Return of cultural objects unlawfully removed from the territory of a Member State

2000/0332(COD) - 30/05/2013 - Follow-up document

In accordance with the requirements of Council Directive 93/7/EEC, the Commission presents its fourth report on the return of cultural objects unlawfully removed from the territory of a Member State. The report covers the period 2008-2011.

The Commission recalls that the third report indicated that cooperation and exchange of information between Member States could be improved still further. Member States considered that the lack of use made of the Directive (with regard to both administrative cooperation and proceedings before the national courts) was due to its limited scope and the restrictive conditions imposed on initiating return proceedings.

Application of the Directive during the period 2008-2011: the national reports noted certain points.

1) **The infrequent application of the Directive**: Member States ascribed this to the limitations of legal scope, in particular the categories defined in its Annex, and on the short period of time allowed to bring return proceedings and the difficulty in ensuring uniform application by national judges of Article 9 concerning compensation for the possessor in the event that the object is returned. In addition, some Member States mentioned the financial costs associated with return proceedings, or the difficulties in identifying the competent court in another Member State.

2) **Progressive improvement** in administrative cooperation and exchange of information between the central authorities of Member States, which should be continued for better implementation of the Directive.

3) **The need to revise the Directive**: Member States are in support of revising the current provisions, using the proposals of the "Return of Cultural Goods" working group which reported in 2011.

Evaluation of the application of the Directive: the Commission lists in the report the cases where the Directive has been applied but notes that the information may be incomplete.

The most frequent acts of administrative cooperation carried out by national authorities relate to the search for a cultural object that has been unlawfully removed from their territory, or notification of the discovery of such an object. Several Member States highlight the limitations of the Directive as regards securing the return of goods, due, notably, to the financial thresholds that apply to certain national treasures and the one-year time limit for bringing return proceedings. They also point to the difficulty of securing the return of archaeological goods taken from illegal excavations due to the difficulty in proving the object's provenance and/or the date on which it was unlawfully removed (Bulgaria and Italy). The national reports state that administrative cooperation between the central authorities of the Member States has improved, but is still poorly structured and faces problems relating to language barriers. The reports also identify shortcomings in the exchange of information between the authorities concerned, which reduce efficiency.

The Commission notes that the process of revising Directive 93/7/EEC was started in 2009, with the public consultation completed in March 2012, and that it is also looking at how to improve implementation of the Directive.