

# Act on Controls on the Illicit Export and Import and Other Matters of Cultural Property

(Act No. 81 of July 3, 2002)

## (Purpose)

Article 1 The purpose of this Act is to take necessary measures in connection with the import, export, and recovery of stolen cultural property in order to ensure proper implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (hereinafter referred to as the "Convention").

## (Definitions)

Article 2 (1) The term "cultural property" as used in this Act means domestic cultural property and property which a foreign government that is a State Party to the Convention (hereinafter referred to as a "foreign government") has designated pursuant to Article 1 of the Convention.

(2) The term "domestic cultural property" as used in this Act means property which is among articles belonging to the categories that are enumerated in Article 1, (a) through (k) of the Convention that has been designated as Important Cultural Property pursuant to the provisions of Article 27, paragraph (1) of the Law for the Protection of Cultural Properties (Act No. 214 of 1950), as Important Tangible Folk Cultural Properties pursuant to the provisions of Article 78, paragraph (1) of that Law, or as Historic Sites, Places of Scenic Beauty, or Natural Monuments pursuant to the provisions of Article 109, paragraph (1) of that Law.

## (Specified Foreign Cultural Property)

Article 3 (1) Upon receiving notification from a foreign government to the effect that cultural property has been stolen from an institution stipulated in Article 7 (b) (i) of the Convention, the Minister of Foreign Affairs is to notify the Minister of Education, Culture, Sports, Science and Technology of the content thereof without delay.

(2) Upon receiving notification from the Minister of Foreign Affairs pursuant to the provisions of the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology designates the cultural property that is the subject of the notification as specified foreign cultural property pursuant to what is prescribed by the Ministry of Education, Culture, Sports, Science and Technology (MEXT) Order.

(3) When the Minister of Education, Culture, Sports, Science and Technology

intends to make a designation pursuant to the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry must be consulted.

(Approval of Import)

Article 4 A person that intends to import specified foreign cultural property is to comply with the obligation to obtain import approval pursuant to the provisions of Article 52 of the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1949).

(Public Notice of Notification)

Article 5 (1) Upon receiving notification (limited to notification of loss or theft) in connection with domestic cultural property pursuant to the provisions of Article 33 of the Law for the Protection of Cultural Properties (including the application mutatis mutandis to Article 80, Article 118, and Article 120 of that Act), the Commissioner of the Agency for Cultural Affairs publicly announces to that effect in the Official Gazette and, when the property has been stolen from an institution stipulated in Article 7 (b) (i) of the Convention, also notifies the Minister of Foreign Affairs.

(2) Upon receiving the notice prescribed in the preceding paragraph, the Minister of Foreign Affairs is to notify foreign governments of the content thereof without delay.

(Special Provision Related to Good Faith Acquisition of Specified Foreign Cultural Property)

Article 6 (1) Even when the possessor of specified foreign cultural property fulfils the conditions stipulated in Article 192 of the Civil Code (Act No. 89 of 1896), the victim of the theft as referred to in Article 3, paragraph (1) above may, in addition to making a claim for recovery pursuant to the provisions of Article 193 of the Civil Code, claim for recovery of the property from the possessor after 2 years have elapsed and within a total period of 10 years from the time of the theft; provided, however, that this does not apply when the specified foreign cultural property has been so designated pursuant to the provisions of Article 3, paragraph (2) after its import into Japan.

(2) In the instance described in the main clause of the preceding paragraph, the victim must compensate the possessor for the price paid for the property.

(Measures to Further Public Understanding)

Article 7 The State must endeavor, through educational, public awareness and other activities, to further public understanding of the prevention of the illicit import, export, and transfer of ownership of cultural property and also to obtain public cooperation in this regard.

## **Supplementary Provisions [Extract]**

(Effective Date)

- (1) This Act comes into effect as of the day that the Convention enters into force in Japan.

(Transitional Measures)

- (2) The provisions of Article 3 do not apply to cultural property that was stolen prior to the enforcement of this Act.
- (3) The provisions of Article 5 do not apply to cultural property that was lost or stolen prior to the enforcement of this Act.