



Memorandum D19-4-1: Export and import of cultural property

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Plain language summary

Target audience: Exporters and importers of cultural property

Key content: How to determine if a permit is required for cultural property and how to obtain one.

Keywords: Cultural property, exportation, importation, permit, control list

The Canada Border Services Agency (CBSA) has specific responsibilities to administer and enforce the *Cultural Property Export and Import Act* in collaboration with the Department of Canadian Heritage, under the provision of the Minister of Canadian Identity and Culture. This memorandum explains the legislation, how exporters may obtain a temporary, permanent, or general **cultural property export permit**, and the permit issuance procedures. This memorandum also provides information on cultural property that may be subject to **import controls**.

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Updates made to this D-memo

This memorandum has been updated for accessibility and plain language as per GBA+ recommendations.

Guidelines and general information

1. The [Cultural Property Export and Import Act](#) (herein referred to as “the Act”) and its regulations are designed to protect Canada's national heritage through the establishment of export controls for objects of historical, scientific, and cultural significance.
2. The Act and its regulations enable Canada to meet its obligations under the [1970 United Nations Educational, Scientific and Cultural Organization \(UNESCO\) Convention](#) on the "Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property" to recover and return illegally imported cultural property.
3. The Department of Canadian Heritage is responsible for administering the Act and its regulations. The CBSA has specific export permit issuing responsibilities as well as border enforcement powers under the Act. [Contact Canadian Heritage](#) directly for information about the Act, export permits and import controls or consult the Movable Cultural Property website for detailed information, including the Guide to Exporting Cultural Property from Canada.

Export control

4. Export control is accomplished by means of the [Canadian Cultural Property Export Control List](#) (Control List), which defines categories of cultural property according to age, weight and dollar value limits. The broad categories include mineralogy, palaeontology and archaeology; ethnographic material culture; military objects; objects of applied and decorative art; objects of fine art; scientific or technological objects; textual records, graphic records and sound recordings and; musical instruments. A

permit is required to export objects included in the Control List from Canada regardless of the reason for export.

5. The Control List does not apply to objects which are less than 50 years old, or made by a person still living. It should be noted that other restrictions may apply to individual categories identified on the Control List.

Application for export permits

6. The export of controlled cultural property is subject to a permit procedure administered principally the CBSA, and in collaboration with the Department of Canadian Heritage. Access the required Cultural Property Export Permit Application forms through the following link: [Forms – Cultural property export permits - Canada.ca](#) or contact the Department of Canadian Heritage [t](#) directly (see coordinates in the Contact us section) for more information on how to complete the forms.

7. Completed application forms may be submitted by mail, courier or in person to one of 16 CBSA Permit Offices across Canada. (please refer to the appendix for a list of CBSA permit offices.). Upon receipt, permit issuing officers verify the application for completeness, and either issue the requested export permit, or refer the application to an expert examiner. Expert examiners are organizations designated by the Minister of Canadian Culture and Identity to review export permit applications, and are responsible for determining whether the property listed on the export permit application meets the criteria of "outstanding significance and national importance" to Canada and providing that advice to CBSA.

Permit issuance – Permanent or temporary exportation

8. A permit to export cultural property may be issued by a designated permit issuing officer to authorize either the permanent or temporary export of an object. Cultural property exported under a temporary permit must be returned within five years from the

date the permit was issued; all other cultural property exports require a permanent export permit.

9. In either case, the property must be accompanied by a valid permit to export cultural property and the permit must be presented to a CBSA office at the place of export.

10. Upon presentation, the permit will be reviewed by the CBSA to:

- (a) ensure that the permit has been completed and authorized by a designated permit issuing officer in the allocated space
- (b) ensure that the permit is in effect (i.e., the effective and expiry dates have been completed on the permit by the permit issuing officer)
- (c) validate (date stamp and sign) the form and
- (d) forward the validated permit to Canadian Heritage

11. If required, amendments to temporary or permanent cultural property export permits must be requested from the Department of Canadian Heritage prior to exportation.

Permit issuance – Importation after temporary exportation

12. Upon importation after temporary export of an object subject to this legislation, the permit holder is responsible for notifying the Department of Canadian Heritage that the object has returned to Canada using a "[Notice of Return](#)" form.

13. Should the CBSA be presented, at the point of entry, with a Notice of Return, CBSA will review to:

- (a) validate (date stamp and sign) the form; and
- (b) return the form to the importer/owner. The importer / owner is responsible for forwarding the completed form to the Department of Canadian Heritage.

Permit issuance – cultural property general permit declaration

14. A general permit may be issued to any resident of Canada who regularly exports a particular type of cultural property that falls under the Control List. General permits are issued by the Minister of Canadian Culture and Identity and may be valid for a period of up to five years.

15. When exporting controlled cultural property under a general permit, a completed Cultural Property Export Permit Declaration must be provided to and validated by the CBSA border services officer (BSO) at the port of exit prior to export. The BSO at the port of exit will stamp the declaration and forward it to the Department of Canadian Heritage.

Import control

16. [Section 37 \(2\) of the Act](#) states that "after the coming into force of a cultural property agreement in Canada and a reciprocating State, it is illegal to import into Canada any foreign cultural property that has been illegally exported from the reciprocating State". This applies even if the cultural property arrives in Canada via a third state.

17. A cultural property agreement includes the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Over 143 states are State Parties to the 1970 UNESCO Convention. Cultural property illegally exported from these states, after both Canada and that State became State Parties to the Convention, may not be imported into Canada.

18. Each State Parties has its own rules regarding the types of cultural property subject to export control. Although not exhaustive, certain types of objects are likely to be controlled. These include: archaeological objects, important historical or scientific objects, works of arts, and old manuscripts and old books. These types of objects, or

other cultural property, may be detained by BSOs who will then contact the Department of Canadian Heritage for further instructions on how to proceed.

19. Archaeological objects and works of art from specific countries or regions are also at a heightened risk for illicit traffic. Importers of cultural property should note the UN' or the [International Council of Museums - International Observatory on Illicit Traffic in Cultural Goods](#). Goods from the following countries or regions (including but not limited to)¹ may be under additional scrutiny at the border: Ukraine, the Middle-East (particularly, Syria, Iraq, Egypt, Afghanistan, Libya, Yemen and Palestine), Africa (particularly West Africa), Latin America (particularly, Mexico, Central America, the Dominican Republic, Peru and Colombia), South-East Europe, China, Cambodia and Haiti may be under additional scrutiny at the border.

NOTE 1: This list is not exhaustive and is subject to change.

Non-compliance, appeals, detention and penalty information

Non-compliance

20. In the event an exporter of cultural property presents an invalid or incomplete export permit, the border services officer should immediately seek advice from the Department of Canadian Heritage.

21. Should an exporter/importer fail to present a valid permit at the time of export or adequate documentation at the time of import for an object which a BSO has reason to believe is subject to the Cultural Property Export and Import Act, the shipment may be detained by the CBSA. A detailed description of the goods, the name and address of the exporter/importer, and relevant documentation is sent to the Department of Canadian Heritage for assistance in a compliance assessment under the Act.. The detaining BSO will receive a decision regarding the status of the shipment from the Department of Canadian Heritage. If it is advised that the importer provide proof of the

legal export from a foreign state, the importer should have the appropriate documentation readily available to the BSO for review.

22. The exporter/importer, whether it be a dealer, collector, institution, or the public at large, is responsible for obtaining the information required and compliance with the procedure for the import and/or export of objects which may be considered cultural property. Questions regarding objects subject to export/import controls should be directed to the Department of Canadian Heritage.

Appeals

23. Decisions to refuse the permanent export of an object included on the Control List may be subject to a request for a review by the applicant to the [Canadian Cultural Property Export Review Board](#). Questions concerning the review procedure should be directed to the Department of Canadian Heritage.

Detention

24. Cultural property subject to the *Act* and its regulations may be detained by the CBSA on behalf of the Department of Canadian Heritage under Section 101 of the [Customs Act](#).

25. Detention periods for cultural property will vary since each import must be assessed on a case-by-case basis. If the cultural property is not subject to import controls, detention periods will generally be less than 30 days. Detention periods for cultural property illegally imported into Canada may be lengthy, pending a decision by the Courts. To avoid import delays, importers should ensure that the cultural property they are trying to import into Canada has all the necessary documents, such as the export permit issued by the foreign state.

26. In some circumstances special arrangements are required to care for the cultural property during the detention period.

Penalty information

27. Any person who contravenes the provisions contained in the Act is guilty of an offence, and is liable:

- (a) on summary conviction – to a fine not exceeding \$5,000, or to imprisonment for a term not exceeding twelve months, or both or
- (b) on conviction upon indictment – to a fine not exceeding \$25,000, or to imprisonment for a term not exceeding five years, or both

28. Exporters may be subject to CBSA's Administrative Monetary Penalty System (AMPS). For example an AMP penalty may be applied where an exporter fails to provide an export permit when required or the information on the permit is not accurate or complete.

Appendix

Permit Issuing Locations Cultural Property Export Permits

British Columbia

Canada Border Services Agency
Metro Vancouver District
412-4th floor, 1611 Main St.
Vancouver, BC V6A 2W5

Fax: 604-666-6453

Canada Border Services Agency
400-1321 Blanshard Street
Victoria, BC V8W 1X1

Fax: 250-363-3179

Whitehorse, Yukon
(West Coast, Yukon District, Pacific Region)

Canada Border Services Agency

300 Main Street, Suite 110
Whitehorse, YT Y1A 2B5

Fax: 867-668-2869

Alberta and Northwest Territories

Canada Border Services Agency
Central Alberta District
Commercial Operations

175 Aero Way NE Unit 162
Calgary, AB T2E 6K2

Fax: 403-292-4141

Canada Border Services Agency
Edmonton – Commercial Operations
Central Alberta District
#100-1727 35 Avenue E
Edmonton International Airport
Edmonton, AB T9E 0V6

Fax: 780-890-4311

Canada Border Services Agency
Hwy 4, P.O. Box 220
Coutts, AB T0K 0N0

Fax: 403-344-4427

Saskatchewan

Canada Border Services Agency
2510 Sandra Schmirler Way
P.O. Box 4080
Regina, SK S4P 3W5

Fax: 306-780-5630

Canada Border Services Agency
#21 – 2625 Airport Drive
Saskatoon, SK S7L 7L1

Fax: 306-975-5917

Manitoba

Canada Border Services Agency
Unit 130 - 1821 Wellington Avenue
Winnipeg, MB R3H 0G4

Fax: 204-983-0330

Ontario

Canada Border Services Agency
Norther Ontario Region
50 Terminal Street, Suite 4
North Bay, ON P1B 8G2

Fax: 705-472-3997

Canada Border Services Agency
Greater Toronto Area Region
Lester B. Pearson International Airport (LBPIA), Commercial Operations District
Attention: Special Cell Desk
2720 Britannia Rd East, Cargo 3
Mississauga, ON L5P 1A2

Fax: 905-676-5034

Quebec

General Desk
Canada Border Services Agency
Longroom
400 Place d'Youville
Montréal, QC H2Y 2C2

Fax: 514-283-0384

New Brunswick

Canada Border Services Agency
495 Prospect Street
Fredericton, NB E3B 9M4

Fax: 506-452-3587

Prince Edward Island

Canada Border Services Agency
250 Maple Hills Avenue Suite 194
Charlottetown, PE C1C 1N2

Fax: 902-566-7275

Nova Scotia

Canada Border Services Agency
Commercial Ops
263 Susie Lake Crescent
Halifax, NS B3S 0J5

Fax: 902-426-5648

Newfoundland

Canada Border Services Agency
6th Floor, 165 Duckworth Street
St. John's, NL A1C 1G4

Fax : 709-772-2286

Applicable legislation

[Cultural Property Export and Import Act](#)

[Customs Act](#) – section 101

[Cultural Property Export Regulations](#)

[Canadian Cultural Property Export Control List](#)

Superseded memoranda D

D19-4-1 dated May 8 2024

Issuing office

Other Government Department Policy Unit
Commercial Analysis, Research and Engagement & Trusted Trader Programs
Commercial Program Directorate
Commercial and Trade Branch

Contact us

Additional information on this legislation may be obtained from:

Department of Canadian Heritage
Heritage Branch
Heritage Policy (Export and Import)
25 Eddy, 9th floor, Gatineau, QC
J8X 4B5

Email: mcp-bcm@pch.gc.ca

Toll-free: **1-866-811-0055**

The [CBSA's Border Information Service \(BIS\)](#) line responds to public inquiries related to import requirements of other government departments, including the Department of Canadian Heritage. You can access BIS free of charge throughout Canada by calling **1-800-461-9999**. If you are calling from outside Canada, you can access BIS by calling 204-983-3500 or 506-636-5064 (long distance charges will apply). To speak directly to an agent, please call during regular business hours from Monday to Friday (except holidays), 8 a.m. to 4 p.m. local time.