Import of cultural goods

2017/0158(COD) - 25/10/2018 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted by 513 votes to 57, with 33 abstentions, amendments to the proposal for a Regulation of the European Parliament and of the Council on the import of cultural goods.

The matter was referred back to the committee responsible for interinstitutional negotiations.

Parliament stressed the need to combat trafficking in cultural property and to ensure the **return of objects traded, excavated or obtained illegally**. It recalled the Union's commitment to fair processes and victim compensation, as well as the conventions on heritage protection of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The main amendments to the Commission proposal adopted in plenary concern the following points:

Subject matter: this Regulation aims to set out the conditions and procedure for the **introduction and the import** of cultural goods into the customs territory of the Union. It shall apply to cultural goods which are in transit through the customs territory of the Union when competent authorities have reasonable grounds to believe that cultural goods have been exported from the source or the third country in violation of the laws and regulations of that source or third country.

The '**source country**' shall mean the country in the current territory of which the cultural goods were created or discovered or removed, excavated or stolen from land or underwater, or a country which has such a close connection with the cultural goods.

Introduction and import of cultural goods into the customs territory of the Union: the introduction of cultural goods removed from the territory of a source country in breach of international law and the source or the third country's laws and regulations is prohibited. The import of cultural goods into the customs territory of the Union shall only be permitted upon the presentation of an import licence issued or of an importer statement made out in accordance with the Regulation.

The successful import of cultural goods shall not be construed to be evidence of lawful provenance or ownership.

The cultural goods to be presented at **commercial fairs and international art fairs** shall not be subject to the presentation of an import licence or an importer statement. However, should the cultural goods be acquired and remain within the territory of the Union, they should be subject to the presentation of an import licence or an importer statement, depending on the category of the cultural goods.

Import licence: the proposed Regulation shall require the presentation of an import licence issued by the competent authority of the source Member State for the proposed import before the goods are imported into the customs territory of the Union.

Persons seeking to obtain such a licence shall be able to prove that the cultural goods have been exported from the source country with the appropriate supportive documents and evidence (export certificates or export licences issued by the source country, a standardised document following the **Object ID standard**, the international standard adopted by Unesco for the description of cultural objects, ownership titles, invoices, sales contracts, insurance documents, transport documents).

Where supporting documents are not available, the application shall include an expert appraisal if deemed necessary by the competent authority.

The competent authority of the first Member State of intended import shall verify whether the application is complete. It shall request any missing or additional information or document from the applicant within **21 days** of receipt of the application.

In case the import licence is issued, the competent authority shall register that licence electronically. The competent authority may reject the application under certain conditions laid down in the Regulation.

Importer statement: the importer statement shall also be registered electronically and shall consist of, *inter alia*:

- a declaration signed by the holder of the goods stating that the goods have been exported from the source country in accordance with its laws and regulations or providing evidence of the absence of such laws and regulations;
- a standardised document, following the **Object ID standard**, describing the cultural goods in question in sufficient detail for them to be identified by the customs authorities;
- the export certificates or licences issued by the source country, providing evidence that the cultural goods in question were exported from the source country in accordance with its laws and regulations.

In case the source or third country's legislation does not foresee the issue of export licences or certificates, the importer statement should also include any other appropriate supportive documents and evidence, including ownership titles, invoices, sales contracts, insurance documents, and transport documents.

The Commission shall adopt, by means of implementing acts, the **electronic standardised template** for the importer statement.

Micro, small and medium-sized enterprises: the Commission shall ensure that micro, small and medium-sized enterprises (MSMEs) benefit from **adequate technical and financial assistance**, including the promotion of national contact points in cooperation with Member States and the establishment a dedicated website containing all the relevant information, and shall facilitate the exchange of information between MSMEs and the relevant national contact points when in receipt of enquiries in order to efficiently implement this Regulation.

Temporary retention by customs authorities: competent authorities shall seize and temporarily retain cultural goods brought into the customs territory of the Union which do not fulfil the conditions laid down in the Regulation. The period of temporary retention shall be strictly limited to the time required for the customs authorities or other law enforcement authorities to determine whether the circumstances of the case warrant retention under other provisions of Union or national law. The maximum period of temporary retention shall be 6 months, with the **possibility to extend that period for a further 3 months** at the reasoned decision of the customs authorities.

The use of the electronic system: Member States shall ensure co-operation and information sharing between their competent authorities. An electronic system shall be developed for the storage and the exchange of information between the authorities of the Member States. Any such system shall address the receipt, processing, storage and exchange of information, in particular regarding importer statements and import licences.