Import of cultural goods

2017/0158(COD) - 13/07/2017 - Legislative proposal

PURPOSE: to set out the conditions and procedure for the entry of cultural goods into the customs territory of the Union.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: currently, there are no common rules regarding the import of cultural goods from third countries, except Council Regulation (EC) No 1210/2003 concerning certain specific restrictions on economic and financial relations with **Iraq** and Council Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in **Syria**, which provide for a prohibition of trade in cultural goods with these countries.

The initiative aims to complement those two measures and also the existing EU legislation on the export of cultural goods (Regulation (EC) No 116/2009). It aims to **prevent the import and storage in the EU of cultural goods illicitly exported from a third country**, thereby reducing trafficking in cultural goods, combatting terrorism financing and protecting cultural heritage, especially archaeological objects in source countries affected by armed conflict.

The proposal is a follow-up to the 2015 European Agenda on Security and the 2016 Action Plan to step up the fight against the financing of terrorism. It also responds to the European Parliament's resolution of 30 April 2015 on the destruction of cultural sites by the Islamic State group, which called for strong actions to disrupt the illicit trade in cultural property.

At the global level, in March 2017, the **G7** culture ministers called on all states to ban the trade in looted cultural property trafficked across borders. In July 2017, G20 leaders affirmed their willingness to put an end to sources of terrorist financing such as looting and smuggling of antiquities.

Lastly, the fight against the illicit trade in cultural goods will be a key European action during 2018, European Year of Cultural Heritage.

IMPACT ASSESSMENT: the selected options would prevent the import and storage in the EU of cultural goods illegally exported from a third country. They involve:

raising awareness of potential buyers, including tourists and travellers, as well as of customs and other law enforcement authorities;

a regulation providing for customs control measures applying to cultural objects declared for release for free circulation or placement under other special customs procedures (such as free zones), with the exception of goods in transit.

CONTENT: the proposal concerns the **import into the EU of cultural goods** - as defined in the 1995 International institute for the unification of private law (Unidroit) convention on stolen or illegally exported cultural objects – of a minimum age of 250. For these cultural goods, the person who seeks to introduce them into the Union's customs territory must provide the following documents in order to prove licit provenance, i.e. legality of export from the source country:

- for **archaeological objects**, parts of monuments that have been dismembered and for rare manuscripts and incunabula, the person must apply to the competent authority designated for this purpose by the Member State of entry for an import licence, by providing proof of licit export of the goods from the source country;
- **for all other cultural goods**, the person must submit to customs a **signed statement** (affidavit) certifying that the goods were legally exported from the source country, accompanied by a standard **Object ID document**, describing the object in detail. Customs register and keep a copy of these documents.

The proposal also calls on the Member States to:

- organise **cooperation between their competent authorities** and provides for the future development of an electronic database to facilitate the storage and exchange of information, in particular importer statements and importer licences issued;
- foresee **penalties** for infringements to this Regulation in accordance with their internal legal systems;
- organise appropriate **training sessions** for the authorities that they have designated for the implementation of the Regulation, as well as **awareness raising campaigns** in order to inform potential buyers about the legal framework and dissuade them from purchasing cultural goods from countries thirds whose provenance is not established.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.