

## **Act prohibiting the seizure of certain exhibition items on loan in Finland**

### **Section 1. Application**

1. With a view to maintaining international cultural exchanges and to promoting the staging of exhibitions of artistic and cultural historical importance, it shall be possible to prohibit the seizure of an exhibition item on loan in Finland with a view to securing its return to the lender according to the provisions of this Act.

### **Section 2. Prohibition against seizure**

1. On application, the Ministry of Education and Culture may prohibit the seizure of an exhibition item (prohibition against seizure) where the item is lent for an exhibition which is of artistic or cultural historical significance or the staging of which is considered important in terms of international cultural exchanges and where the exhibition is organised by a corporation under public law or a not-for-profit legal person under private law.
2. A prohibition against seizure may not be issued where
  - (1) there is reason to believe that the exhibition item has been criminally obtained or the ownership of, or a corresponding right to, the item is in dispute;
  - (2) the prohibition would manifestly be in breach of an international treaty binding Finland or in breach of European Community law; or
  - (3) there is reason to believe that the exhibition item would be placed on sale in the exhibition or would otherwise be exploited commercially.
3. The prohibition against seizure may be issued for a maximum of one year. If it has not been possible, owing to an unforeseeable hindrance, to take the item out of the country while the prohibition is effective, the validity of the prohibition shall continue without further measures until two weeks have elapsed from the cessation of the hindrance. The exhibition organiser must inform the Ministry of Education and Culture of the hindrance without delay.

### **Section 3. Content of the prohibition against seizure**

1. In consequence of the prohibition against seizure:
  - (1) the exhibition item may not be seized or attached under Chapter 7 of the Code of Judicial Procedure (4/1734) or under the Coercive Measures Act (693/1997);
  - (2) the exhibition item may not be subjected to any other security or coercive measure which would prevent its return;
  - (3) the exhibition item may not be distrained;

- (4) an obligation of assignment may not be enforced in regard to the exhibition item;
- (5) no other enforcement measure which would prevent the return of the exhibition item may be enforced in regard to it if the ruling to be enforced becomes enforceable on or after the date of arrival of the application referred to in Section 2(1).

#### **Section 4. Application for a prohibition against seizure**

1. A prohibition against seizure can be applied for by the exhibition organiser. The application or its annexes must contain:
  - (1) the name of the applicant;
  - (2) the name of the lender of the exhibition item;
  - (3) information identifying the item;
  - (4) an account attesting that the conditions for issuing the prohibition against seizure referred to in Section 2(1) and (2) are fulfilled and indicating whether the country from which the exhibition item comes requires an export licence for bringing the item to Finland;
  - (5) a copy of the contract or draft contract between the applicant and the lender;
  - (6) the dates on which the prohibition applied is to start and end.
2. The application must be submitted to the Ministry of Education and Culture a minimum of two months before the date on which the prohibition is to take effect. An application submitted after the time limit indicated can be accepted only for a well-founded reason.

#### **Section 5. Reversal of a measure contravening a prohibition against seizure**

1. Where an exhibition item has been seized or has otherwise against the provisions of Section 3 been taken from its possessor, the authority who made the decision on the measure must reverse it without delay on the application of the exhibition organiser or on their own initiative. The object must be ordered to be returned to the exhibition organiser, where necessary.
2. The court of the district where the object is located or another district court which serves the purpose may reverse the measure contravening the prohibition against seizure notwithstanding the fact that the jurisdiction over the reversal of the measure would otherwise reside in another authority or court.
3. The ruling whereby the measure is reversed may not be appealed against.

#### **Section 6. Coming into force**

1. This Act shall come into force on 17 June 2011 .
2. Measures necessary for the implementation of this Act may be taken before the coming into force of this Act.