Import of cultural goods

2017/0158(COD) - 12/03/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 590 votes to 58 with 13 abstentions a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the import of cultural goods.

The position of the European Parliament adopted at first reading under the ordinary legislative procedure has amended the Commission proposal as follows:

Purpose and scope

The draft regulation aims to prevent the import and storage in the EU of cultural goods illegally exported from a non-EU country. It would define the conditions for the introduction of cultural property and the conditions and procedures for its import for the protection of the cultural heritage of humanity and the prevention of illicit trade in cultural property, in particular where it may contribute to the financing of terrorism.

The regulation would not apply to cultural goods that have either been created or discovered in the EU's customs territory.

Introduction and import of cultural property

Under the amended text, the introduction of cultural property listed in Part A of the Annex (e.g. rare collections and specimens of zoology, botany, mineralogy and anatomy, objects of palaeontological interest, products of archaeological excavations, objects of antiquity over 100 years old, rare and incunabula manuscripts, etc.) which have been removed from the territory of the country in which they were created or discovered in violation of the laws and regulations of that country would be prohibited.

The import of cultural objects listed in Parts B of the Annex (such as archaeological objects or elements of monuments at least 250 years old) and in Part C of the Annex (such as zoological or botanical collections, coins, engraved seals, paintings, sculptures or books at least 200 years old and with a minimum value of EUR 18 000) would only be allowed on presentation of:

(a) an **import licence**; or

(b) a **declaration by the importer** that the goods in question have been lawfully exported and presented through a centralised electronic system.

The import licence or importer's declaration should be provided to the customs authorities in accordance with Regulation (EU) No 952/2013 establishing the Union Customs Code. In the case of placing cultural goods under the free zone regime, the holder of the goods should provide the import licence or the importer's declaration at the time of presentation of the goods.

Cultural goods which have not been created or discovered in the EU's customs territory, but which have been exported as Union goods should not be subject to the presentation of an import licence or declaration by the importer when they are reintroduced into that territory as returned goods within the meaning of Regulation (EU) No 952/2013.

In order to facilitate the presentation of cultural goods at art trade fairs, it would not be necessary to present an import licence when the cultural goods in question are placed under the temporary admission

regime and an importer's declaration has been provided in place of the import licence. However, the presentation of an import licence would be required when these cultural goods remain in the Union after the art fair.

Electronic system

The storage and exchange of information between Member States' authorities, in particular as regards import licences and importers' declarations, would be carried out through a centralised electronic system. The Commission would establish, by means of implementing acts, the modalities for the deployment, operation and maintenance of the electronic system. The latter should be operational at the latest four years after the entry into force of the first of the implementing acts.

The Commission could also organise training and capacity building activities for third countries in cooperation with Member States.

The processing of data under the regulation should also be able to cover personal data and should be carried out in accordance with EU law.