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

2013/0162(COD) - 15/05/2014 - Final act

PURPOSE: to allow the return of cultural objects classified or defined by a Member State as being among national treasures, which have been unlawfully removed from the territory of that Member State.

LEGISLATIVE ACT: Directive 2014/60/EU of the European Parliament and of the Council on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (Recast)

CONTENT: this Directive recasts Directive 93/7/EEC and applies to **the return of cultural objects classified or defined by a Member State as being among national treasures**, which have been unlawfully removed from the territory of that Member State after 1 January 1993.

Extension of the scope of the legislation: the scope of the Directive is extended to **all cultural objects** classified or defined by a 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.

The Directive should thus cover objects of historical, paleontological, ethnographic, numismatic interest or scientific value, whether or not they form part of public or other collections or are single items, and whether they originate from regular or clandestine excavations, provided that they are classified or defined as national treasures.

Furthermore, cultural objects classified or defined as national treasures should no longer have to belong to categories or comply with thresholds related to their age and/or financial value in order to qualify for return under the Directive.

Administrative cooperation between Member States: the Directive requires that central authorities cooperate efficiently with each other and exchange information relating to unlawfully removed cultural objects through the use of the Internal Market Information System ('IMI') provided for by Regulation (EU) No 1024/2012 of the European Parliament and of the Council. In order to improve cooperation, **a module of the IMI system specifically customised** for cultural objects is established.

The exchange of information will be conducted using the IMI in accordance with the applicable legal provisions on the **protection of personal data and privacy,** without prejudice to the possibility for the competent central authorities to use other means of communication in addition to the IMI.

Extension of time-limits:

- Member States will have six months, instead of the current two months, to **check** that the object discovered in another Member State is a national treasure. This longer period should allow Member States to take the necessary measures to preserve the cultural object and, where appropriate, prevent any action to evade the return procedure.

- The time-limit for bringing **return proceedings** is also extended to three years (rather than one year) after the Member State from whose territory the cultural object was unlawfully removed became aware of the location of the cultural object and of the identity of its possessor or holder.

Such proceedings may, in any event, **not be brought more than 30 years** after the object was unlawfully removed from the territory of the requesting Member State.

However, 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 are subject to special protection arrangements under national law, return proceedings shall be subject to a time-limit of 75 years.

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

Report: by 18 December 2015 and every five years thereafter, Member States shall submit to the Commission a report on the application of this Directive. Every five years the Commission shall present a report reviewing the application and effectiveness of this Directive, accompanied, if necessary, by appropriate proposals.

ENTRY INTO FORCE: 17.06.2014.

TRANSPOSITION: by 18.12.2015.