



Brussels, 28 June 2019

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES ON THE EXPORT OF CULTURAL GOODS

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union (TEU). Following a request by the United Kingdom, the European Council (Article 50) agreed on 11 April 2019¹ to extend further² the period provided for in Article 50(3) TEU until 31 October 2019.³ This means that the United Kingdom will be, as of 1 November 2019 ('the withdrawal date'), a 'third country'.^{4 5}

Preparing for the withdrawal is not just a matter for EU and national authorities but also for private parties.

In view of the uncertainties surrounding the ratification of the Withdrawal Agreement, all interested parties, and especially economic operators, are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.

Subject to the transition period provided for in the Withdrawal Agreement,⁶ as of the withdrawal date, the EU rules on export of cultural goods, and in particular Council

¹ European Council Decision (EU) 2019/584, OJ L 101, 11.4.2019, p. 1.

² Following a request by the United Kingdom, the European Council had decided a first extension on 22 March 2019 (European Council Decision (EU) 2019/476, OJ L 80 I, 22.3.2019, p. 1).

³ On 11 April 2019, following a second request for an extension by the United Kingdom, the European Council also decided that the decision to extend until 31 October 2019 would cease to apply on 31 May 2019 if the United Kingdom had not held elections to the European Parliament and had not ratified the Withdrawal Agreement by 22 May 2019. As the United Kingdom had not ratified the Withdrawal Agreement by 22 May 2019, it held European elections on 23 May 2019.

⁴ A third country is a country not member of the EU.

⁵ In addition, if the Withdrawal Agreement is ratified by both parties before that date, the withdrawal takes place on the first day of the month following the completion of the ratification procedures.

⁶ Cf. Part four of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ C 144 I, 25.4.2019, p. 1).

Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods,⁷ no longer apply in the United Kingdom. This has in particular the following consequences:⁸⁹

1. LICENCES FOR EXPORTS TO THE UNITED KINGDOM

According to Article 2(1) of Regulation (EC) No 116/2009, the export of certain cultural goods¹⁰ is subject to an export licence. As of the withdrawal date, where such cultural goods leave the EU-27 customs territory to the United Kingdom, the Channel Islands, or the Isle of Man, these exports are subject to the export licence requirement.¹¹

2. LICENCES FOR EXPORTS TO OTHER THIRD COUNTRIES

According to Article 2(2) of Regulation (EC) No 116/2009, the export licence shall be issued

- by a competent authority of the Member State in whose territory the cultural object was lawfully and definitely located on 1 January 1993; or
- thereafter, by a competent authority of the Member State in whose territory it is located following either lawful and definitive dispatch from another Member State, or importation from a third country, or reimportation from a third country after lawful dispatch from a Member State to that country.

According to Article 2(3) of Regulation (EC) No 116/2009, export licences are valid throughout the Union.

As of the withdrawal date, export licences issued by the United Kingdom as an EU Member State on the basis of Union law are no longer valid for shipments of

⁷ OJ L 39, 10.2.2009, p. 1.

⁸ Regarding more generally the notifications of export and imports, see also the "*Notice to stakeholders - Withdrawal of the United Kingdom and EU rules in the field of import/export licences for certain goods*" (https://ec.europa.eu/info/brexit/brexit-preparedness_en).

⁹ Please note that, in addition, as of 28 December 2020 EU law provides for the prohibition of **importing** in the Union cultural goods – as defined in Article 1 of the 1970 UNESCO Convention – that were illegally exported from third countries (Article 3(1) of Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and the import of cultural goods, OJ L 151, 7.6.2019, p. 1). The import of certain cultural goods will also be subject to an import licence or to an importer statement (affidavit) at the latest from 28 June 2025 (Articles 3(2) and 16(2)(b) of Regulation (EU) 2019/880).

¹⁰ For example, furniture more than 50 years old or books more than 100 years old and with a value of more than EUR 50.000, printed maps more than 200 years old and with a value of more than EUR 15.000; see Annex I to Regulation (EC) No 116/2009.

¹¹ See also section 5.5. of the "*Notice on travelling between the EU and the United Kingdom following withdrawal of the United Kingdom from the EU*" (https://ec.europa.eu/info/sites/info/files/file_import/travelling_en.pdf).

cultural goods from an EU-27 Member State to a third country.¹² Where this leads to the re-issuance by a competent authority of an EU-27 Member State of an export licence previously issued by the competent authority of the United Kingdom, this re-issuance can take account of that previous licence.

The website of the Commission on EU rules for export of cultural goods (https://ec.europa.eu/taxation_customs/business/customs-controls/cultural-goods_en) provides general information. These pages will be updated with further information, where necessary.

European Commission
Directorate-General Taxation and Customs Union

¹² See “*Notice to stakeholders - Withdrawal of the United Kingdom and EU rules in the field of import/export licences for certain goods*” (https://ec.europa.eu/info/sites/info/files/file_import/import_and_export_licences_en.pdf)