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

2013/0162(COD) - 25/11/2013

The Council adopted a **general approach** on the proposal for a directive on the return of cultural objects unlawfully removed from the territory of a member state.

The Council accepted the main changes introduced by the Commission proposal into the current legislation, such as:

- **deletion of the annex**, which specifies categories of cultural objects eligible for return, together with financial and age thresholds. Thus, **any cultural object** that a member state defines as a national treasure will be eligible for return;
- **extension of deadlines** so that member states would have five months, instead of the current two months, to check that the object discovered in another member state is a national treasure, and three years instead of one year to initiate the return proceedings before the competent national court;
- **placing the burden of proof on the possessor** for compensation purposes;
- **use of the Internal Market Information System** to improve administrative cooperation and information exchanges between national authorities.

Given the proposal to remove the annex, the reference to the Committee on the export and return of cultural goods which was responsible for its application has been deleted. However, the Council wished to keep a **platform for the exchange of experience** and best practices in this field and requested the Commission to establish an **expert group** for that purpose. Furthermore, the Council extended the period for transposition of the directive into national law to **18 months** instead of the 12 months proposed by the Commission.

The adoption of a general approach has paved the way for the incoming Greek Presidency to start informal negotiations with the European Parliament with the aim of adopting the proposal before the end of this Parliament's term. The competent EP Committee (CULT) vote on the proposal is scheduled for 21 January 2014.