

Act Concerning Controls on the Illicit Export and Import of Cultural Property

Article 1

Purpose

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”).

Article 2

Definitions

1. In this act, the term “cultural property” 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 in accordance with Article 1 of the Convention.

2. In this act, the term “domestic cultural property” means property which is among items belonging to the categories that are enumerated in (a) through (k) of Article 1 of the Convention and has been designated as Important Cultural Property in accordance with the provisions of Paragraph 1 of Article 27 of the Law for the Protection of Cultural Properties (Law No. 214 of 1950), as Important Tangible Folk Cultural Property in accordance with the provisions of Paragraph 1 of Article 78 of that law, or as a Historic Site, Place of Scenic Beauty, or Natural Monument in accordance with the provisions of Paragraph 1 of Article 109 of that law.

Article 3

Specified Foreign Cultural Property

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 shall 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 in accordance with the provisions of the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology shall designate the cultural property that is the subject of the said notification as specified foreign cultural property in accordance with what is prescribed by the Ministry of Education, Culture, Sports, Science and Technology (MEXT) Ordinance.

3. When the Minister of Education, Culture, Sports, Science and Technology intends to make a designation in accordance with the provisions of the preceding paragraph, the Minister of Economy, Trade and Industry shall be consulted.

Article 4

Approval of Import

Any person who intends to import specified foreign cultural property shall comply with the obligation to obtain import approval in accordance with the provisions of Article 52 of the Foreign Exchange and Foreign Trade Law (Law No. 228 of 1949).

Article 5

Announcement of Notification, etc.

1. Upon receiving notification (limited to notification of loss or theft) in connection with domestic cultural property in accordance with the provisions of Article 33 of the Law for the Protection of Cultural Properties (inclusive of the application *mutatis mutandis* of Article 80, Article 108, and Article 120 of that Law), the Commissioner of the Agency for Cultural Affairs shall make an announcement thereof in the Official Gazette and, when the said property has been stolen from an institution stipulated in Article 7 (b) (i) of the Convention, shall also notify the Minister of Foreign Affairs.

2. Upon receiving notification as in the preceding paragraph, the Minister of Foreign Affairs shall notify foreign governments of the content thereof without delay.

Article 6

Exceptions Related to Acquisition in Good Faith of Specified Foreign Cultural Property

1. Even when the possessor of specified foreign cultural property fulfils the conditions stipulated in Article 192 of the Civil Code (Law No. 89 of 1896), the victim of the theft as referred to in Paragraph 1 of Article 3 above may, in addition to making a claim for recovery in accordance with the provisions of Article 193 of the Civil Code, claim for recovery of the said property from the possessor after two (2) years have elapsed and within a total period of ten (10) years from the time of the theft. However, this shall not apply when the said specified foreign cultural property has been so designated in accordance with the provisions of Paragraph 2 of Article 3 after its import into Japan.

2. In the instance described in the first sentence of the preceding paragraph, the victim shall compensate the possessor for the price paid for the said property.

Article 7

Measures to Deepen Public Understanding

The Government of Japan shall endeavor, through educational, public awareness and other activities, to deepen 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

Date of Enforcement

1. This act shall come into force on the day that the Convention enters into force in Japan.

Transitory Measures

2. The provisions of Article 3 shall not apply to cultural property that was stolen prior to the enforcement of this act.
3. The provisions of Article 5 shall not apply to cultural property that was lost or stolen prior to the enforcement of this act.