely work with cultural heritage issues, need to increase their knowledge. Officials at the permit-issuing authorities are generally viewed as knowledgeable. Some informants, however, would like to see increased knowledge amongst officials so that they can assess which objects are protected according to current rules. In order for decisions made by the officials to be seen as legitimate, it is im-

<sup>7</sup> Export regulations refers to chapter 5 of the Heritage Conservation Act (1988:950) and the Heritage Conservation Ordinance (1988:1188).

portant that dealers, brokers and buyers perceive that the correct objects are given an export prohibition.

### **Lack of resources impedes the work of the authorities**

The informants mention a shortfall in resources that may negatively affect compliance with the rules. Officials observe, for example, that it is difficult to live up to the intentions of the law and manage the work required in order for the export legislation to be complied with. Shortage of time and lack of financial resources are given as reasons why advance notification is given only in Stockholm and Uppsala. Until 2006, advance notification was also given in Gothenburg and Lund.<sup>8</sup>

### **Reduced border control leads to few controls**

The reduced resources at Swedish Customs since entry into the EU, along with the prioritisation of other areas (such as weapons and narcotics) means that the number of border controls is small. The low control frequency and the extremely few smuggling convictions (just four in about 15 years) cause some interviewees to conclude that it is more or less risk free to bring objects out of the country without permission. For example, the number of controls for traffic crossing the Öresund Bridge is very small. Some interviewees provide examples of how objects have been smuggled over the bridge and then sold at established auction houses in Denmark.

### **Collaboration between the authorities and cooperation with other interested parties needs to increase**

The study shows that there are opportunities to increase collaboration between the authorities as well as between authorities and other parties. Interviewees mainly comment on the Swedish National Heritage Board's relationship with other permit-issuing authorities and collaboration between the permit-issuing authorities and Swedish Customs. The informants say that the Swedish National Heritage Board's cooperation with other permit-issuing authorities works well. Carriers, however, would like to see an increase in the cooperation between permit-issuing authorities and Swedish Customs.

### **Export regulations need to be updated**

Several actors say that the design of the legislation could constitute an obstacle to preserving cultural objects. There are many value and age limits in the legislation to keep track of, which causes problems. A related problem is that the value limits have not been updated since the beginning of the 2000's. Meanwhile, prices fluctuate over time, due in part to variations in currency value and changing fashion. Fluctuating prices occasionally make certain articles come under the export regulations and sometimes not. Nor have the article categories been updated in recent years. Several informants

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<sup>8</sup> In connection with auctions in Stockholm and Uppsala, officials from Nationalmuseum and Nordiska Museet examine the objects and provide preliminary notification as to which objects may not leave the country according to the applicable rules.



think that the fixed limits and the fact that the categories remain unchanged mean that the wrong objects are protected from export. Other categories of older cultural objects, on the other hand, lack statutory protection and can therefore be brought out of the country. The fixed limits are also viewed as opening various ways of circumventing the export regulations through planning.

Several actors think that the validity of the permit – one year – is too short and should apply for a longer period of time. Sometimes, dealers do not manage to sell an object before the permit expires. They must then apply for a permit for the same object again. Even people who regularly move in and out of Sweden for extended periods of time and take their antiques with them need to apply for permits several times for the same objects. In this regard, some informants believe that the legislation has not been adapted to the movement patterns of today.

## Possibilities for increasing compliance with the rules

Not only do the interviews demonstrate what obstacles there are to complying with the rules but they also show what possibilities the informants see for improving the protection of older cultural objects. The suggestions for possible improvements can be described in the form of protection models (see the chapter about five regulatory approaches for protecting cultural heritage – *Fem regleringsmodeller för kulturarvsskydd*). The three models that most clearly appear in the interview material are presented below. Based on the interviewees' descriptions of the current situation, Brå assesses that reinforcing the current system with more information and increased collaboration would be most effective. Such reinforcement offers the greatest opportunity for increasing protection of the cultural objects that could be of greatest significance for the national cultural heritage and can lead to an increase in the number of applications.

### **The status quo model – an insufficient system**

*The status quo model* means that the current legislation and practices surrounding these are kept as they are. The model relies on the idea that certain older cultural objects of great importance to the national cultural heritage are not to be taken out of the country. The majority of those interviewed feel that the current system provides insufficient protection to the part of cultural heritage that affects cultural objects covered by the regulations of the cultural heritage legislation.

If the status quo model is chosen, it is reasonable to assume that the number of applications will continue to fall. Brå therefore assesses that this model provides poor protection for cultural objects that can be of great importance to cultural heritage and can hardly lead to the rules being followed to any significant degree.

## **The development model – a reinforced protection for cultural heritage through the provision of information and collaboration**

Another possibility for improving compliance with the export regulations within the framework of the current legislation is to complement the status quo model with the *development model*. Such a model relies on the idea that increased information regarding the export regulations *and* collaboration between key actors would improve the protection and use of older cultural objects. The development model captures several of the suggestions given by the interviewees. The model requires that permit-issuing authorities put significant effort into disseminating information as well as making it simpler for cultural objects to be circulated in society. The development model builds upon existing legislation, but is benefited by the allocation of increased resources to relevant authorities.

### ***More information from the Swedish National Heritage Board is requested***

When it comes to the provision of information, two of the interviewees suggest that permit-issuing authorities should offer information at antique exhibitions etc. Some dealers would also like the permit-issuing authorities to process applications at the exhibitions to facilitate trading. Some interviewees also request dispatches from the Swedish National Heritage Board regarding current rules and that other permit-issuing authorities contribute to the dissemination of information.

### ***Increased collaboration between key actors is requested***

The development model requires increased collaboration. The idea here is that increased collaboration is crucial to preserving and facilitating the use of the objects. Collaboration refers both to cooperation between permit-issuing authorities and other authorities as well as cooperation between authorities and other interested parties. Increased collaboration does not require any changes to the law, but extra resources may be needed in order to give the authorities the possibility to prioritise their work in protecting cultural objects.

When it comes to increased collaboration between the authorities, there are several suggestions. Carriers would like the decisions made by permit-issuing authorities regarding export permits to be linked together with Swedish Customs' export declarations. That way, the work would be made easier for customs as well as carriers.

Dealers and brokers would also like improved cooperation with the officials of permit-issuing authorities, particularly through personal contact. Carriers, too, are open for more contact with the authorities. Such cooperation is important for the rules to be complied with, since the study shows that it is often the carriers who ensure the existence of an export permit. (More suggestions are presented in the chapter about possibilities for increased protection of cultural objects – *Möjligheter för ökat skydd av kulturföremål*)

Several suggestions require more resources being granted to the permit-issuing authorities or that they reprioritise their work assignments.

Perhaps the most important reason for the suggestions for collaboration is to create arenas where contacts are established between different actors. These contacts are expected to lead to increased cooperation and joint efforts to care for cultural objects that are covered by the rules.

It is Brå's opinion that, if the development model is chosen, the conditions for protecting cultural objects that are covered by the legislation will be more effective. The number of applications can also be expected to increase.

### **The market model – an untested solution with uncertain consequences**

A third possibility is to introduce a *market model*, which means that export regulations are significantly revised or completely abolished. The right of first refusal can be given to public museums as an addition to the model. Proponents of this model consider that older cultural objects that are covered by the export regulations are best preserved through free trade and that they are sold to the buyer who offers the most money. If foreign buyers are willing to pay more than Swedish ones, the former are assumed to take better care of the objects. If objects are largely sold abroad, types of object that are of great importance to the cultural heritage will sometimes be owned within Sweden and sometimes abroad. Critics of the market model say that a free market would risk leading to too few of the interesting cultural objects remaining in the country.

The effects of increased export are not entirely clear. On the one hand, the distribution of cultural objects would increase interest in Swedish culture and certain objects would be better preserved abroad. On the other hand, there is a danger that certain categories of objects could drastically decline in Sweden and that objects would lose their provenance<sup>9</sup> if they leave the country.

#### ***The effects of a free market could be moderated through advance purchase by the State***

In order to compensate for the risk that older cultural objects of great importance to the cultural heritage might be exported; the market model could be complemented by the *advance purchase*

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<sup>9</sup> Provenance refers to knowledge about an object's origin, manufacturer, previous owners etc.

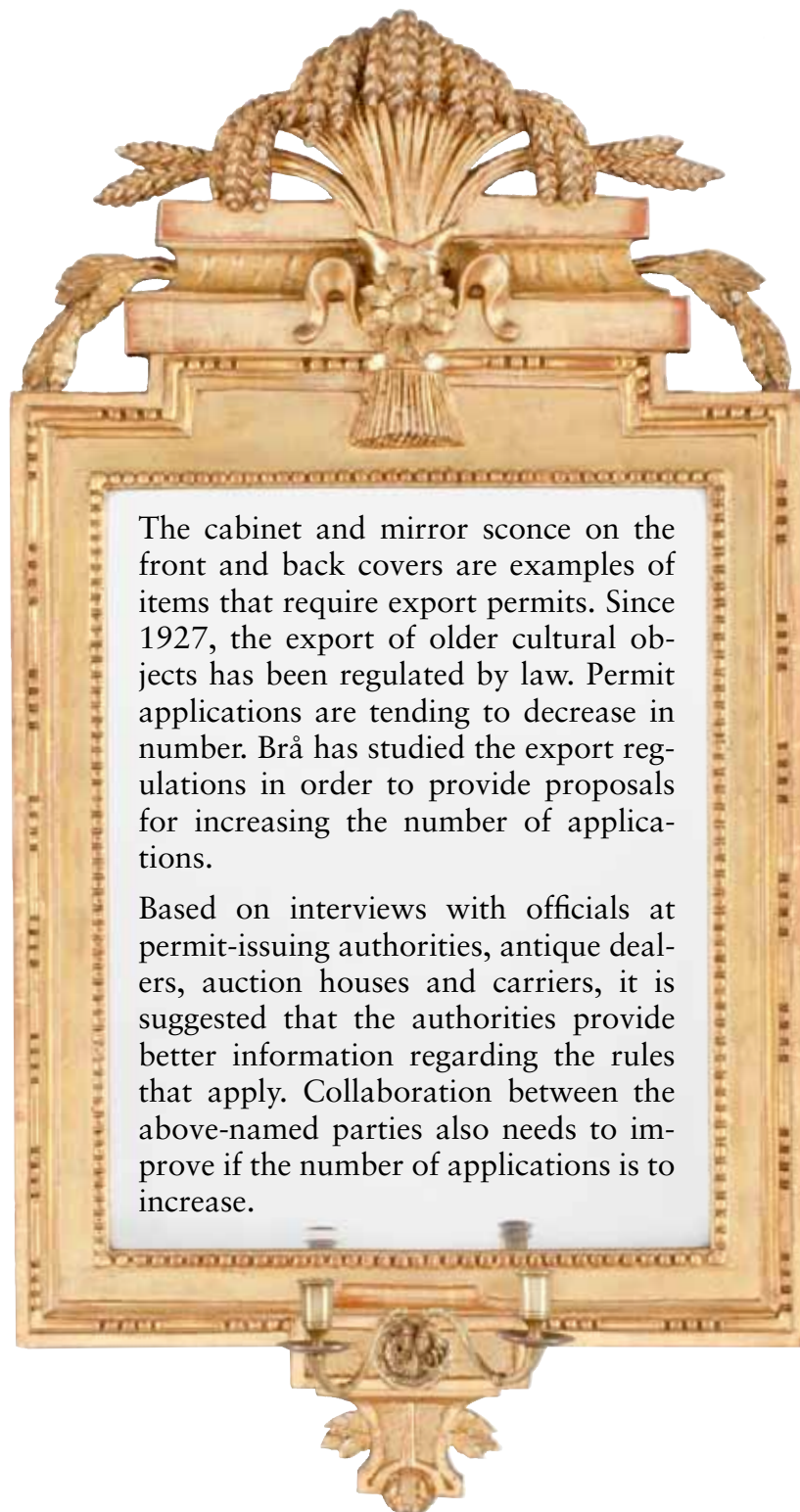
*model.* This model can be found in some other European countries and means that representatives of public museums are given the opportunity to procure important objects. When an auction takes place in those countries, the state can either bid on objects during the auction or be offered to buy the object for the hammer price after the auction has concluded or in connection with the export application. If the advance purchase model is implemented, more objects will be owned by the state, which requires more resources for procurement. The model also requires a change to the legislation in order to be implemented.

It is difficult to foresee the effects of the market model. A possible consequence could be that public interest in cultural objects might decline if the model is introduced.

## Further evaluation of illegal exports of cultural objects

Regardless of which of the three suggestions presented above are chosen, there are possibilities to further study how the export regulations are developed and how the number of applications is affected. Of special interest is to study the results if a reinforcement of the protection provided is chosen by means of the development model, since it involves more actors than are currently working regularly with export issues. It is of particular interest to follow the effects of collaboration between the authorities. It is also of interest to study the knowledge that other museums have (apart from the permit-issuing authorities) regarding efforts for regulating export, since their personnel have a lot of contact with the general public.

There are also opportunities to study the connection between illegal export and other criminal activities, such as tax offences, especially if cooperation begins with the Swedish Tax Agency (Skatteverket).



The cabinet and mirror scone on the front and back covers are examples of items that require export permits. Since 1927, the export of older cultural objects has been regulated by law. Permit applications are tending to decrease in number. Brå has studied the export regulations in order to provide proposals for increasing the number of applications.

Based on interviews with officials at permit-issuing authorities, antique dealers, auction houses and carriers, it is suggested that the authorities provide better information regarding the rules that apply. Collaboration between the above-named parties also needs to improve if the number of applications is to increase.