



EUROPEAN COMMISSION

*Brussels, 27.2.2018
C(2018) 1200 final*

Dear President,

The Commission would like to thank the Senato della Repubblica for its Opinion on the proposal for a Regulation of the European Parliament and of the Council on the import of cultural goods {COM(2017) 375 final}.

The proposal aims to prevent the import and storage in the European Union of cultural goods illegally taken from third countries. Such illicit trade is fostering organised crime, terrorism financing, money laundering and tax evasion as well loss of cultural identity and heritage to source countries.

The proposal follows up on ad hoc legislation prohibiting trade in cultural goods from Iraq and Syria (Regulations 1210/2003 and 36/2012) and places a particular focus on endangered heritage, such as archaeological objects in third countries which are affected by armed conflict or natural disasters.

The Commission is pleased that the Senato della Repubblica shares the view that action at the level of the European Union, as envisaged in the proposal, is required in order to introduce harmonised rules.

The Commission welcomes the Senato della Repubblica's broad support for customs controls at the external border of the Union, but notes its doubts concerning the adequacy of a single minimum age limit of 250 years applicable, across the board, to all categories of cultural goods that would be covered by the measures. As previously mentioned, the proposal aims to strike the right balance between protecting particularly vulnerable cultural heritage that is targeted by terrorist and other warring factions in third countries and avoiding to impede disproportionately legitimate, law-abiding traders in cultural goods.

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While the definition of cultural goods mirrors the wording of the Convention adopted in 1970 by the United Nations Educational, Scientific and Cultural Organisation (UNESCO)¹, customs controls based on documentary requirements are focused on cultural goods which are most vulnerable and the subject of trade contributing to terrorist financing. The proposed delegation of power to the Commission for amending the minimum age threshold responds to the need to adapt quickly to possible changes in such illicit trading patterns, in the light of experience with implementing the Regulation.

The Commission takes seriously into account the concerns expressed by the Senato della Repubblica with regard to setting up an electronic database for the storage and exchange of information between Member States authorities. This database will be centralised and operated by the Commission, with the input of Member States and operators.

With regard to the matter of maintaining more restrictive arrangements currently in force in specific Member States, the Commission is only aware of one Member State (Greece) where it is currently mandatory to obtain an import licence, and this concern only archaeological cultural goods. Italy has an import licence scheme in place, but it is only voluntary, i.e. import licences are only issued at the request of an importer.

The Commission is pleased to have this opportunity to provide clarifications on the proposal. In particular, with regard to the involvement of other national authorities in addition to customs, cultural authorities are the ones who have the necessary expertise to verify the licit provenance of cultural goods and are therefore bound to be the ones designated by the Member States to issue import licences for the most sensitive categories of cultural goods. They should also be encouraged to assist customs with their task where importer statements are concerned.

With regard to temporary retention, the Commission takes seriously into account the concerns expressed by the Senato della Repubblica and will look into the matter closely, provided of course that no discrimination will result from differentiated treatment of cultural goods in the Member States. The Commission also takes into account the Senato della Repubblica's suggestions regarding the provision on the organisation of training and capacity building sessions and awareness-raising campaigns in the Member States (article 11 of the proposal).

The Opinion of the Senato della Repubblica has been made available to the Commission's representatives in the ongoing negotiations with the co-legislators and will inform these discussions. Currently, a first reading of the proposal has been completed at Council level in the Customs Union Working Party and discussion will continue in 2018

¹ 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Several of the categories listed therein are indicative, permitting already the coverage of articles such as originals of literary texts and goods relating to the performing arts.

under the Bulgarian Presidency. Discussions with the European Parliament will start when a Lead Committee is assigned to examine the proposal.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Senato della Repubblica and is looking forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Pierre Moscovici
Member of the Commission*