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

2013/0162(COD) - 16/04/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 626 votes to 40 with 8 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on the return of cultural objects unlawfully removed from the territory of a Member State (recast).

Parliament adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary were the result of a compromise between Parliament and Council. They amend the Commission's proposal as follows:

Purpose: Parliament and Council agreed that the directive applied to the return of cultural objects **defined or classified by a Member State as being among national treasures**, which had been unlawfully removed from the territory of that Member State.

'Cultural object': this was defined as means an object which was classified or defined by a Member State, before or after its unlawful removal from the territory of that Member **State, as being among the** 'national treasures possessing artistic, historic or archaeological value' under national legislation or administrative procedures within the meaning of Article 36 TFEU.

Tasks of competent national authorities: Member States' central authorities shall cooperate and promote consultation between the Member States' competent national authorities. The latter shall upon application by the requesting Member State, seek a specified cultural object, which has been unlawfully removed from its territory, identifying the possessor and/or holder. It was specified that the application must include **all information needed to facilitate the search, with particular reference to the actual or presumed location of the object.**

In order to cooperate and consult with each other, the central authorities of the Member States will use a module of the Internal Market Information System ("IMI") **specifically customised for cultural object**s. They may also use the IMI to disseminate relevant case-related information concerning cultural objects, which had been stolen or unlawfully removed from their territory.

Exchange of information: the amendments stipulated that the exchange of information should be conducted using the IMI in accordance with the applicable legal provisions on the **protection of personal data and privacy**. However, competent central authorities may use other means of communication in addition to the IMI.

In order to maintain the platform for the exchange of experience and good practices on the implementation of the Directive among Member States, the Commission should set up an **expert group**, composed of experts from the Member States' central authorities responsible for the implementation of the Directive, The group should be involved, inter alia, in the process of customising a module of the IMI system for cultural objects.

Limitation: in the case of objects forming part of public collections, and **objects belonging to inventories of ecclesiastical or other religious institutions** in the Member States where they were subject to special protection arrangements under national law, return proceedings should be subject to a time limit of 75 years.

Compensation for possessor: where return of the object was ordered, the competent court in the requested Member State should award the possessor **fair compensation** according to the circumstances of the case, provided that the possessor demonstrated that he exercised due care and attention in acquiring the object.

Application to other cultural objects: the amended text stated that it should be possible for Member States to return cultural objects other than those defined in the directive.