## Basic information

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| **2017/0158(COD)**<br>COD - Ordinary legislative procedure (ex-codecision procedure)<br>Regulation | Procedure completed |
| Import of cultural goods<br>**Subject**<br>4.45.06 Heritage and culture protection, movement of works of art<br>6.20.02 Export/import control, trade defence, trade barriers | |

## Key players

European Parliament

| Joint committee responsible | Rapporteur | Appointed |
|---|---|---|
| INTA International Trade | MOSCA Alessia Maria (S&D) | 11/01/2018 |
| IMCO Internal Market and Consumer Protection | DALTON Daniel (ECR) | 11/01/2018 |
| | Shadow rapporteur<br>VERHEYEN Sabine (PPE)<br>WAŁĘSA Jarosław (PPE)<br>KOHN Arndt (S&D)<br>CAMPBELL BANNERMAN David (ECR)<br>SCHAAKE Marietje (ALDE)<br>SELIMOVIC Jasenko (ALDE)<br>FORENZA Eleonora (GUE/NGL)<br>DE JONG Dennis (GUE/NGL)<br>REDA Felix (Verts/ALE)<br>BUCHNER Klaus (Verts/ALE)<br>BEGHIN Tiziana (EFDD) | |

| Committee for opinion | Rapporteur for opinion | Appointed |
|---|---|---|
| CULT Culture and Education<br>(Associated committee) | FISAS AYXELÀ Santiago (PPE) | 24/10/2017 |
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|---|---|---|---|
| | LIBE Civil Liberties, Justice and Home Affairs | CHRYSOGONOS Kostas (GUE/NGL) | 26/02/2018 |

| Council of the European Union | Council configuration | Meetings | Date |
|---|---|---|---|
| | General Affairs | 3685 | 2019-04-09 |

| European Commission | Commission DG | Commissioner |
|---|---|---|
| | Taxation and Customs Union | TIMMERMANS Frans |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 13/07/2017 | Legislative proposal published | COM(2017)0375 | Summary |
| 11/09/2017 | Committee referral announced in Parliament, 1st reading | | |
| 18/01/2018 | Referral to associated committees announced in Parliament | | |
| 18/01/2018 | Referral to joint committee announced in Parliament | | |
| 27/09/2018 | Vote in committee, 1st reading | | |
| 09/10/2018 | Committee report tabled for plenary, 1st reading | A8-0308/2018 | Summary |
| 24/10/2018 | Debate in Parliament | | |
| 25/10/2018 | Decision by Parliament, 1st reading | T8-0418/2018 | Summary |
| 25/10/2018 | Results of vote in Parliament | | |
| 25/10/2018 | Matter referred back to the committee responsible for interinstitutional negotiations | | |
| 22/01/2019 | Approval in committee of the text agreed at 1st reading interinstitutional negotiations | PE632.807 | |
| 12/03/2019 | Decision by Parliament, 1st reading | T8-0154/2019 | Summary |
| 12/03/2019 | Results of vote in Parliament | | |
| 09/04/2019 | Act adopted by Council after Parliament's 1st reading | | |
| 17/04/2019 | Final act signed | | |
| 17/04/2019 | End of procedure in Parliament | | |
| 07/06/2019 | Final act published in Official Journal | | |

## Technical information

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| **Procedure reference** | 2017/0158(COD) |
| **Procedure type** | COD - Ordinary legislative procedure (ex-codecision procedure) |

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| **Procedure subtype** | Legislation |
| **Legislative instrument** | Regulation |
| **Legal basis** | Rules of Procedure EP 61<br>Rules of Procedure EP 59<br>Treaty on the Functioning of the European Union TFEU 207 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | CJ33/8/12072 |

## Documentation gateway

### European Parliament

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee draft report | | PE619.292 | 26/03/2018 | |
| Amendments tabled in committee | | PE621.068 | 03/05/2018 | |
| Amendments tabled in committee | | PE621.080 | 04/05/2018 | |
| Committee opinion | CULT | PE616.832 | 08/06/2018 | |
| Committee opinion | LIBE | PE620.997 | 04/07/2018 | |
| Committee report tabled for plenary, 1st reading/single reading | | A8-0308/2018 | 09/10/2018 | Summary |
| Text adopted by Parliament, partial vote at 1st reading /single reading | | T8-0418/2018 | 25/10/2018 | Summary |
| Text agreed during interinstitutional negotiations | | PE632.807 | 16/01/2019 | |
| Text adopted by Parliament, 1st reading/single reading | | T8-0154/2019 | 12/03/2019 | Summary |

### Council of the EU

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Draft final act | 00082/2018/LEX | 17/04/2019 | |

### European Commission

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Legislative proposal | COM(2017)0375 | 13/07/2017 | Summary |
| Document attached to the procedure | SWD(2017)0262 | 13/07/2017 | |
| Document attached to the procedure | SWD(2017)0263 | 13/07/2017 | |
| Commission response to text adopted in plenary | SP(2019)393 | 30/04/2019 | |
| Follow-up document | COM(2020)0342 | 30/07/2020 | |
| Follow-up document | COM(2021)0358 | 08/07/2021 | |

| | | | |
|---|---|---|---|
| Follow-up document | COM(2022)0580 | 10/11/2022 | |
| Follow-up document | COM(2023)0758 | 05/12/2023 | |
| Follow-up document | COM(2024)0458 | 16/10/2024 | |

**National parliaments**

| Document type | Parliament /Chamber | Reference | Date | Summary |
|---|---|---|---|---|
| Contribution | IT_CHAMBER | COM(2017)0375 | 26/10/2017 | |
| Contribution | IT_SENATE | COM(2017)0375 | 18/12/2017 | |
| Contribution | PT_PARLIAMENT | COM(2017)0375 | 22/01/2018 | |

**Additional information**

| Source | Document | Date |
|---|---|---|
| European Parliament | Briefing | |
| European Commission | EUR-Lex | |

**Final act**

Regulation 2019/0880
OJ L 151 07.06.2019, p. 0001 Summary

# Import of cultural goods

2017/0158(COD) - 07/06/2019 - Final act

PURPOSE: to prevent the illicit import of cultural property into the European Union.

LEGISLATIVE ACT: Regulation (EU) 2019/880 of the European Parliament and of the Council on the introduction and the import of cultural goods.

CONTENT: this Regulation sets out the conditions for the introduction of cultural goods and the conditions and procedures for the import of cultural goods for the purpose of safeguarding humanity's cultural heritage and preventing the illicit trade in cultural goods, in particular where such illicit trade could contribute to terrorist financing.

It does not apply to cultural goods which were either created or discovered in the customs territory of the Union.

***Introduction and import of cultural property***

The Regulation covers cultural goods created or discovered outside the EU which are to be released for free circulation or placed under a special customs procedure other than transit.

The introduction of cultural property such as rare collections and specimens of zoology, botany, mineralogy and anatomy, objects of palaeontological interest, the product of archaeological excavations, objects of antiquity over 100 years old, rare and incunabula manuscripts, 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 shall be prohibited.

The Regulation distinguishes cultural property according to its vulnerability to pillage and destruction.

*Import licences*

The most vulnerable cultural property, such as archaeological objects or elements of monuments more than 250 years old, must be accompanied by an import licence. This licence shall be issued if the importer provides proof of the lawful export of the goods in question from the source country using supporting documents, including export certificates, ownership titles, invoices, sales contracts, insurance documents, transport documents and expert appraisals. Import licences issued by the competent authorities of a Member State shall be valid throughout the Union.

In order to facilitate the presentation of cultural goods at art trade fairs, it shall 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 shall be required when these cultural goods remain in the Union after the art fair.

*Importer's statement*

Less vulnerable cultural objects, 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, must be accompanied by a statement from the importer that the goods in question have been lawfully exported. The statement shall include a standardised document providing sufficient information to enable customs authorities to identify cultural property.

*Use of an electronic system*

Information on the cases in which import licences have been issued and declarations made by importers shall be kept in a centralised electronic database to be set up by the Commission and accessible to all national authorities in the EU.

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

The processing of data under the Regulation shall also cover personal data and shall be carried out in accordance with Union law.

ENTRY INTO FORCE: 27.6.2019.

# Import of cultural goods

2017/0158(COD) - 09/10/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on International Trade and the Committee on the Internal Market and Consumer Protection adopted the joint report by Alessia Maria MOSCA (S&D, IT) and Daniel DALTON (ECR, UK) on the proposal for a regulation of the European Parliament and of the Council on the import of cultural goods.

The Committee on Culture and Education, exercising its prerogative as an associated committee in accordance with Article 54 of the Rules of Procedure, also gave its opinion on the report.

**The committees recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.**

**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.

**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 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** (as opposed to 30 days as proposed by the Commission) 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. It shall consist of, *inter alia*: (i) 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; (ii) 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; (iii) 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 as well as the procedural rules on the electronic submission and processing of the importer statement. Those implementing acts shall be adopted in accordance with the examination procedure.

**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 three 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.

**Assessment**: the functioning of this Regulation shall be assessed and reported two years after the date of its application and thereafter every four years to take into account the impact of this Regulation and address its possible deficiencies.

# 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.

# 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.

# 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.