

**CONDITIONS
AND REQUIREMENTS
FOR THE EXPORT OF ART
FROM CHINA**

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Conditions and Requirements for the Export of Art from China

China's traditional and fine art command an important part of the country's rich heritage. Since ancient times, Chinese society has cherished its excellence in the arts. The exportation of traditional and fine art from China are protected by different regulations and relevant restrictions.

The strict legislative framework of traditional art

Every country cherishes its traditional heritage, and China is no exception. The country therefore keeps its legislative framework on its treasures very strict. For example, a Memorandum of Understanding between the U.S. and China was signed in 2009, where the U.S. has agreed to restrict imports of all Chinese art made before the end of the Tang Dynasty (907 AD).

The *Law of the People's Republic of China on Protection of Cultural Relics* of 1982, which was recently amended at the Third Meeting of the Standing Committee of the Twelfth National People's Congress on June 29, 2013, governs the conservation and exportation of traditional art in China. Such exports are, of course, prohibited but can be authorized upon State Council approval. Chapter VI of the law also states that cultural relics to be taken out of the country shall be subject to examination and verification by the relevant authorities designated by the administrative department in charge of cultural relics under the State Council. Exhibitions of traditional art must also follow government procedures.

How is fine art defined in China?

In Chinese law, the term *art* or *art work* refers to works of art with an aesthetic sense created by artists through the use of lines, color or other methods. This includes paintings, sculpture, photographs and devices, and permitted reproductions signed by their original artists in editions of less than 200¹. This definition does not include mass-produced artistic handicrafts and cultural relics.

¹ Article 1 of the *Provisions on the Management of the Import and Export of Fine Art of 2009*

What about Chinese fine art export regulations?

The extent of government control over modern artistic activities has been raising art merchant community concerns. The *Provisions on the Management of the Import and Export of Fine Art*, promulgated by the Ministry of Culture and Customs General Bureau, came into effect on August 1, 2009, and gives the right to government authorities to prohibit the import and export of art if they include any content listed in the 11 categories of its Article 5.

The 2004 measures (i.e. Administrative measures for the Business of Fine Arts) had listed similar prohibited content, but the 2009 provisions add content which “deliberately tampers with history or severely distorts history” (Article 5, section 9) and language that “divulges state secrets” (Section 3). A large scope of interpretation of the said article extends government control on the censorship of fine art in China and its exportation.

What are the requirements for the exportation of Chinese fine art?

The approval of the provincial bureau of the Ministry of Culture in the province where the export port is located is required to export art out of China.

The exporting entity must apply to the appropriate Ministry of Culture branch and submit various documents. It must be noted that for Beijing, Shanghai, Tianjin and Chongqing, the application must be made to the bureau of Ministry of Culture directly at the level of the concerned municipality under the direct jurisdiction of the central government. A response will be granted by the relevant authority within 15 days after receiving the application.

² Article 5: Art works are prohibited from being imported or exported if they contain content which:

- (1) violates the basic principles of the Constitution of China;
- (2) endangers the unification of the country, national sovereignty or territorial integrity;
- (3) divulges state secrets, endangers state security, honor or interests;
- (4) incites ethnic hatred, discrimination, or harms ethnic unity or habits and customs;
- (5) propagates or publicizes cults or superstitions;
- (6) disrupts social order or stability;
- (7) advocates or publicizes obscenity, pornography, gambling, violence, horror, or instigates crime;
- (8) libels, slanders or harms the legal interests of others;
- (9) deliberately tampers with history or severely distorts history;
- (10) harms public morals or ethnic cultural traditions; or
- (11) other content prohibited by laws, regulations and rules.

³ effective as of July 1st, 2004.

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