

## **ACT No. 24633 on the International Movement of Works of Art**

Adopted on 20 March 1996

Promulgated on 15 April 1996

### **INTERNATIONAL MOVEMENT OF WORKS OF ART**

**SECTION 1** - The provisions in this act shall apply to the import and/or export of the following works of art, made by hand with or without the aid of tools for their making, including air brushes, by Argentine or foreign artists, living or dead for a 50-year period:

(1) Paintings on fabric, canvas, cardboard, paper or any other media, using oil, acrylic, pastel, pencil, charcoal, ink, watercolor, and tempera, through any technical procedure and without restrictions regarding artistic creation;

(2) Montages and assemblages: Matter paintings using paint or not; pictures with objects creating a relief effect; works combining both paintings and montages; works resulting exclusively from glueing and assembling several objects on boxes and/or sheets or panels;

(3) Sculptures: Pieces in bulk or in relief executed in stone, metal, wood, plaster, terra cotta, clay, fibrocement, plastic or other materials;

(4) Original engravings, prints and lithographs: Prints made by etching, dry point, burin, xylographs, lithographs and other plates engraved by means of any of the usual engraving techniques; black and white or color proofs in one or several plates, except for those executed through mechanical or photomechanical procedures; handcrafted silk screens;

(5) Pottery: Works executed with fire on any kind of material, whether unique or mass creations, as long as the latter are a handmade reproduction by the artist; and

(6) Textile art: Weaving and non-weaving techniques (handmade paper and felt), except for any serial mechanical or industrial procedures that are neither a handmade reproduction by the artist nor a handicraft;

**SECTION 2** - This act shall not apply to copies, replicas or reproductions of works of art; carving in coral, ivory or other luxury materials; nor handicrafts on pieces produced by mass industrial procedures.

**SECTION 3** - Permanent exports —customs destination for consumption abroad— and temporary exports —temporary destination for exhibition abroad, even when it becomes permanent due to the expiration of the return date or another legal reason— shall be exempt from customs or port duties and/or extra charges, including duties on statistical services and storage, the tax on freight and consular charges.

**SECTION 4** - Permanent imports —customs destination for domestic consumption— and temporary imports —temporary destination for exhibition in the country, even when it becomes permanent due to the expiration of the return date or another legal reason— shall be exempt from customs or port duties and/or extra charges, including duties on statistical services and storage, the tax on freight and consular charges.

**SECTION 5** - In no case whatsoever shall import duties for the following tariff headings exceed the current common tariff in Mercosur for trade outside the area: 9701, 9701.10.00, 9701.90.00, 9702.00.00, and 9703.00.00.

**SECTION 6** - The benefits in Sections 3 and 4 *supra* shall be enjoyed by all bona fide owners or holders of works of art by Argentine or foreign artists, living or dead for a 50-year period, unless the work is classified by the enforcement authority as part of the national treasures possessing artistic value.

The denial to grant an export authorization shall give the owner of the property the right to keep it or demand indirect expropriation by the Federal State, in accordance with Section 51 (a), (b) and (c) of Act No. 21499. This demand should be made within a period of 180 (one hundred and eighty) business days as from the notification of the denial. Such period cannot be extended.

**SECTION 7** - Works of art by Argentine or foreign artists, living or dead for a 50-year period, that are imported to the country can be freely re-exported within a period of 15 years from the date of the import, with the benefit of the abovementioned exemptions.

**SECTION 8** - The temporary import or export of works of art by Argentine or foreign artists, living or dead for a 50-year period, shall not be subject to the guarantee arrangement provided by Title III of Act No. 22415 for temporary customs destination.

**SECTION 9** - Both exports and imports for exhibition at galleries, museums, public agencies, private institutions, among others, shall be sponsored or supported by the enforcement authority, according to the artistic relevance of the exhibition and upon the advice of the advisory council.

**SECTION 10** - Every export and import of works of art by Argentine or foreign artists, living or dead for a 50-year period, under the temporary-to-permanent customs destination system, as provided by this act, must be notified to the enforcement authority in the time and manner required.

**SECTION 11** - Within a 30-day term, the National Customs Administration shall issue the regulations implementing Act No. 22415, pursuant to the provisions herein, that allow for:

- (1) The simplification of the licensing system for export applications;
- (2) The reduction of terms for checking and classifying shipments, and the replacement of the valuation task for the appraisal of works of art by the enforcement authority;

(3) Port clearance or direct loading in the means of transport, whether for importation or temporary storage;

(4) Export or import of works as:

(a) Accompanied baggage;

(b) Unaccompanied baggage; or

(c) Parcel.

It shall be established that the works of art included in the tariff headings or the headings listed in Section 5 herein shall be visaed as “free of charge.”

**SECTION 12** - The State Department for Culture shall act as the enforcement authority for this act, assisted by an honorary advisory council comprising representatives from:

(a) The Directorate for Cultural Affairs, reporting to the Ministry of Foreign Affairs;

(b) The National Customs Administration;

(c) The National Academy of Fine Arts;

(d) The National Museum of Fine Arts; and

(e) The National Art Fund.

Through a justified resolution, the enforcement authority may include in its advisory council representatives from other public or private agencies.

Every regulation implementing this act, issued by the enforcement authority, will be valid only upon the prior decision of the advisory council.

**SECTION 13** - Within a 30-day term, the enforcement authority shall issue supplementary regulations aimed at implementing:

(1) The issuance of export licenses for works of art by living artists or artists dead for a 50-year via a procedure that shall not exceed 10 business days. Licenses cannot be refused when:

(a) Authorship is accounted for;

(b) The work of art is included in the scope of Section 1 and excluded from the exemptions in Section 2;

(c) The works of art do not comprise the national treasures possessing artistic or historic value, protected by Act 12665 and related regulations, in the case provided for under Section 6 herein for the author's death.

(2) A record of temporary imports and exports in order to organize art exhibitions in the country or abroad;

(3) A quick and effective method for the valuation, assisted by the consulting committee.

**SECTION 14** - It is for the advisory council to assist and advise the enforcement authority and suggest policies that support and promote the movement and dissemination of works of art by Argentine or foreign artists, living and/or dead for a 50-year period, in the country or abroad.

**SECTION 15** - Executive Order 159/73 is hereby repealed, as well as every other legal provision contradicting this act. The Executive Branch shall enact regulations implementing this act within one hundred and twenty days from its promulgation.

**SECTION 16** - Be it notified to the National Executive.- ALBERTO R. PIERRI - CARLOS F. RUCKAUF.- Esther H. Pereyra Arandía de Pérez Pardo.- Edgardo Piuzzi.

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*Yo, María Marta Semberoiz, Traductora Pública, por la presente HAGO CONSTAR que la que antecede es traducción fiel y completa al inglés del documento en castellano que tengo ante mí y al cual me remito. EN FE DE LO CUAL estampo mi firma y sello en la ciudad de Buenos Aires, a los 27 días del mes de junio de 2007.-----*