



9 September 2022

Dear Exporter

IMPORT PROOF, DECLARATIONS AND PROVENANCE

The provision of provenance by exporters for cultural objects that are intended for export has long been a contentious and on occasions fractious issue.

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

When an application is received by the Export Licensing Unit (ELU), one of the first things it needs to know 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 to prove it.

In the case of exports from an EU Member State, the ELU must ensure that the object is lawfully and definitively located in the UK before we can process and issue a licence for the item to leave. 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; in this case we would require confirmation that the object was not on the Dutch restricted list before we could issue a licence for it.

For objects that have been imported from a **non-EU** Member State, you should include with your application all available paperwork detailing from 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 ELU, 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. You should also provide details of all known provenance and any export licences issued from the object's country of origin as we need to be sure that it is lawfully located in the UK.

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 the main box on page 3); by doing this the import documents are tied to the licence application.

Objects that have been in the UK for 50 years or more/ or for which 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 1 January 2021, are referred to an expert adviser who decides whether an objection should be raised on the grounds that their export would be a misfortune under the Waverley Criteria. It is therefore crucial that full provenance information is provided. Our licence form (ELU Form C) requires the applicant to give all known provenance and published references with the full description. 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.

We are aware that there can be difficulties where owners 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. 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 owner or their vendor prefers.

The declaration templates that we accept in support of an export licence application are at Annexes A, B and C below.

If you have any questions about this Notice, please contact the ELU on 0161 934 4317.

Frances Wilson
Export Licensing Manager

To: Export Licensing Unit
Arts Council England
elu@artscouncil.org.uk

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 export 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,

Signature

Print name

Date

To: Export Licensing Unit
Arts Council England
elu@artscouncil.org.uk

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,

Signature

Print name

Date

To: Export Licensing Unit
Arts Council England
elu@artscouncil.org.uk

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****. Its value at that time meant that it did not need an export licence from ****country it was imported from****. Unfortunately, no proof of its value at that date is available because ****reason**** so please accept this declaration as proof that the value would have been ****value**** in ****date****. A justification for this is appended [*provide a justification by reference to open market sales of comparable objects at that time*]

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,

Signature

Print name

Date