

Exporting objects of cultural interest if there's no Brexit deal

Summary

How exports of objects of cultural interest would be licensed if the UK leaves the EU with no deal.

Detail

If the UK leaves the EU in March 2019 with no deal, find out how this would affect the export of objects of cultural interest from the UK.

A scenario in which the UK leaves the EU without agreement (a 'no deal' scenario) remains unlikely given the mutual interests of the UK and the EU in securing a negotiated outcome.

Negotiations are progressing well and both we and the EU continue to work hard to seek a positive deal. However, it's our duty as a responsible government to prepare for all eventualities, including 'no deal', until we can be certain of the outcome of those negotiations.

For two years, the government has been implementing a significant programme of work to ensure the UK will be ready from day 1 in all scenarios, including a potential 'no deal' outcome in March 2019.

It has always been the case that as we get nearer to March 2019, preparations for a no deal scenario would have to be accelerated. Such an acceleration does not reflect an increased likelihood of a 'no deal' outcome. Rather it is about ensuring our plans are in place in the unlikely scenario that they need to be relied upon.

This series of technical notices sets out information to allow businesses and citizens to understand what they would need to do in a 'no deal' scenario, so they can make informed plans and preparations.

This guidance is part of that series.

Also included is an [overarching framing notice](<https://www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario/>) explaining the government's overarching approach to preparing the UK for this outcome in order to minimise disruption and ensure a smooth and orderly exit in all scenarios.

We are working with the devolved administrations on technical notices and we will continue to do so as plans develop.

This notice clarifies the procedures for export licensing for objects of cultural interest in the unlikely event that the UK leaves the EU in March 2019 with no agreement in place.

Before 29 March 2019

At present there are no licensing requirements for objects of cultural interest for import into the UK or EU.

There are currently two licensing regimes in place for the export of cultural goods from the UK:

1. UK law applies for exports to any foreign destination;
2. EU regulations apply to objects travelling outside the EU.

Although licences are often required under both regimes for objects intended for export outside the EU, the UK system has been adapted so that exporters usually only need to obtain one specific individual export licence (which may cover more than one object).

Both licensing systems are administered by Arts Council England (ACE) and you can read ACE's [Procedures and Guidance for Exporters](https://www.artscouncil.org.uk/sites/default/files/download-file/Guidance_for_exporters_issue_1_2016.pdf). This guidance advises you which licence to apply for and outlines the lead times for issuing licences.

With limited exceptions, these are:

- 5 working days where an object has been imported into the UK within the last 50 years
- 28 working days where the object has *not* been imported within the last 50 years

Licences are applied for and issued on paper, and at present potential exporters should contact ACE for licence application forms and further guidance on current processes.

Current policy normally grants an export licence for any object which has been imported into the UK within the last 50 years.

If an EU licence is required, this is subject to sufficient evidence being provided to show that any export of the object from a member of the European Customs Union on or after 1 January 1993 was lawful and definitive.

After 29 March 2019 if there's no deal

What you need to do to export from the UK to the EU and the rest of the world

In autumn 2018 a Statutory Instrument will be laid that would revoke the relevant EU regulations in relation to the cultural objects export licensing system on exit day. From that date, if there's no deal, you would need only a UK licence to export cultural objects from the UK to any destination, and we will stop issuing EU licences. ACE will distribute guidance on any changes to the UK licensing system to reflect new procedures.

Further information will follow in the New Year about whether and how the UK export licensing system will have regard to legal and definitive dispatch from other countries.

EU licences issued by ACE before exit day would be valid for export at UK borders after exit day for the duration of their validity (the period of validity for EU export licences cannot exceed 12 months).

Likewise, the offences, rights, obligations, and restrictions relating to licences will continue to apply after exit day. For example, if a person is granted an EU licence in the UK before exit day on the condition that the object be returned to the UK within one year, and after exit day acts under the authority of the licence by removing the item from the UK but fails to comply with that condition by not returning the object, that will still constitute an offence under UK legislation in the same way as it would have before exit day.

At present there are no licensing requirements for objects of cultural interest for import into the UK or EU.

What you need to do to export from the EU to the UK and the rest of the world

If you hold an EU licence issued by the UK authority before exit day, and hope to use it to authorise the export of objects of cultural interest to destinations outside the EU after exit day, you should also take any further steps to ensure uninterrupted compliance with the EU and individual EU countries' licensing regimes, as appropriate for your individual circumstances.

Individuals and businesses moving objects of cultural interest from the EU to the UK will already be familiar with domestic export licensing systems of various EU countries. After EU-exit, these movements may also be subject to the EU export licensing system. In some cases, this may mean that you would have to fulfil further administrative requirements. You would be encouraged to consult the licensing authorities in the country of export.

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Early in the New Year the Export Licensing Unit at ACE would announce a cut-off, after which they would not process and issue EU licences before exit-day. There would be two cut-off dates: one for applications that need to be referred to expert advisers, and a later one for applications that do not. Please refer to the [Statutory Guidance and the Procedures and Guidance](<https://www.artscouncil.org.uk/export-controls/export-licensing#section-3>) for Exporters for further details on this distinction.

After these dates, applicants would be required to send in applications for all exports on UK export licence forms.

More information

A Statutory Instrument revoking the EU regulations governing the EU export licensing regime will be published in autumn 2018.

Details on how the UK licensing procedures will be adapted to reflect changes arising from EU exit will also be published in autumn 2018. This will include changes to the Statutory Guidance.

Find out more about the [Statutory Guidance and current Procedures and Guidance for Exporters](<https://www.artscouncil.org.uk/export-controls/export-licensing#section-3>).

More information and instructions will be published in the coming months. We aim to give businesses and individuals as much certainty as possible as soon as we can, and to ensure that any new requirements are not unduly burdensome.

This notice is meant for guidance only. You should consider whether you need separate professional advice before making specific preparations.

It is part of the government's ongoing programme of planning for all possible outcomes. We expect to negotiate a successful deal with the EU.

The UK government is clear that in this scenario we must respect our unique relationship with Ireland, with whom we share a land border and who are co-signatories of the Belfast Agreement. The UK government has consistently placed upholding the Agreement and its successors at the heart of our approach. We recognise the basis it has provided for the deep economic and social cooperation on the island of Ireland. This includes North-South cooperation between Northern Ireland and Ireland, which we're committed to protecting in line with the letter and spirit of Strand two of the Agreement.

The Irish government have indicated they would need to discuss arrangements in the event of no deal with the European Commission and EU Member States. The UK would stand ready in this scenario to engage constructively to meet our commitments and act in the best interests of the people of Northern Ireland, recognising the very significant challenges that the lack of a UK-EU legal agreement would pose in this unique and highly sensitive context.

It remains, though, the responsibility of the UK government to continue preparations for the full range of potential outcomes, including no deal. As we do, and as decisions are made, we'll take full account of the unique circumstances of Northern Ireland.

Norway, Iceland and Liechtenstein are party to the Agreement on the European Economic Area and participate in other EU arrangements. As such, in many areas, these countries adopt EU rules. Where this is the case, these technical notices may also apply to them, and EEA businesses and citizens should consider whether they need to take any steps to prepare for a 'no deal' scenario.