Basic information

2000/0332(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Return of cultural objects unlawfully removed from the territory of a Member State See also 1995/0254(COD) See also 2000/2246(COS) Repealed by 2013/0162(COD) **Subject** 2.80 Cooperation between administrations 4.45.06 Heritage and culture protection, movement of works of art	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CULT Culture, Youth, Education, Media and Sport		

Committee for opinion	Rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs	The committee decided not to give an opinion.	
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Energy	2347	2001-05-14

European Commission

Commission DG	Commissioner
Financial Stability, Financial Services and Capital Markets Union	

Key events

Date	Event	Reference	Summary
22/12/2000	Legislative proposal published	COM(2000)0844	Summary
15/01/2001	Committee referral announced in Parliament, 1st reading		

25/01/2001	Vote in committee, 1st reading		
14/02/2001	Decision by Parliament, 1st reading	T5-0067/2001	Summary
14/05/2001	Act adopted by Council after Parliament's 1st reading		
05/06/2001	Final act signed		
05/06/2001	End of procedure in Parliament		
10/07/2001	Final act published in Official Journal		

Technical information

Procedure reference	2000/0332(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	See also 1995/0254(COD) See also 2000/2246(COS) Repealed by 2013/0162(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095 Rules of Procedure EP 52-p1
Stage reached in procedure	Procedure completed

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Text adopted by Parliament, 1st reading/single reading		T5-0067/2001 OJ C 276 01.10.2001, p. 0048-0117	14/02/2001	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2000)0844 OJ C 120 24.04.2001, p. 0182 E	22/12/2000	Summary
Follow-up document	COM(2009)0408	30/07/2009	Summary
Follow-up document	COM(2013)0310	30/05/2013	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0531/2001 OJ C 193 10.07.2001, p. 0084	25/04/2001	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Directive 2001/0038 OJ L 187 10.07.2001, p. 0043	Summary

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

2000/0332(COD) - 22/12/2000 - Legislative proposal

PURPOSE : to amend Council Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State. CONTENT : this proposal aims to introduce the two technical amendments to the Annex to Directive 93/7/EEC announced in the report on the application of Regulation 3911/92/EEC and Directive 93/7/EEC: 1) to replace the figure 0 applicable to certain categories of cultural goods in the Annex in order to avoid differences of interpretation. The figure 0 is one of the values set out in heading B and it should be replaced with the text "whatever the value"; 2) to amend the note at the end of heading B by laying down, for the Member States not participating in EMU, a date for the conversion into national currencies of the values expressed in euro and a periodic adaptation of the amounts in national currencies every two years. The reference date chosen is 31 December 2001, the last day of the period of transition to the euro. For the periodic adaptation every two years, the system chosen follows the model for periodic adaptation laid down by the "public procurement" Directives.

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

2000/0332(COD) - 14/02/2001 - Text adopted by Parliament, 1st reading/single reading

The European Parliament voted to endorse this proposal on the return of cultural goods unlawfully removed from the territory of a Member State. (Procedure without report).

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

2000/0332(COD) - 30/07/2009 - Follow-up document

This is the third report from the Commission reviewing the application of Council Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State. It covers the period 2004-2007.

Council Directive 93/7/EEC introduced mechanisms for cooperation between the national authorities and a legal procedure for the return of cultural objects taken unlawfully from the territory of a Member State. Pursuant to the EC Treaty, **Member States retain the right to define cultural goods** which they consider to be national treasures and to take measures to protect them. Directive 93/7/EEC is therefore a measure to support the internal market with the aim of reconciling the operation of the internal market with a guarantee for the Member States that their cultural objects with the status of national treasures of artistic, historic or archaeological value will be protected.

In line with the conclusions of the last two assessment reports, most of the Member States take the view that the Directive is a useful tool for the recovery of certain cultural objects removed unlawfully from the territory of a Member State, and for protecting heritage. These Member States acknowledge that the Directive has a **preventive effect** and discourages the unlawful removal of objects. However, the Member States regret that the Directive has certain restrictions, such as the one-year deadline for initiating recovery proceedings.

Regarding **administrative cooperation and the exchange of information** on the Directive, the Commission has seen an improvement both within and between the Member States. However, it has noted some shortcomings, on the one hand in the collection and exchange of information between the

authorities responsible for implementing the Directive and the other national authorities responsible for protecting cultural objects and, on the other hand, between the various national authorities responsible for the Directive. The Commission therefore suggests that the Member States take the necessary action to improve cooperation between the various national authorities. In order to support them, the Commission will update the guidelines on administrative cooperation and publish lists of the national authorities responsible for implementing the Directive. To this end, the Commission would emphasise the Member States' obligation to notify it every time the national authority designated changes so that the list published in the Official Journal of the European Union can be updated.

Regarding **actions for recovery**, the Commission notes that the small number of proceedings launched could also be the result of successful administrative cooperation and, in particular, of negotiations for amicable out-of-court settlements. However, there is a consensus among the Member States that the current one-year deadline is too short, rendering the Directive less effective, and that is should be extended. On the other hand, there is no similar consensus regarding other proposals for amending the Directive, for example the addition of other categories of goods to the list in the Annex, or the amendment of the financial thresholds.

Next step: the Commission takes the view that the amendment of the Directive should be considered. It is of the opinion that any proposal to amend the Directive should be analysed in depth by the national authorities responsible for implementing the Directive with regard to its impact. Accordingly, the Commission will suggest to the Committee on the Export and Return of Cultural Goods that an ad hoc working group be created under its auspices in 2009. The role of this group will be to identify problems associated with the application of the Directive and to suggest solutions which are effective and acceptable to all the Member States with a view to possibly amending the Directive.

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

2000/0332(COD) - 05/06/2001 - Final act

PURPOSE : to introduce technical amendments to the Council Directive concerning the return of cultural objects unlawfully removed from the territory of a Member State. COMMUNITY MEASURE : Directive 2001/38/EC of the European Parliament and of the Council amending Council Directive 93/7 /EEC on the return of cultural objects unlawfully removed from the territory of a Member State. CONTENT : this Directive aims to introduce the two technical amendments to the Annex to Directive 93/7/EEC announced in the report on the application of Regulation 3911/92/EEC and Directive 93/7 /EEC: 1) to replace the figure 0 applicable to certain categories of cultural goods in the Annex in order to avoid difference of interpretation. The figure 0 is one of the values set out in heading B and should be replaced with the text "whatever the value"; 2) to amend the note at the end of heading by laying down, for the Member States not participating in EMU, a date for the conversion into national currencies of the values expressed in euro and periodic adaptation of the amounts in national currencies every two years, the system chosen follows the model for periodic adaptation laid down by the "public procurement" Directives. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2001. When the Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of the official publication. ENTRY INTO FORCE : the Directive shall enter into force on 30/06/01.

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

2000/0332(COD) - 30/05/2013 - Follow-up document

In accordance with the requirements of Council Directive 93/7/EEC, the Commission presents its fourth report on the return of cultural objects unlawfully removed from the territory of a Member State. The report covers the period 2008-2011.

The Commission recalls that the third report indicated that cooperation and exchange of information between Member States could be improved still further. Member States considered that the lack of use made of the Directive (with regard to both administrative cooperation and proceedings before the national courts) was due to its limited scope and the restrictive conditions imposed on initiating return proceedings.

Application of the Directive during the period 2008-2011: the national reports noted certain points.

1) **The infrequent application of the Directive**: Member States ascribed this to the limitations of legal scope, in particular the categories defined in its Annex, and on the short period of time allowed to bring return proceedings and the difficulty in ensuring uniform application by national judges of Article 9 concerning compensation for the possessor in the event that the object is returned. In addition, some Member States mentioned the financial costs associated with return proceedings, or the difficulties in identifying the competent court in another Member State.

2) **Progressive improvement** in administrative cooperation and exchange of information between the central authorities of Member States, which should be continued for better implementation of the Directive.

3) **The need to revise the Directive**: Member States are in support of revising the current provisions, using the proposals of the "Return of Cultural Goods" working group which reported in 2011.

Evaluation of the application of the Directive: the Commission lists in the report the cases where the Directive has been applied but notes that the information may be incomplete.

The most frequent acts of administrative cooperation carried out by national authorities relate to the search for a cultural object that has been unlawfully removed from their territory, or notification of the discovery of such an object. Several Member States highlight the limitations of the Directive

as regards securing the return of goods, due, notably, to the financial thresholds that apply to certain national treasures and the one-year time limit for bringing return proceedings. They also point to the difficulty of securing the return of archaeological goods taken from illegal excavations due to the difficulty in proving the object's provenance and/or the date on which it was unlawfully removed (Bulgaria and Italy). The national reports state that administrative cooperation between the central authorities of the Member States has improved, but is still poorly structured and faces problems relating to language barriers. The reports also identify shortcomings in the exchange of information between the authorities concerned, which reduce efficiency.

The Commission notes that the process of revising Directive 93/7/EEC was started in 2009, with the public consultation completed in March 2012, and that it is also looking at how to improve implementation of the Directive.