

Export and return of cultural goods

[A5-0122/2001](#)

European Parliament resolution on the Commission report to the Council, the European Parliament and the Economic and Social Committee on the implementation of Council Regulation (EEC) No 3911/92 on the export of cultural goods and Council Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State (COM(2000) 325 - C5-0509/2000 - 2000/2246(COS))

The European Parliament,

- having regard to the Commission report (COM(2000) 325 - C5-0509/2000),
- having regard to Articles 30 and 151 of the EC Treaty,
- having regard to Rule 47(1) of its Rules of Procedure,
- having regard to the report of the Committee on Culture, Youth, Education, the Media and Sport and the opinion of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs ([A5-0122/2001](#)),

A. whereas illegal trade in cultural goods often causes irreparable damage to the national and European cultural heritage and whereas this trade has undergone a noticeable increase over the last few years, reaching alarming proportions, as works of art and archaeological sites within and outside the EU are steadily plundered and dispersed,

B. whereas there is a danger that, as a result of the impending enlargement of the European Union and the consequent increase in the internal market, the situation will get even worse, since it is likely to become more difficult to control the illegal trade in cultural goods within the European Union and across its longer external borders,

C. whereas the above issues must form an integral part of the enlargement negotiations, to be dealt with in the discussions on culture and the internal market and on third pillar matters, particularly those relating to customs and police cooperation and action to combat organised crime,

D. whereas catalogues of cultural goods belonging to institutions or public and private bodies in each of the Member States are currently not sufficiently comprehensive and, in some cases, do not even exist,

E. whereas there are shortcomings in the collection and forwarding of information both between Member States and inside individual Member States,

F. whereas the European Union must effectively support the Member States in the work of conserving and retrieving their national cultural assets and the cultural heritage of European importance and therefore also in the combating of illegal trade in those goods,

G. whereas Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods⁽¹⁾ and Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State⁽²⁾ have hitherto been the only legal instruments at Community level aimed specifically at combating illegal trade in cultural goods,

H. whereas, although Regulation (EEC) No 3911/92 and Directive 93/7/EEC were adopted by the Council in 1992 and 1993, many of the Member States delayed transposing the Directive into national law and the Commission has therefore indicated that it is still unable to present a realistic assessment of their effectiveness,

I. whereas most of the Member States and the Commission take the view, however, that both Directive 93/7/EEC and Regulation (EEC) No 3911/92 have already had a positive effect on the protection of cultural goods, by raising awareness of the protection of national cultural treasures among those involved in international trade and prompting a realisation of the importance of protecting cultural goods at European level,

J. whereas, however, various Member States have expressed doubts about the real impact of the Community instruments which are the subject of the Commission's report on illegal exports of cultural goods,

K. whereas the Commission draws attention in its report to the allegedly unsatisfactory cooperation between the competent customs authorities and the cultural authorities of the Member States and between the authorities at Community level; whereas, however, the ITCG site for the exchange of information relating to the protection of cultural goods, to which the Commission itself referred in connection with the IDA programme, has, inexplicably, yet to be set up,

L. whereas such cooperation could be strengthened:

- by a requirement to make the granting of licences conditional on a preliminary application to the state of origin of the cultural object with a view to determining whether the object in question had been removed from that state lawfully,
- by the introduction of an accompanying document certifying the origin of the object,
- by establishing a computerised system to notify customs and police authorities of thefts of cultural objects;

1. Stresses the importance of the cultural heritage to national and European identity and calls for this heritage to be properly protected by all those involved;

2. Takes the view that illegal trade in cultural goods has reached such proportions that the cultural heritage of the Member States is constantly suffering significant and often irreparable damage;

3. Points out that illegal trade covers a wide spectrum of activities ranging from the export of cultural goods by their lawful owners without the necessary licences to deliberate trade in stolen property which is often carried out by criminal organisations, particularly for money-laundering purposes, and includes the appropriation and trading by natural persons of cultural goods (mainly manuscripts and archaeological finds, including from underwater archaeological sites), of whose existence the relevant authorities are unaware at the time of appropriation;

4. Considers the provisions of Directive 93/7/EEC to be inadequate, particularly the one-year limitation period, which should be extended to at least three years as provided for in the UNIDROIT Convention on the return of stolen cultural objects, instigated under the auspices of the United Nations and signed in Rome on 24 June 1995;
5. Notes that in view of the existing internal market and its impending enlargement the Member States can combat this illegal trade more effectively by ensuring better coordination between the relevant institutional bodies of the European Union;
6. Urges the Member States to ensure more effective coordination of their policies and measures aimed at combating the illegal trade in cultural goods;
7. Believes, therefore, that the European Union must attach greater importance to combating illegal trade in cultural goods within its jurisdiction, and considers it urgently necessary for the Commission to take action;
8. Calls on the Commission to conduct a campaign in the Member States and the candidate countries, aimed at raising public awareness of the adverse effects of the illegal trade in cultural goods;
9. Calls on the Commission, the Member States and the candidate countries to obtain from the owners of cultural goods comprehensive, public catalogues of all such goods that are in the possession of institutions such as the Church, or of public and private foundations or bodies;
10. Calls on the Commission to consider the possibility of submitting a proposal to tighten up Regulation (EEC) No 3911/92 by introducing a requirement for Member States to:
 - (a) make the granting of a licence conditional on a preliminary application to the State of origin of the cultural object for the purpose of determining whether it was removed from that State lawfully;
 - (b) introduce a mandatory accompanying document certifying, inter alia, the origin of the object and the credentials of the person submitting the request.
11. Considers that although the combating of illegal trade in cultural goods is primarily a cultural policy matter, it also falls within the province of the Commissioners responsible for the internal market and for justice and home affairs; the Commissioners responsible need to adopt a coordinated approach, therefore, to enable wide-ranging action to be taken and all the instruments at the Community's disposal to be used;
12. Calls on the Commission, at the instigation of the Commissioner for Culture, to draw up by the end of the year 2001 a Green Paper, or at least a communication, on illegal trade in cultural goods containing the following:
 - (a) a description of the current situation of the illegal trade in cultural goods in Europe, to include a detailed and up-to-date list of the main works of art that have been stolen and not recovered since the adoption of Regulation (EEC) No 3911/92 and Directive 93/7/EEC;
 - (b) a more comprehensive analysis of the effects of Regulation (EEC) No 3911/92 and Directive 93/7/EEC, as part of a comparative analysis of the national legislation of the Member States;
 - (c) an assessment of the probable implications of the accession of the new Member States;
 - (d) proposals for practical measures, at European level, to combat illegal trade;

(e) an assessment of the possibility of recommending that Member States establish a standard multilingual form containing information about the nature and characteristic features of the unlawfully removed object and, if possible, a photograph of it while providing, in the case of valuable items, for the relevant information to be entered in the Schengen Information System (SIS II)⁽³⁾ and the Customs Information System (CIS)⁽⁴⁾;

(f) the setting up of an Internet site on which forms and pictures relating to the stolen items would be freely accessible;

(g) an assessment of the possibility of the Union (in connection with its powers in the area of police and judicial cooperation in criminal matters) or the Community (in connection with the exercise of the powers conferred on it already by Community acts) acceding to the UNIDROIT Convention;

13. Calls on the Council, Commission and Member States, pending the publication of the above document, to introduce as a matter of the utmost urgency policies aimed at combating the illegal trade in cultural goods, such as increased and better-coordinated police activity and closer judicial cooperation between the Member States;

14. Calls on the Commission and the Member States to set up a digital information network under the eEurope action plan, covering cultural goods that are illegally appropriated and traded;

15. Instructs its President to forward this resolution to the Council and Commission, and the governments and parliaments of the Member States and candidate countries.

⁽¹⁾ OJ L 395, 31.12.1992, p. 1.

⁽²⁾ OJ L 74, 27.3.1993, p. 74.

⁽³⁾ See the Schengen acquis - Decision of the Executive Committee of 7 October 1997 on the development of the SIS (SCH/Com-ex(97)24), OJ L 239 of 22.9.2000, p. 442.

⁽⁴⁾ Convention drawn up on the basis of Article K.3 of the Treaty on European Union on the use of information technology for customs purposes, OJ C 316 of 27.11.1995, p. 34 and Explanatory Report on the Convention drawn up on the basis of Article K.3 of the Treaty on European Union on mutual assistance and cooperation between customs administrations (text approved by the Council on 28 May 1998), OJ C 189 of 17.6.1998, p. 1.