



Guidance on the provision of import proof, declarations and provenance (updated 29.08.17)

The provision of provenance by exporters for cultural objects that are intended for export, would appear to be a recurrent, contentious, and on occasions fractious issue for quite some time.

It may be useful to look at first principles and reflect on why exporters are asked to provide import proof/provenance.

When an application is received by the Export Licensing Unit (ELU), one of the first questions the Unit is required to answer is whether the object has been in the UK for the past 50 years. If you are applying for an export licence for an object that has been imported into the UK, other than from the Channel Islands, within the last 50 years, you must supply with your application the appropriate import paperwork as proof of this.

In the case of exports from an EU Member State, the ELU must ensure that the object is legally and definitively located in the UK before we can process and issue an EU licence for the item to leave the EU. For example, if you wish to export an object to a non-EU destination, and the object in question had been exported from France, it may have required a French Passport (the French equivalent of an export licence). A copy of this should be enclosed with your application. If the object did not require a French passport then you will need to enclose proof of this, such as an invoice proving that the purchase price for the object was below the threshold value at which it would require a passport for it to be legally exported from France. Another example would be if the object had been imported from the Netherlands, we would require confirmation that the object is not on the Dutch restricted list before we could issue an EU licence for the object to leave the EU.

For objects that have been imported from a **non-EU** Member State, you should include with your application all available paperwork detailing where the object has been imported into the UK from and on what date it arrived. If no proof of import is available then you can provide a signed declaration instead. If you provide import proof, a signed declaration or a previous permanent export licence issued by the relevant UK authorities, it will speed up the processing of your application as it will not have to be referred to an Expert Adviser and should be issued within five working days.

When supplying Customs documents in support of an export licence application, please provide either an invoice or a short statement linking the import proof to the object in question. This is because often the Customs documents do not mention the object, just the country of export and date of export. Alternatively, you may like to write the import document's reference number on the export application form (in box 17 on the EU form and in the main box on page 3 of the UK form); by doing this the import documents are tied to the licence application.

Objects that have been in the UK for 50 years or more/there is no evidence of import into the UK in the past 50 years, and are valued at or above the financial thresholds set out in the Open General Export Licence dated 12 March 2015, are referred to an expert adviser who decides whether an objection should be raised to the export of an object under the Waverley Criteria. For such objects the provision of provenance information must be provided. In particular in accordance with Box 17 of the EU Licence forms you are required to provide the following information on formal aspects of the cultural goods to be exported: historical antecedents, conditions of execution, former owners, state of preservation and restoration, bibliography, electronic code or marking. The UK Licence forms ELU Form C require the applicants to quote all known provenance and published references with the full description. In both cases if the goods have been the subject of an auction sale please provide a copy of the relevant catalogue entry with your application. In addition to this information being required its provision aids an adviser in their consideration and is particularly pertinent when considering the first Waverley criterion, as an object may (by association with an important person, location, event or a collection which is of great historical significance) be of national importance.

On occasion the ELU receives an application with no details as to the provenance of an object and upon investigation it is found that some of these objects have been in the UK for under 50 years. If an application is not accompanied by any provenance history the ELU cannot simply assume that the object has been in the UK for the last 50 years and will continue upon receipt of such applications to put their processing on hold whilst enquiries are made.

I am aware that there can be difficulties where vendors may not wish to divulge any information surrounding the acquisition of the object, often stating “the piece was bought in the trade”. This may well be a perfectly legitimate desire to keep commercially sensitive information secret from other dealers. However, this practice is at odds with the need to provide provenance for an export licence. I can assure you that all information received by the ELU is treated as strictly confidential and would not be disclosed to another dealer/competitor, and this information can also be provided to the ELU direct if the vendor prefers.

I have included the declaration templates that we accept in support of an export licence application – see Annexes A, B, C and D below.

If you have any questions, or are unsure that you have included enough information with your export licence application, please do not hesitate to contact the ELU on 020 7268 9606/9635/9623/9642/9622/9614 and 9572.

Frances Wilson
Export Licensing Manager
Tel: 020 7268 9606
Frances.Wilson@artscouncil.org.uk

To: Export Licensing Unit
Arts Council England
21 Bloomsbury Street
London WC1B 3HF

Date

Dear Sirs,

I am writing to confirm that ****item description**** was imported into the UK on ****date it was imported**** from ****country it was imported from****. I can confirm that this item is located in the UK following lawful and definitive despatch from ****country it was imported from****. Unfortunately no proof of import is available because ****provide reason****.

I recognise that the information I have provided will be used to assess an application for an export licence and that the provision of misleading information in this respect is an offence under article 4 of the Export of Objects of Cultural Interest (Control) Order 2003 (S.I. 2003 No. 2759).

Yours faithfully,

To: Export Licensing Unit
Arts Council England
21 Bloomsbury Street
London WC1B 3HF

Date

Dear Sirs,

I am writing to confirm that ****item description**** was imported into the UK on ****date it was imported**** from ****EU member state it was imported from****. I can confirm that this item is located in the UK following lawful and definitive despatch from ****EU member state it was imported from****. Unfortunately no proof of import is available because ****provide reason****.

I recognise that the information I have provided will be used to assess an application for an export licence and that the provision of misleading information in this respect is an offence under article 4 of the Export of Objects of Cultural Interest (Control) Order 2003 (S.I. 2003 No. 2759).

Yours faithfully,

To: Export Licensing Unit
Arts Council England
21 Bloomsbury Street
London WC1B 3HF

Date

Dear Sirs,

I am writing to confirm that ****item description**** was imported into the UK on ****date it was imported**** from ****country it was imported from****. Unfortunately no proof of value is available because ****reason here**** so please accept this declaration as proof that the value would have been ****value here**** in ****date here****. I can confirm that this item is located in the UK following lawful and definitive despatch from ****EU member state it was imported from****. Unfortunately no proof of import is available because ****provide reason****.

I recognise that the information I have provided will be used to assess an application for an export licence and that the provision of misleading information in this respect is an offence under article 4 of the Export of Objects of Cultural Interest (Control) Order 2003 (S.I. 2003 No. 2759).

Yours faithfully,

To: Export Licensing Unit
Arts Council England
21 Bloomsbury Street
London WC1B 3HF

Date

Dear Sirs,

The information I have given is complete, accurate and true and I have enclosed all relevant and available supporting documentation and provenance.

I recognise that the information I have provided will be used to assess an application for an export licence and that the provision of misleading information in this respect is an offence under article 4 of the Export of Objects of Cultural Interest (Control) Order 2003 (S.I. 2003 No. 2759).

Yours faithfully,