

# **The Act on adopting certain regulations of the Unidroit Convention on Stolen or Illegally Exported Cultural Objects and the application of the Convention 877/1999**

## **Section 1**

### **Bringing the Convention into force**

The regulations of the Unidroit Convention on Stolen or Illegally Exported Cultural Objects adopted in Rome on 24 June 1995 shall be in force as agreed, provided they belong in the scope of legislation.

## **Section 2**

### **The return of cultural objects unlawfully exported from the territory of a Member State of the European Economic Area**

Instead of this Act, the Act on the Return of Cultural Objects Unlawfully Removed from the Territory of a Member State of the European Economic Area (1276/1994) shall be applied to the return of cultural objects located in Finland that have been illegally exported from the territory of another Member State of the European Economic Area, insofar as they concern matters regulated in this Act.

## **Section 3**

### **Protection of the owner of a stolen cultural object**

In this Act, a stolen cultural object shall mean a cultural object as defined in Article 2 of the Convention, which has been removed from the possession of the owner through theft, robbery, extortion, embezzlement or other such crime or which someone has illegally obtained through detaching, digging or archaeological find irrespective of where the object was located.

Articles 3, 4 and 8 of the Convention mentioned in Section 1 shall be in force with regard to the protection of the owner of a stolen cultural object and the return of the object to its owner and the procedure in matters concerning return. Whatever has been prescribed regarding the owner shall also apply correspondingly to a party who through right of lien, right of use or on the basis of other right is entitled to keep the object in possession.

## **Section 4**

### **Recognition and enforcement in Finland of a ruling issued in a Contracting State for the return of a stolen cultural object**

A ruling issued by the court of a foreign State for the return of a stolen cultural object shall be recognised and enforced in Finland if legislation or agreement concerning the matter has been separately made.

## **Section 5**

### **The right to compensation of a bona fide assignee**

When a stolen cultural object is ordered to be returned to its owner, the person who has obtained bona fide ownership, right of lien, right of use or other right to the stolen cultural object shall be

entitled, in accordance with Article 4 of the Convention, to receive reasonable compensation for returning the object and losing such right.

If the amount of compensation under other legislation applied to the matter would be lower than that under Article 4 of the Convention or if the owner is entitled to have the object returned free of compensation under such other legislation, then that shall be complied with.

## **Section 6**

### **The right to compensation of a possessor of a cultural object that has been illegally exported from the country**

The possessor who, after an object has been illegally exported, has obtained ownership or other right to the cultural object illegally exported from the country, shall be entitled to receive reasonable compensation from the requesting Contracting State in accordance with Article 6 of the Convention for any damage or disadvantage that may be incurred by returning the object, provided that the possessor neither knew nor ought reasonably to have known at the time of acquisition of ownership or other right that the object had been illegally exported from the territory of the Contracting State.

## **Section 7**

### **The place of jurisdiction in matters concerning the return of a cultural object illegally exported from the country**

The application for the return of a cultural object illegally exported from the country shall be dealt with by the local court in whose jurisdiction the object is located or in the jurisdiction in which the residence or domicile of the applicant's adversary is located or where the hearing of the case is otherwise convenient.

## **Section 8**

### **The central authority**

The duty of the Ministry of Justice together in co-operation with the competent authority shall be to:

- 1) receive requests sent from the territory of another Contracting State on the basis of the Convention mentioned in Section 1 concerning illegally exported cultural objects and submit the requests to the competent local court;
- 2) give other legal assistance concerning cultural objects illegally exported from the territory of another Contracting State;
- 3) send requests to the court or other competent authority of another State concerning cultural objects illegally exported from Finland;
- 4) take other necessary measures within the scope of application of the Convention mentioned in Section 1 of this Act.

## **Section 9**

### **Protective measures**

In order to ensure the return of a cultural object illegally removed from the territory of another State, the local court referred to in Section 7 may order the confiscation of the object or take other protective measures as prescribed in chapter 7 of the Code of Judicial Procedure.

The application concerning the protective measure may be made by the Ministry of Justice or by the State from which the object was taken illegally. The protective measure shall lapse if the application

referred to in Section 7 is not made within two months of giving the order for the protective measures.

## **Section 10**

### **Returning illegally exported cultural objects to a State other than a State being a contracting party to the Convention**

It may be prescribed by decree that a cultural object that has been taken illegally from the territory of a State that is a contracting party to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, but is not a contracting party to this Convention, shall be returned to the State concerned as prescribed in this Act.

## **Section 11**

### **Further provisions**

Further provisions on the application and implementation of the present Act may be prescribed as necessary by decree.

## **Section 12**

### **Entry into force**

This Act will enter into force on a date to be defined by decree.

The provisions of this Act shall not be applied to cultural objects which have been stolen before this Act enters into force or to the return of cultural objects illegally exported if the object was taken illegally from another Contracting State before the Convention has entered into force between the Contracting State concerned and Finland.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.