

OFF THE RECORD

New rules for importing art from outside the EU

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Since June 28, 2025, a new European Union (EU) regulation requires anyone wishing to import cultural goods into the EU to have an import license or submit an importer's declaration. When is which type of document required? How does it affect art dealers, galleries, auction houses, and collectors, both inside and outside the EU?

Cultural goods can be used to finance terrorism. Therefore, the EU prevents the import of such cultural goods with legislation. This is why, for example, the Fifth European Anti-Money Laundering Directive includes [provisions on the art trade](#).

In addition, there is now the [EU regulation on the introduction and import of cultural goods](#). It aims to prevent the illegal import of cultural goods by requiring either an import license or an importer's declaration. As a result, since June 28, 2025, cultural goods may only be brought into the EU with the appropriate documentation. In the Netherlands, the Information and Heritage Inspectorate issues the import licenses on behalf of the Minister of Education, Culture, and Science. Customs then ensures that the import complies with the applicable regulations.

Although the EU regulation formally imposes obligations only on importers of works of art, it also has significant implications for anyone wishing to export art to the EU. After all, European dealers, auction houses, museums, and collectors are not permitted to import works of art that do not meet the requirements of the directive. The directive can even have consequences for transactions that take place entirely outside the EU. If a work of art cannot be exported to Europe, an important market is lost, with potential consequences for the value of the work in question.

Import license

An import license is required for archaeological objects and parts of historical monuments which are more than 250 years old, regardless of their value. A special concern for the art trade is that this expressly includes liturgical icons.



An import license is only granted if the importer can prove that the cultural good was legally exported from the country where it was manufactured or discovered, for example, by presenting an export license. If the country of manufacture or discovery is not known, or the cultural good was exported before April 24, 1972, it is sufficient if it can be proven that the cultural object has been legally in a specified country for at least five years. If the evidence cannot be presented, no import license will be granted.

Exceptions

The import license and importer's declaration are not required for cultural goods that:

- Were originally made in the EU, for example a Dutch master that ended up in the United States.
- Are brought into the EU for the purpose of keeping them until they can be safely returned to their country of origin, for example because there is an active war in that country.
- Are imported only temporarily, for example for restoration, exhibitions, or scientific research. Importation for sale at an art fair is not covered by this, as there is a high probability that the work of art will be permanently imported into the EU through sale. Anyone wishing to display a work of art from outside the EU at a fair will therefore need to have an import license.

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Consequences for the art trade and collectors

Art trade

For the art trade, this means that the provenance of works of art has become even more important than it already was. Art dealers therefore have to invest more time and money in this. Thus, provenance is not only necessary in connection with the [authenticity of a work of art](#) or to prove [rightful ownership](#), but also to prove that the work has been exported legally.

Without proper provenance, import into the EU is impossible. Even if a work of art was bought in good faith. The buyer cannot do anything about the lack of proof or provenance. For example, because a work of art was bought at an auction and the previous owner has remained anonymous or a work has been in the family for so long that relevant documentary evidence, if any, has been lost. In particular, the retroactive effect of the regulation on sales in 1972 or later is a problem here. After all, supporting documents relating to exports were not always required at that time.

Although the regulation has the most impact on the art trade within the EU, art dealers, galleries, and auction houses outside the EU are also affected if they target the EU art market. While the risk of not obtaining an import license or not being able to substantiate the importer's declaration lies with the importer, sellers should also be aware that observant potential EU buyers will refrain from buying if they know that importation is not possible.

Conversely, when selling works of art that were not created within the EU, the art trade also has to provide documentation proving that the works of art were legally exported. Otherwise, the work can no longer be offered for sale on the European art market.

Collectors

The regulation applies to all types of importation, not just the professional art trade. Private collectors also have to deal with it when they buy a work of art at an auction or gallery outside the EU. Moreover, they have to deal with the import rules when moving to the EU. If a collector cannot prove that the objects were obtained legally, it will become more difficult to move the collection.

Art lawyer

Do you have any questions about the new regulation? Do you want to know, for example, for which cultural goods an import license or importer's declaration is required? Or which proof is accepted by the customs? You can contact art and law specialists like those at [Russell Advocaten B.V.](#) for advice and help with other disputes about art, for example about the authenticity of works of art.