

Annual Report 2007-2008

Cultural Property Export and Import Act

Canadä



Background image:

Corner of Portland (detail), Charles Adams Platt, 1882, etching on paper. Acquired by the New Brunswick Museum in 2007–2008 with the assistance of a Movable Cultural Property Grant from the Department of Canadian Heritage. Image courtesy of the New Brunswick Museum, Saint John, New Brunswick, (2007.10.2).



Gandharan Baby Buddha (detail), ca. 4th – 5th century A.D., sculpture, painted stucco, 43.2 cm high. Certified in 2007–2008 under the terms of the *Cultural Property Export and Import Act*. Collection of the Glenbow Museum, Calgary, Alberta. Gift of the Bumper Development Corporation Ltd., (2006.073.001, DE 64).



Medal set of Field Marshall Julian Hedworth George Byng, 20060147-001. Certified in 2007–2008 under the terms of the Cultural Property Export and Import Act. Image courtesy of the Canadian War Museum, Ottawa, Ontario. Tilston Memorial Collection of Canadian Military Medals. Gift of Mr. William Dale Murray. ©Canadian War Museum.



Flight Sunrise, 2002, sculpture by John Paul Robinson, Canadian, b. Toronto 1954. Glass, electroformed copper, metal. 30.5 x 50.8 x 43.2 cm. Certified in 2007–2008 under the terms of the *Cultural Property Export and Import Act*. Photo: The Montreal Museum of Fine Arts, Michel Dubreuil. Gift, Anna and Joe Mendel Collection, (2007.218).



Original Test Subject Felix (detail), 1928, papier-maché. Original model used by RCA for television tests. Certified in 2007–2008 under the terms of the *Cultural Property Export and Import Act*. Image courtesy of La Cinémathèque québécoise, Montreal, Québec. Gift of Olympus Management Ltd.

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Annual Report 2007–2008

Cultural Property Export and Import Act

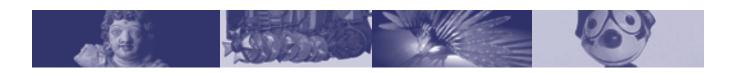
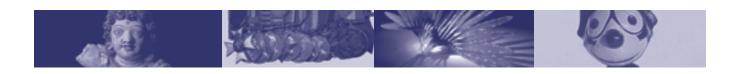


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INTRODUCTION

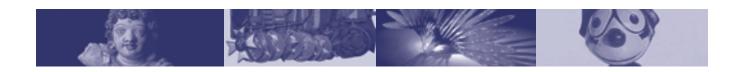
Since its adoption in 1977, the *Cultural Property Export* and *Import Act* has served to encourage and ensure the preservation in Canada of significant examples of this nation's artistic, historic, and scientific heritage. It accomplishes this through provisions governing an export and import control system, designation of institutions and public authorities that have demonstrated the capacity to preserve cultural property and make it accessible to the public, tax incentives to encourage Canadians to donate or sell significant objects to public institutions in Canada, and grants to assist public institutions in the purchase of cultural property under certain conditions. The responsibilities for carrying out these provisions are shared by the Minister of Canadian Heritage

and an independent administrative tribunal established by the *Act*, the Canadian Cultural Property Export Review Board, together with other government organizations responsible for particular activities associated with the enforcement of the *Act*.

Marking 30 years of the *Cultural Property Export and Import Act*, this report covers fiscal year 2007–2008, and includes, in Part I, the Report from the Chair of the Canadian Cultural Property Export Review Board to the Minister of Canadian Heritage and, in Part II, the Report of the Minister concerning the activities of the Movable Cultural Property Directorate of the Department of Canadian Heritage.



CANADIAN CULTURAL PROPERTY EXPORT REVIEW BOARD



Letter to the Minister from the Chair of the Board

Chair's Office 15 Eddy Street, 3rd Floor Gatineau, QC KIA 0M5

The Honourable James Moore Minister of Canadian Heritage and Official Languages 15 Eddy Street Gatineau, QC KIA 0M5

Dear Mr. Moore,

I am pleased to submit a report covering the activities of the Canadian Cultural Property Export Review Board for the period from April 1, 2007 to March 31, 2008.

The 2007–2008 fiscal year marked 30 years of the *Cultural Property Export and Import Act* and the activities of the Review Board. In its three decades of operation, the Board's role in the preservation of Canada's cultural heritage has been affirmed, enhanced, and reinforced. In sharing their diverse knowledge, expertise, and valuable time, all Board members have contributed towards the ongoing refinement of the Board's decision-making processes. The Board continually strives to promote greater clarity and transparency in the eyes of those other stakeholders—designated institutions and donors—who are integral to ensuring that Canada's heritage is preserved and enjoyed.

I accepted my mandate as Chair with a view to developing a cohesive communications plan so that all stakeholders, including collecting institutions, appraisers, private collectors, expert examiners and private citizens may feel that the information they need to participate in the preservation of our heritage is easily accessible. I and my colleagues on the Board look forward to continuing the dialogue that we have already begun towards achieving this objective.

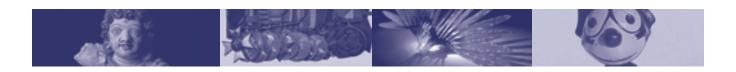
I wish to take this opportunity to recognize and thank the members of the Board for their continued diligence. On behalf of the members of the Board, I wish also to thank the Secretariat for carrying out its duties with dedication, enthusiasm and precision.

Finally, I would like to reiterate how much of a privilege it is for me to serve on the Board as its Chair.

Yours sincerely,

Marcel Brisebois

Quela,



PART I - CANADIAN CULTURAL PROPERTY EXPORT REVIEW BOARD

Canadian Cultural Property Export Review Board: Overview

Duties

Section 20 of the *Cultural Property Export and Import Act* (*Act*) stipulates that the duties of the Canadian Cultural Property Export Review Board (Board) are as follows:

- a) pursuant to Section 29, to review applications for export permits that have been refused, when requested;
- b) pursuant to Section 30, with regard to objects for which the issuing of export permits has been delayed by the Board, to make determinations respecting fair cash offers to purchase cultural property, when requested; and
- c) pursuant to Section 32, to certify cultural property for income tax purposes by making determinations of outstanding significance and national importance and of fair market value.

The Board's chief activity is the certification of cultural property for the purposes of issuing Cultural Property Income Tax Certificates (Canada Revenue Agency Form T871) to individual or corporate donors and vendors. Faced with limited acquisition funds, Canadian collecting institutions have been able to build and enrich their collections, thanks to special tax incentives¹ available to Canadians through the provisions of the *Income Tax Act*.

A vigorous donations program acts as the first line of defence in preventing the permanent export of objects of "outstanding significance and national importance," while involving individual Canadians and Canadian corporations in the important role of preserving the nation's heritage.

The second line of defence in keeping cultural property in Canada is the export control system, which is administered by the Department of Canadian Heritage. The export control mechanisms established by the *Cultural Property Export and Import Act* are instrumental in safeguarding in Canada significant cultural property that would otherwise be exported. The Board may establish an export delay period for items that come before it for review as a result of refused export permits. This provides an opportunity for Canadian collecting institutions to purchase outstanding objects for their collections. Grants are available from the Department to assist with purchase in this circumstance. Subject to certain restrictions, if a vendor has not received an offer before the export delay period has expired, an export permit will be granted.

Membership

Members of the Board are appointed by the Governor in Council, on the recommendation of the Minister of Canadian Heritage, for terms usually of three years.

The Income Tax Act provides for exemptions from the payment of capital gains tax for cultural property that has been certified by the Board and sold or donated to designated institutions or public authorities in Canada. Gifts of certified cultural property to such institutions are also eligible for a tax credit based on the fair market value of the property up to net income, after credits are claimed for any charitable donations and gifts.

Section 18 of the *Act* requires that the Board be a maximum of 10 residents of Canada, to be composed as follows: the Chairperson and one other member chosen from the general public; up to four other members who are, or have been, officers, members or employees of art galleries, museums, archives, libraries or other similar institutions in Canada; and up to four other members who are, or have been, dealers in or collectors of art, antiques or other objects that form part of the national heritage. Three members, at least one of whom belongs to the second category and one to the third, constitute a quorum (see Appendix 1-1 for a list of Board members in 2007–2008).

Meetings

The Board held four meetings in 2007–2008: May 23 - 25, 2007; September 19 - 21, 2007, December 4 - 7, 2007, and March 4 - 7, 2008. The May meeting was held in Vancouver and the September, December, and March meetings were held in Ottawa.

Expert Advice

Section 22 of the *Act* states that the Board may call upon any individual who has professional, technical or other special knowledge, including valuation experts, to assist it in an advisory capacity.

Certification of Cultural Property for Income Tax Purposes

The Certification Process

For cultural property to be considered for certification, a donor or vendor of cultural property must either dispose of the property to an institution or public authority designated by the Minister of Canadian Heritage or reach a tentative disposition agreement with a designated institution or public authority. Designated institutions or public authorities typically make applications for certification to the Board on behalf of donors or vendors.

To certify cultural property, the Board must determine whether the property meets the criteria set out in paragraphs 11(1)(a) and (b) of the *Act*, that is:

- a) whether the object is of outstanding significance by reason of its close association with Canadian history or national life, its aesthetic qualities, or its value in the study of the arts or sciences; and
- b) whether the object is of such national importance that its loss to Canada would significantly diminish the national heritage.²

As part of its application for certification, the applicant must therefore provide arguments demonstrating that the property meets these criteria.

In addition to determining that cultural property meets the criteria of "outstanding significance and national importance," the Board must also determine the fair market value of such property for income tax purposes.³

Overview of Certified Cultural Property, 2007–2008

Between April 1, 2007 and March 31, 2008, the Board made determinations (including redeterminations) with respect to 849 applications for certification, representing more than \$170 million in cultural property donated or sold to designated Canadian institutions or public authorities. Of this amount, donations accounted for over 95%, sales for almost 4% and split-receipts for just under 1%. While archival and library material made up just under 25% of all applications, fine art (paintings, works on paper, and sculpture) made up the largest number of applications, at almost 70%. A significant proportion of the fine art category was made up of Canadian contemporary art. Other certified property included decorative art, ethnographic objects, folk art, as well as collections of insects, meteorites, military medals, and minerals.

² These criteria are also applied by expert examiners when making recommendations with respect to approval or refusal of an application for an export permit and by the Board when reviewing applications for export permits that have been refused.

³ That is, for the purposes of subparagraph 39(1)(a)(i.1), paragraph 110.1(1)(c), the definition "total cultural gifts" in subsection 118.1(1) and subsection 118.1(10) of the *Income Tax Act*.

Of the 849 applications for which the Board made determinations in 2007-2008, 85.5% were determined at the Proposed Value, while 14.5% were determined at a value that was different from the Proposed Value (Proposed Value refers to the estimated value on the application for certification submitted by the designated institution or public authority; this is based on the appraisal(s) submitted with the application). Of those determinations that differed from the Proposed Value, 23 determinations, or slightly less than 3% of the total number of applications, were determined at values exceeding the Proposed Value. During 2007-2008, the Board determined that 25 objects in six applications, each in the fine art category, did not meet the criteria of "outstanding significance and national importance" and were therefore not certified (see Appendix 1-2 for further details on Board Certifications).

Appeals of Board Determinations

Where donors or vendors are not satisfied with determinations of fair market value, they may, within 12 months after the day on which notice of the determination was given, make a request for redetermination. In 2007–2008, the Board made redeterminations with respect to 30 applications for certification. Of those requests, 28 were redetermined at a higher value, one was redetermined at a lower value, and one was redetermined at the value originally determined by the Board (see Appendix 1-2: vi for details).

Where donors or vendors are not satisfied with a redetermination of fair market value made by the Board, they may file an appeal to the Tax Court of Canada within 90 days after the day on which a Cultural Property Income Tax Certificate is issued. In 2007–2008, one appeal to the Tax Court of Canada was filed. For three appeals that were filed in the Tax Court of Canada in the 2005–2006 and 2006–2007 fiscal years, in 2007–2008, one was discontinued and two were settled out of court.

Review of Refused Export Permits

The Review Process

The export control system is administered by the Minister of Canadian Heritage in collaboration with the Canada Border Services Agency (CBSA). The Board's role in this system is to review, at the request of the applicant, applications for export permits that have been refused. The Canadian Cultural Property Export Control List describes in detail the range of cultural material that requires an export permit (see Appendix 2-1 for a summary of the categories on this list).

Export permit applicants who receive a Notice of Refusal from a permit officer on the advice of an expert examiner, may, within 30 days, request that their application be reviewed by the Board. Using the same criteria applied by the expert examiner, the Board, in its review, must determine, pursuant to subsection 29 (3) of the *Act*, whether the object in question:

- a) is included in the Control List
- b) is of outstanding significance by reason of its close association with Canadian history or national life, its aesthetic qualities, or its value in the study of the arts or sciences; and
- c) is of such a degree of national importance that its loss would significantly diminish the national heritage.

If the Board determines that the object fails to meet the above criteria, it will direct the permit officer to issue the permit. If the Board determines that the object meets the above criteria, and if it concludes that an offer to purchase the object might be made by an institution or public authority in Canada, it establishes a delay period of between two and six months, during which time the permit may not be issued. Advised of the Board's decision, the Minister of Canadian Heritage makes the delay period known to designated institutions and public authorities, so that they may consider the option to purchase the material with possible assistance of a Movable Cultural Property Grant.

Export Review Hearings, April 1, 2007 to March 31, 2008

During the period covered in this report, the Board reviewed nine appeals in relation to applications for export permits that had been refused by a permit officer on the advice of an expert examiner. Of the refused applications reviewed by the Board, three were for fine art objects, two for objects of ethnography and four for objects of decorative art.

Of the nine export appeals it reviewed in 2007–2008, the Board determined that in one case, the required criteria were not met and an export permit was subsequently issued. For the remaining eight cases, the Board determined that the required criteria were met and established delay periods of between three and six months. Of those, two items remained in Canada as a result of purchase with the assistance of a Movable Cultural Property Grant, and export permits were issued for six (see Appendix 1-3 for a summary of Board hearings and results).

Determinations of Fair Cash Offer to Purchase If an offer is made to purchase cultural property during a delay period and the offer is refused, either the applicant or the institution/public authority making the offer may request in writing that the Board determine the amount of money that would constitute a "fair cash offer to purchase." This request must be made at least 30 days before the end of the delay period.

If the Board receives such a request, it determines the amount of a fair cash offer and advises the applicant and the institution/public authority simultaneously. If no institution or public authority offers to purchase the object for an amount equal to, or greater than, the amount determined by the Board, the Board directs the permit officer to issue an export permit at the end of the delay period, if requested to do so by the applicant.

If an institution or public authority has made an offer to purchase the object for an amount equal to, or greater than, the amount determined by the Board, and this offer has been rejected by the applicant, the export permit is not issued and no further application for a permit may be made for a period of two years from the date of the Notice of Refusal issued by the permit officer. At that time, a new permit application must be completed, and the process begins again.

During the period covered by this report, one request was made to the Board for a determination of a fair cash offer to purchase (see Appendix 1-3).

Communications

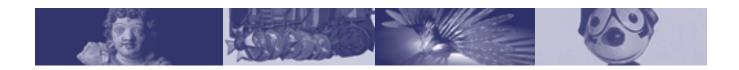
In 2007–2008, the Board began to lay the groundwork for a communications strategy whose objective is to make the requirements of the Board user-friendly and accessible to all who wish to participate in the preservation of Canada's heritage through the means envisioned by the *Act*. Over the period covered by this report, the Chair met with a number of stakeholders to seek their feedback on the work of the Board and to gain a more realistic perspective of the perceptions held by the stakeholders within the cultural and heritage community.

In developing a communications strategy, the Board aims to be present in the community, with the Secretariat, through the delivery of discussion forums and by engaging the community in consultations as it updates its requirements. In doing this, it is also striving to streamline its processes, while upholding the principles of due diligence and viability of the programs under the *Cultural Property Export and Import Act*.

More information on the Cultural Property Export Review Board and its criteria may be found on-line at: www.pch.gc.ca/progs/cebc-cperb/index_e.cfm



PART II
MOVABLE CULTURAL
PROPERTY DIRECTORATE



PART II - MOVABLE CULTURAL PROPERTY DIRECTORATE

Movable Cultural Property Directorate: Overview

The Movable Cultural Property Directorate, in addition to providing support to the Canadian Cultural Property Export Review Board, carries out Ministerial responsibilities under the *Cultural Property Export and Import Act (Act)*. These responsibilities include administering the export control system, assessing institutions and public authorities for the purpose of designation, and managing the Movable Cultural Property Grants Program, as well as fulfilling Canada's international obligations under the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

Export Control System

Any item that may be important from an archaeological, prehistorical, historical, artistic or scientific perspective can be considered "movable cultural property." However, only certain types of movable cultural property are "controlled" under the *Act*. The Canadian Cultural Property Export Control List defines classes of objects that are subject to export control, based on the object's age and value (see Appendix 2-1 for a summary of the groups on this list). If cultural property is included in the Control List, an export permit is required for its temporary or permanent removal from the country. The responsibilities of the Movable Cultural Property Directorate include coordinating the processing of permit applications through an extensive network of Canada Border Services Agency (CBSA) permit officers and examiners.

Export Permits

Export permits are issued by permit officers working for the CBSA in offices located throughout Canada. Expert examiners include more than 350 academics, curators, archivists, and librarians who have been named by the Minister of Canadian Heritage to help determine whether cultural property that is proposed for export is of such outstanding significance to Canada's cultural heritage that its loss to Canada would significantly diminish the national heritage.

If the permit officer determines, through initial evaluation of the permit application, that the object proposed for permanent export is included in the Control List and has been in the country for more than 35 years, the officer must forward a copy of the application to an expert examiner for a recommendation as to whether or not the object can be considered to be of "outstanding significance and national importance." If the expert examiner deems the object to be of "outstanding significance and national importance," the permit officer will refuse the permit; otherwise the permit will be issued.

Between April 1, 2007 and March 31, 2008, 350 permit applications were submitted. Approximately 24% (83) were applications for temporary permits, for purposes such as exhibition, conservation and research; these were granted in accordance with the *Act*. The remaining 76% (267) were applications for permanent export, for purposes such as sale on international markets, delivery to foreign buyers, or moving abroad. Of the applications for permanent export, 3% (9) were refused by the expert examiners because the

cultural property in question was deemed of such "outstanding significance and national importance" that its loss to Canada would significantly diminish the national heritage and were subsequently reviewed by the Canadian Cultural Property Export Review Board upon request from the applicants.

Illegal Exports

Section 38 of the *Act* states, pursuant to article 1 of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, that any object included in the Canadian Cultural Property Export Control List is designated by Canada as being of importance to the country for archaeology, prehistory, history, literature, art or science. Under the *Act*, it is illegal to export or to attempt to export from Canada any object included in the Control List, except under the authority of and in accordance with a temporary or permanent permit issued under the *Act*. Under the terms of the 1970 UNESCO Convention, if illegally exported cultural property is imported into a fellow signatory state, Canada may be afforded the opportunity to request the return of the property.

Designation of Institutions and Public Authorities

The designation of institutions and public authorities is a Ministerial responsibility associated with the certification process carried out by the Canadian Cultural Property Export Review Board. Designation is a means of ensuring that objects certified by the Board are housed in institutions that have the capacity to ensure their long-term preservation and to make them accessible to the public by means of exhibitions and/or for research purposes. In order to be admissible for a Cultural Property Income Tax Certificate (Form T871), donors/vendors must make their dispositions to designated institutions or public authorities. Applicant institutions and public authorities must also be designated in order to be eligible to apply for a Movable Cultural Property Grant.

For the purposes of the *Act*, Section 2 defines an "institution" as one that is publicly owned and operated solely for the benefit of the public, that is established for educational or cultural purposes, and that conserves objects and exhibits them or otherwise makes them available to the public. A "public authority" is defined as Her Majesty in right of Canada or a province, an agent of her Majesty in either such right, a municipality in Canada, a municipal or public body performing a function of government in Canada, or a corporation performing a function or duty on behalf of Her Majesty in right of Canada or a province. Band Councils may fall under the definition of "public authority."

Institutions or public authorities may be designated as either Category "A" or Category "B." Under Category "A," Canadian institutions or public authorities may be designated indefinitely in relation to any objects that fall within their collecting mandates. Under Category "B," Canadian institutions or public authorities may be designated in relation to the disposition of a specific object or collection for which a preservation strategy has been provided.

In 2007–2008, three institutions received Category "A" designation. Eight institutions received Category "B" designations (see Appendices 2-2 and 2-3 for a list of Category "A" and Category "B" institutions and public authorities designated from April 1, 2007 to March 31, 2008 and Appendix 2-4 for a complete list of Category "A" institutions and public authorities, by province).

Review of Category "A" Designated Institutions and Public Authorities
In the 30 years of the *Act's* existence, 278 institutions and public authorities have been designated as Category "A" (as of March 31, 2008). In the context of the federal government's ongoing exercise of due diligence, since 2000 the Movable Cultural Property Directorate has been requesting that Category "A" institutions provide updated information in the form of a renewed application for designation to ensure that they continue to meet the professional requirements for designation. The purpose of the designation review exercise is to confirm the institution's Category "A" designation and,

where relevant, to extend that status to include additional categories of movable cultural property where collecting mandates have been expanded since the original designation. Between 2000 and the end of the period covered by this report, 67 designated institutions were asked to present renewed designation applications. Priority was given to institutions that make frequent applications for certification and/or grants.

Movable Cultural Property Grants Program

Pursuant to Section 35 of the *Act*, the Minister may make grants to institutions and public authorities to assist with the purchase of objects for which an export permit has been refused or objects situated outside of Canada that are related to the national heritage.

The Movable Cultural Property annual grants budget is \$1,163,680.00, but in 2007–2008, the program was authorized to spend up to \$3 million, conditional upon additional funds being available for reallocation within the Department of Canadian Heritage. From April 1, 2007 to March 31, 2008, the Movable Cultural Property Directorate received 16 grant applications from designated institutions, of which 15 were awarded for a total expenditure of \$1,714,913.30 (see Appendix 2-5 for a list of grants awarded over the period).

International Cooperation under the 1970 UNESCO Convention

In 1978, Canada became a signatory to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. This Convention places the onus on each signatory state to develop its own legislation to protect and preserve its cultural heritage, and to establish measures to facilitate the return of illegally exported cultural property to its country

of origin. The *Cultural Property Export and Import Act* contains provisions whereby it is a criminal offence to import into Canada cultural property that has been illegally exported from a state that is a fellow signatory to an international cultural property agreement. Penalties upon conviction of an offence under the *Act* include fine or imprisonment, or both.

Illegal Imports

Since the 1970 UNESCO Convention came into force in Canada in 1978, there have been 15 actions by Canada over illegal imports. From April 1, 2007 to March 31, 2008, the Movable Cultural Property Directorate assessed 39 new cases.

Strengthening the Cultural Property Export and Import Act

In July 2007, the Department of Canadian Heritage announced that it was reviewing the *Cultural Property Export and Import Act*, to ensure that it remains as effective as possible in the protection of Canadian and international heritage. Consultations were launched to seek input on a number of issues. A Discussion Document was posted on the Department's website to seek input from the public. Input from the web-based consultation was supplemented by two one-day group meetings with individuals from the commercial and cultural sectors who possess in-depth practical experience with the implementation of the *Act*. The department is continuing consultations. More information may be found online at: www.pch.gc.ca/pc-ch/consultations/mcp-bcm/apercu-summary_e.cfm

More information on the Movable Cultural Property Directorate and its programs may be found on-line at: www.pch.gc.ca/progs/mcp-bcm/mcp e.cfm



APPENDICES

Board Members, 2007-2008

(by category)

CHAIR

Mr. Marcel Brisebois

(June 27, 2007 – June 26, 2011) Montreal, Québec

REPRESENTATIVES OF THE PUBLIC-AT-LARGE

Ms. Margo Embury

(December 16, 2005 – December 15, 2008) Publishing Director, Centax Books & Distribution (retired December 2006) Regina, Saskatchewan

OFFICERS OF ART GALLERIES, MUSEUMS, ARCHIVES OR LIBRARIES

Ms. Madeleine Forcier

(April 30, 2007 – April 29, 2010) Director, Galerie Graff & General Director, Ateliers Graff Montreal, Québec

Mr. Burton G.S. Glendenning

(March 11, 2005 – March 10, 2008) Private archival researcher (formerly Archivist with the Provincial Archives of New Brunswick, Fredericton) Fredericton, New Brunswick

Mr. Laurier Lacroix

(March 25, 2004 – March 24, 2007; extended to April 1, 2008) Professor in the Departments of Art History and Museology, Université du Québec à Montréal Montreal, Québec

Ms. Céline Saucier

(August 29, 2005 – August 28, 2008)
Founding President and Director General,
International Historic Heritage Foundation (Canada)
(formerly Curator of Inuit and Native Art,
Musée de la civilisation, Québec)
Québec, Québec

DEALERS IN OR COLLECTORS OF ART, ANTIQUITIES OR OTHER OBJECTS THAT FORM PART OF THE NATIONAL HERITAGE

Mr. Roger Bellemare

(October 30, 2006 – October 29, 2009) Director, Galerie Roger Bellemare Montreal, Québec

Mr. Flavio Belli

(November 22, 2005 – November 21, 2008) Art Consultant Toronto, Ontario

Mr. Bryn C. Matthews

(November 10, 2006 – November 9, 2009) Collector Almonte, Ontario

Certifications of Cultural Property, 2007-2008

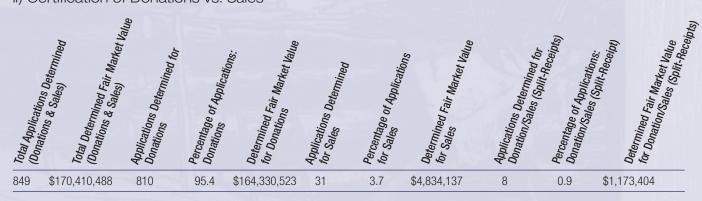
Note: The statistics below relate to determinations (including redeterminations) of Fair Market Value (FMV) where the Board first determined that the objects meet the criteria of "outstanding significance and national importance" (OSNI). In 2007–2008, the Board determined that 25 objects do not meet the criteria of OSNI and therefore did not determine the FMV.

i) Applications for Certification

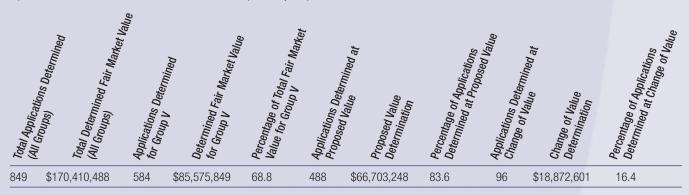
	Determined	Value	Value	Determination	Proposed Value	of Value	Determination	Change of Value
849 \$ 170.410.488 726 \$ 142.120.035 85.5 123 \$ 28.290.453	849	\$ 170 410 488	726	\$ 142 120 035	85.5	123	\$ 28.290.453	14.5

Note: Of the 123 Change of Value Determinations, 23 were determined at values higher than the Proposed Value, while the remainder were determined at values lower than the Proposed Value.

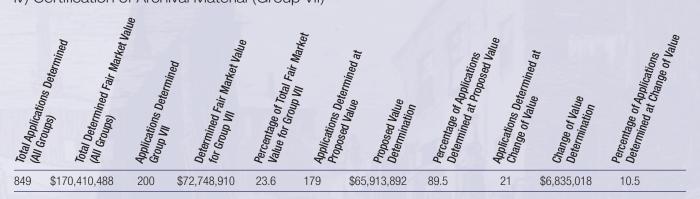
ii) Certification of Donations vs. Sales



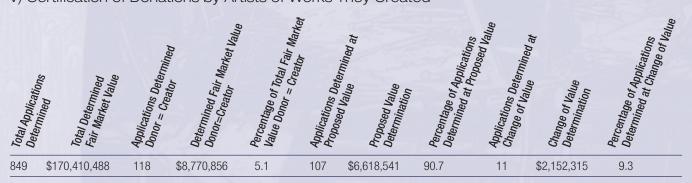
iii) Certification of Fine Art Material (Group V)



iv) Certification of Archival Material (Group VII)



v) Certification of Donations by Artists of Works They Created



vi) Determinations vs. Redeterminations



vii) Withdrawn Applications for Certification

Applications Determined	Withdrawn by Donor	Withdrawn by Institution	Withdrawn – Determination Made	Withdrawn – No Determination Made
849	5	3	8	0

Export Permit Review Hearings, 2007-2008

Appeal #	Object(s)	CCPERB Decision	Delay period	End Result			
101126	Study for the Portrait of Maeda Primavesi, 1912–1913, graphite on paper, by Gustav Klimt	Appeal rejected	6 months	Purchased by the Montreal Museum of Fine Arts with the assistance of a Movable Cultural Property Grant of \$50,000.00 (#743).			
69974	Northwest Coast Frontlet, 19th century	Appeal rejected	3 months	Permit issued at end of delay period.			
101068	French stained glass panel, c. 1400	Appeal rejected	4 months	Permit issued at end of delay period.			
	French stained glass triptych, 1533, by Valentin Bousch	Appeal rejected	4 months	Request to determine a fair cash offer to purchase made December 18, 2007; determination made by the Canadian Cultural Property Export Review Board; permit requested and issued in absence of an offer. Permit issued on March 14, 2008.			
100593	Teapot, c. 1879, silver plate with ebony handle, designed by Christopher Dresser, manufactured by James Dixon & Sons, Sheffield, England	Appeal rejected	6 months	Purchased by the Montreal Museum of Fine Arts with the assistance of a Movable Cultural Property Grant of \$105,000.00 (#739).			
101681	Chelsea Rococo Chinoiserie gold and crimson reticulated two handled pot-pourri vase and cover, c. 1765	Appeal rejected	6 months	Export delay period expired June 7, 2008.			
101699	Large leaded glass and bronze chandelier, c. 1910	Appeal rejected	6 months	Export delay period expired June 7, 2008. Request to issue permit received on July 22, 2008.			
100556	Marquetry table, c. 1760–1790, by Francesco Abbiati,	Appeal rejected	6 months	Export delay period expired June 7, 2008. Request to issue permit received on June 20, 2008.			
67725	Kwakiutl House Post, carved in 1898	Appeal rejected	6 months	Export delay period expired June 7, 2008. Request to issue permit received on June 7, 2008.			
100600	<i>The Grand Canal Venice</i> , 1880, oil on canvas, by Félix Ziem	Appeal granted	N/A	Permit issued.			

Canadian Cultural Property Export Control List

The following list summarizes the categories of objects controlled under the *Cultural Property Export and Import Act*.

Group 1 Objects Recovered from the Soil or Waters of Canada—including Mineralogy, Palaeontology and Archaeology

Group 2 Objects of Ethnographic Material Culture

Group 3 Military Objects

Group 4 Objects of Applied and Decorative Art

Group 5 Objects of Fine Art

Group 6 Scientific or Technological Objects

Group 7 Textual Records, Graphic Records and Sound

Recordings—including Cartography, Photography and Iconography

Group 8 Musical Instruments

APPENDIX 2-2

Category "A" Designations, 2007–2008

Two Rivers Gallery, Prince George, British Columbia (effective May 1, 2007)

Centre régional d'archives de l'Outaouais, Gatineau, Québec (effective August 31, 2007)

Ville de Gatineau, Gestion des documents et des archives (City of Gatineau, Clerk's Department, Records Management) Gatineau, Québec, (effective August 31, 2007)

Category "B" Designations, 2007-2008

The following institutions received Category "B" designation in relation to cultural property objects for which they wished to present applications for certification to the Canadian Cultural Property Export Review Board:

Exporail, le musée ferroviaire canadien, Saint-Constant, Québec (effective April 15, 2007) for the CN collection of 16 artefacts of railway equipment and rolling stock.

Stormont, Dundas and Glengarry Historical Society, Cornwall Museum, Cornwall, Ontario (effective May 15, 2007) for the Cornwall Electric Archives.

Bibliothèque de l'Assemblée nationale, Québec, Québec (effective July 20, 2007) for the Richard Gervais Collection of archival material and memorabilia.

University of Toronto Art Centre, Toronto, Ontario (effective July 20, 2007) for 20 works of art by Tony Urquhart, two portfolios of photographs by Lois Conner, four works of art by Jeannie Thib, and one portfolio of photographs by Andrea Modica.

City of Saskatoon, Community Development Branch, Saskatoon, Saskatchewan (effective October 15, 2007) for an outdoor sculpture by Douglas Bentham.

Musée des beaux-arts de Sherbrooke, Sherbrooke, Québec (effective November 30, 2007) for forty works of art by Jean-Paul Riopelle, and one work of art by David Sorensen.

Ville de Gatineau, Galerie Montcalm, Gatineau, Québec (effective December 21, 2007) for 69 works by Jean-Paul Riopelle.

National Capital Commission (Official Residences Division), Ottawa, Ontario (effective December 20, 2007) for 78 works of art by various artists.

Complete List of Category "A" Institutions and Public Authorities (Up to March 31, 2008)

ALBERTA

Alberta Culture and Multiculturalism, Edmonton

Alberta Foundation for the Arts, Edmonton

Art Gallery of Alberta, Edmonton

City of Lethbridge Archives, Lethbridge

Glenbow Museum, Calgary

Legal Archives Society of Alberta, Calgary

Ministry of Community Development, Edmonton

Nickel Arts Museum, Calgary

The Prairie Art Gallery, Grande Prairie

Provincial Archives of Alberta, Edmonton

Red Deer & District Museum Society, Red Deer

Red Deer College Permanent Collection and Gallery, Red Deer

Remington-Alberta Carriage Centre, Cardston

Reynolds-Alberta Museum, Wetaskiwin

Royal Alberta Museum, Edmonton

Royal Tyrrell Museum of Palaeontology, Drumheller

University of Alberta Archives, Edmonton

University of Alberta Library, Edmonton

University of Alberta Museums and Collections Services, Edmonton

University of Calgary Archives, Calgary

University of Calgary Library, Calgary

University of Lethbridge Art Gallery, Lethbridge

Whyte Museum of the Canadian Rockies, Banff

BRITISH COLUMBIA

Art Gallery of Greater Victoria, Victoria

British Columbia Archives, Royal British Columbia Museum, Victoria

Campbell River & District Museum & Archives Society, Campbell River

Canadian Craft Museum, Vancouver

City of Victoria Archives, Victoria

Cranbrook Archives Museums and Landmark Foundation, Cranbrook

Haida Gwaii Museum at Qay'llnacaay, Skidegate

Kamloops Art Gallery, Kamloops

Kamloops Museum & Archives, Kamloops

Kelowna Art Gallery, Kelowna

Maltwood Art Museum & Gallery, University of Victoria, Victoria

McPherson Library, University of Victoria, Victoria

Morris and Helen Belkin Art Gallery, University of British Columbia, Vancouver

Museum of Anthropology, University of British Columbia, Vancouver

Museum of Northern British Columbia, Prince Rupert

M.Y. Williams Geological Museum, University of British Columbia, Vancouver

Northern British Columbia Archives & Special Collections, an administrative unit of the Geoffrey R. Weller Library at the University of Northern British Columbia, Prince George

Royal British Columbia Museum, Victoria

Simon Fraser Gallery, Simon Fraser University, Burnaby

Simon Fraser University Archives, Burnaby

Simon Fraser University Museum of Archaeology and Ethnology, Burnaby

Surrey Art Gallery, Surrey

Two Rivers Gallery, Prince George, British Columbia

U'mista Cultural Centre, Alert Bay

University of British Columbia Library, Vancouver

Vancouver Art Gallery, Vancouver

Vancouver City Archives, Vancouver

Vancouver Maritime Museum, Vancouver

Vancouver Museum, Vancouver

W.A.C. Bennett Library, Simon Fraser University, Burnaby

MANITOBA

Elizabeth Dafoe Library, University of Manitoba, Winnipeg
Gallery 1C03, University of Winnipeg, Winnipeg
Gallery One One One, University of Manitoba, Winnipeg
Manitoba Agricultural Museum, Austin
Manitoba Museum, Winnipeg
The Pavilion Gallery, Winnipeg
Provincial Archives of Manitoba, Winnipeg
Société historique de Saint-Boniface, Saint-Boniface
Ukrainian Cultural and Educational Centre, Winnipeg
Western Canada Aviation Museum, Winnipeg
Winnipeg Art Gallery, Winnipeg

NEW BRUNSWICK

Beaverbrook Art Gallery, Fredericton

Culture and Sport Secretariat, Heritage Branch,

New Brunswick Department of Tourism, Fredericton

Harriet Irving Library, University of New Brunswick,

Fredericton

Kings Landing Historical Settlement, Kings Landing
New Brunswick Museum, Saint John
Owens Art Gallery, Mount Allison University, Sackville
Provincial Archives of New Brunswick, Fredericton
Ralph Pickard Bell Library, Mount Allison University,
Sackville

Saint John Free Public Library, Saint John
University of Moncton, Moncton
University of New Brunswick Art Centre, Fredericton

NEWFOUNDLAND AND LABRADOR

The Rooms, Provincial Archives Division, St. John's
The Rooms, Provincial Art Gallery Division, St. John's
The Rooms, Provincial Museum Division, St. John's
Queen Elizabeth II Library, Memorial University of
Newfoundland, St. John's

NORTHWEST TERRITORIES

Prince of Wales Northern Heritage Centre, Yellowknife

NOVA SCOTIA

Acadia University Art Gallery, Wolfville
Art Gallery of Nova Scotia, Halifax
Beaton Institute, University College of Cape Breton, Sydney
Cape Breton Miners' Museum, Glace Bay
Cape Breton University Art Gallery, Sydney
Dalhousie University Art Gallery, Halifax
Dalhousie University Libraries, Halifax
Maritime Museum of the Atlantic, Halifax
Nova Scotia Archives and Record Management, Halifax
Nova Scotia Museum, Halifax
Yarmouth County Museum, Yarmouth

ONTARIO

Agnes Etherington Art Centre, Kingston Archives of Ontario, Toronto Art Gallery of Algoma, Sault Ste. Marie Art Gallery of Hamilton, Hamilton Art Gallery of Mississauga, Mississauga Art Gallery of Northumberland, Cobourg Art Gallery of Ontario, Toronto Art Gallery of Peterborough, Peterborough Art Gallery of Sudbury, Sudbury Art Gallery of Windsor, Windsor Art Gallery of York University, Toronto Bank of Canada, National Currency Collection, Currency Museum, Ottawa Base Borden Military Museum, Borden Black Creek Pioneer Village, Downsview Brant County Museum & Archives, Brantford Burlington Art Centre, Burlington Canada Aviation Museum, Ottawa

Canada Council for the Arts Musical Instrument Bank, Ottawa

Canada Science and Technology Museum, Ottawa

Canadian Automotive Museum, Oshawa

Canadian Museum of Contemporary Photography, Ottawa

Canadian Museum of Nature, Ottawa

Canadian Postal Archives, Ottawa

Canadian War Museum, Ottawa

Canadian Warplane Heritage Museum, Mt. Hope

Carleton University Art Gallery, Ottawa

Carleton University Library, Ottawa

Centre for Research on French Canadian Culture, University of Ottawa, Ottawa

Chancellor Paterson Library, Lakehead University, Thunder Bay

City of Ottawa Archives, Ottawa

City of Toronto Archives, Toronto

City of Toronto Market Gallery, Toronto

City of Toronto Museum and Heritage Services, Toronto

Country Heritage Park, Milton

The D.B. Weldon Library, University of Western Ontario, London

Eastern Cereal & Oilseed Research Centre, Ottawa

E.J. Pratt Library, Victoria University, University of Toronto, Toronto

Elgin County Archives, St. Thomas

Eva Brook Donly Museum, Simcoe

The Frederick Horsman Varley Art Gallery of Markham, Unionville

Gallery Lambton, Sarnia

Gallery Stratford, Stratford

General Synod Archives, Toronto

Geological Survey of Canada, Ottawa

George R. Gardiner Museum of Ceramic Art, Toronto

Grimsby Public Art Gallery, Grimsby

Hamilton Public Library, Hamilton

Hastings County Museum, Belleville

Huronia Museum, Midland

Joseph Schneider Haus Museum, Kitchener

Joseph S. Stauffer Library, Queen's University, Kingston

Justina M. Barnicke Gallery, Hart House,

University of Toronto, Toronto

Kitchener-Waterloo Art Gallery, Kitchener

Library and Archives Canada, Ottawa

London Museum of Archaeology at the

University of Western Ontario, London

Norfolk Arts Centre, Simcoe

Macdonald Stewart Art Centre, Guelph

Marine Museum of the Great Lakes, Kingston

McIntosh Gallery, University of Western Ontario, London

McMaster Museum of Art, Hamilton

McMaster University Library, Hamilton

McMichael Canadian Art Collection, Kleinburg

Metropolitan Toronto Archives and Record Centre, Toronto

Museum London, London

National Gallery of Canada, Ottawa

Oakville Museum, Oakville

Ontario Heritage Foundation, Toronto

Ontario Jewish Archives Foundation, Toronto

Ontario Science Centre, Don Mills

Osborne Collection of Early Children's Books,

Toronto Public Library, Toronto

The Ottawa Art Gallery, Ottawa

Peel Heritage Complex, Brampton

Peterborough Centennial Museum & Archives, Peterborough

Queen's University Archives, Kingston

National Air Force Museum of Canada, Astra

The Robert McLaughlin Gallery, Oshawa

Rodman Hall Arts Centre, St. Catharines

Royal Ontario Museum, Toronto

Ryerson Polytechnic University Library & Archives, Toronto

Simcoe County Archives, Minesing

St. Thomas-Elgin Public Art Centre, St. Thomas

Stratford Festival Archives, Stratford

Textile Museum of Canada, Toronto

Thomas Fisher Rare Book Library, University of Toronto, Toronto

Thomas J. Bata Library, Trent University, Peterborough

Thunder Bay Art Gallery, Thunder Bay

Tom Thomson Memorial Art Gallery, Owen Sound

Toronto Public Library, Toronto

Trinity College Archives, Toronto

University of Guelph Library, Guelph

University of Ottawa Library, Ottawa

University of St. Michael's College Library, Toronto

University of Toronto Archives, Toronto

University of Waterloo Library, Waterloo

University of Western Ontario Library System, London

Upper Canada Village, Morrisburg

Wellington County Museum and Archives, Fergus

Westfield Heritage Village, Rockton

Wilfrid Laurier University Archives and Special Collections, Waterloo

Woodland Cultural Centre, Brantford

Woodstock Art Gallery, Woodstock

York University Archives and Special Collections, North York

York University Libraries, York University, North York

PRINCE EDWARD ISLAND

Confederation Centre Art Gallery and Museum, Charlottetown

PEI Museum and Heritage Foundation, Charlottetown

Public Archives and Records Office of Prince Edward Island, Charlottetown

Robertson Library, University of Prince Edward Island, Charlottetown

QUEBEC

Archives de la Ville de Québec, Québec

Bibliothèque de la Ville de Montréal, Montréal

Bibliothèque et Archives nationales du Québec (Chicoutimi), Chicoutimi

Bibliothèque et Archives nationales du Québec (Gatineau), Gatineau

Bibliothèque et Archives nationales du Québec, Grande bibliothèque et Centre de conservation (Montréal)

Bibliothèque et Archives nationales du Québec (Montréal), Montréal

Bibliothèque et Archives nationales du Québec (Québec), Québec

Bibliothèque et Archives nationales du Québec (Rimouski), Rimouski

Bibliothèque et Archives nationales du Québec (Rouyn-Noranda), Rouyn-Noranda

Bibliothèque et Archives nationales du Québec (Sainte-Foy), Sainte-Foy

Bibliothèque et Archives nationales du Québec (Sept-Îles), Sept-Îles

Bibliothèque et Archives nationales du Québec (Sherbrooke), Sherbrooke

Bibliothèque et Archives nationales du Québec (Trois-Rivières), Trois-Rivières

Bibliothèque municipale de la Ville de Longueuil, Longueuil

Canadian Centre for Architecture, Montréal

Canadian Museum of Civilization, Gatineau

Le Centre d'exposition de Baie-Saint-Paul, Baie-Saint-Paul

Centre d'histoire de Saint-Hyacinthe, Saint-Hyacinthe

Centre régional d'archives de l'Outaouais, Gatineau

La Cinémathèque québécoise, Montréal

Les Collections de l'Université Laval, Québec

Concordia University Cinema Collection, Montréal

Concordia University Library, Montréal

Galerie de l'Université du Québec à Montréal, Montréal

Indian Art Centre, Indian and Northern Affairs Canada, Gatineau L'Institut Canadien de Québec, Québec

Jewish Public Library, Montréal

Leonard & Bina Ellen Art Gallery, Concordia University, Montréal

McCord Museum of Canadian History, Montréal

McGill University Archives, McLennan Library, Montréal

McGill University Libraries, McLennan Library, Montréal

Montreal Museum of Fine Arts, Montréal

Musée d'art contemporain de Montréal, Montréal

Musée d'art de Joliette, Joliette

Musée d'art de Mont-Saint-Hilaire, Mont-Saint-Hilaire

Musée David M. Stewart, Montréal

Musée de Charlevoix, La Malbaie

Musée de géologie et de minéralogie, Université Laval, Sainte-Foy

Musée de Lachine, Lachine

Musée de la civilisation, Québec

Musée de la Gaspésie, Gaspé

Musée de l'Amérique française, Haute-Ville, Québec

Musée des maîtres et artisans du Québec, Saint-Laurent

Musée des religions, Nicolet

Musée du Bas-Saint-Laurent, Rivière-du-Loup

Musée du Royal 22e Régiment, Québec

Musée Laurier, Victoriaville

Musée maritime du Québec Inc., L'Islet-sur-Mer

Musée national des beaux-arts du Québec, Québec

Musée québécois de culture populaire, Trois-Rivières

Musée régional de la Côte-Nord, Sept-Îles

Musée régional de Rimouski, Rimouski

National Historic Sites Directorate, Parks Canada, Gatineau

Pavillon japonais, Jardin botanique de Montréal, Montréal

La Pulperie de Chicoutimi, Chicoutimi

Redpath Museum of McGill University, Montréal

Université de Montréal, Direction des bibliothèques, Montréal

Université de Montréal, Division des archives, Montréal

Université de Sherbrooke, Galerie d'art du Centre culturel, Sherbrooke Université du Québec à Montréal, Service des archives, Montréal

Université du Québec à Montréal, Service des bibliothèques, Montréal

Université du Québec à Trois-Rivières, Bibliothèque, Trois-Rivières

Université du Québec en Outaouais, Service de la bibliothèque, Gatineau

Université Laval, Bibliothèque, Québec

Université Laval, Division des archives, Québec

Ville de Gatineau, Gestion des documents et des archives (City of Gatineau, Clerk's Department, Records Management), Gatineau

SASKATCHEWAN

Allen Sapp Gallery, North Battleford

Dunlop Art Gallery, Regina

Kenderdine Art Gallery, University of Saskatchewan, Saskatoon

MacKenzie Art Gallery, Regina

Mendel Art Gallery, Saskatoon

Moose Jaw Museum & Art Gallery, Moose Jaw

Royal Saskatchewan Museum, Regina

Saskatchewan Archives Board, Regina

Saskatchewan Arts Board, Regina

University of Regina Library Archives, Regina

University of Saskatchewan Library and Archives, Saskatoon

Western Development Museum, Saskatoon

YUKON

Yukon Archives, Whitehorse

Yukon Arts Centre Gallery, Whitehorse

Movable Cultural Property Grants, 2007-2008

Grant no.	Grant requests		Amount of grant
727	Library and Archives Canada (Portrait Gallery of Canada), to purchase two paintings <i>Portrait of Judge Lewis Morris Wilkins and Portrait of his Wife, Sarah Creighton</i> , c. 1837–1844, oil on canvas, attributed to William Valentine (repatriation)	\$	8,250.00
730	Museum of Northern British Columbia, to purchase two <i>Tsimshian Polychromed Wood Bowls</i> , mid-19th century, from the Dundas Collection of Northwest Coast aboriginal material (repatriation)	\$	21,000.00
731	New Brunswick Museum, to purchase two prints <i>The Market Slip, St. John, N.B., at Ebb Tide</i> , 1881, etching, and Corner of Portland, 1882, etching, by Charles Adams Platt (repatriation)	\$	1,282.25
734	Royal Ontario Museum, to purchase a <i>Cut Glass and Silver Ice Bucket</i> , 1908–1915, by I.B. Khlebnikov and Sons (appeal #69648)	\$	97,473.75
735	Canadian Museum of Nature, to purchase a <i>Quartz, Scheelite and Gold Specimen</i> from Sigma Mine in Abitibi, Québec (appeal #71820)	\$	30,000.00
736	Art Gallery of Nova Scotia, to purchase a painting British Vessels at Anchor in Annapolis Royal Harbour Nova Scotia with a Vice-Admiral of the Red Firing a Salute, 1751, oil on canvas, by the Circle of Samuel Scott (repatriation)	\$	27,204.18
737	Art Gallery of Nova Scotia, to purchase a painting <i>Nude Family in Landscape</i> , c. 1914–1915, oil on canvas, by Rockwell Kent (repatriation)	\$	42,937.75
738	University of Alberta Library, to purchase the <i>Sir Samuel Benfield Steele Family Archive and Militaria Collection</i> , 1870–1978 (repatriation)	\$	600,000.00
739	Montreal Museum of Fine Arts, to purchase a <i>Teapot</i> , c. 1879, silver plate with ebony handle, designed by Christopher Dresser, manufactured by James Dixon & Sons, Sheffield, England (appeal #100593)	\$	105,000.00
740	Art Gallery of Ontario, to purchase a painting <i>Abigail Before David</i> , c. 1628–1630, oil on canvas, by Francesco Furini (appeal #100482)		nile a grant UP TO 20,000 was proved, it was t used.
741	Royal Ontario Museum, to purchase 46 items from the <i>Haineault Collection</i> , consisting of 35 rare faceted gemstones and 11 mineral specimens from the locality of Mont-Saint-Hilaire, Québec (appeal #70121)	\$	80,165.00
742	Canadian Museum of Nature, to purchase 89 items from the <i>Haineault Collection</i> , consisting of 64 rare faceted gemstones, 13 polished cabochons, one polished block and 11 mineral specimens from the locality of Mont-Saint-Hilaire, Québec (appeal #70121)	\$	70,277.00
743	Montreal Museum of Fine Arts, to purchase a drawing Study for the Portrait of Maeda Primavesi, 1912–1913, pencil on paper, by Gustav Klimt (appeal #101126)	\$	50,000.00
746	Library and Archives Canada (Portrait Gallery of Canada), to purchase the <i>George and John Cartwright Archives</i> , containing manuscripts and portraits, late-18th century (repatriation)	\$	541,823.50
747	Royal Ontario Museum, to purchase the Abee EH4 Enstatite Chondrite (meteorite specimen) (repatriation)	\$	35,000.00
748	Royal Ontario Museum, to purchase a Barite Crystal from Niobec Mine in Chicoutimi, Québec (repatriation)	\$	4,500.00
TOTAL		\$ 1	,714,913.30

