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INFORMATION NOTE

From: General Secretariat of the Council
To: Council

Subject: Protection of cultural assets, combating trafficking in cultural assets, EU
import regime
- Information from the German delegation

Delegations will find attached an information note from the German delegation on the above subject, which has been put on the agenda under 'Any other business' for the next Education, Youth, Culture and Sport Council meeting on 22-23 May 2017.

**Protection of cultural assets, combating trafficking in cultural assets,
EU import regime**

The ongoing destruction and looting in the Middle East, particularly in Syria and Iraq, make it plain that we need to take active steps internationally to protect humanity's cultural heritage. The Council of Europe's new criminal law convention to protect cultural property, from May 2017, is therefore to be expressly welcomed (session of the Council in Nicosia on 19 May).

As the EU, we must make every effort to ensure that we do not give added encouragement to the destruction and looting of cultural heritage sites by offering a market for stolen cultural goods in Europe. Uniform EU-wide rules on imports of cultural property from third countries are the only effective means by which we can prevent the trade in illegally excavated and illegally exported cultural property from reaching the EU internal market.

Germany markedly strengthened its measures to protect cultural property when it revised its Act on the Protection of Cultural Property last year, by bringing in import and export rules and due-diligence requirements. UNESCO expressly praised that new law. Nevertheless, national import regulations have only a limited impact within the EU internal market. It is now time, therefore, to redouble our efforts as the EU to combat illicit trade in cultural property. This will require both a uniform EU import regime and coordinated and effective control at the EU's external borders, as in the case of arms or drugs.

Germany therefore strongly welcomes the European Commission's response to the joint initiative put forward by France, Italy and Germany at the end of 2015 and its intention to submit a draft EU import regime by July. We hope that the Commission has made this project a priority, so that fast and effective action can be taken against trafficking.

In this context, Germany argues that the main criterion for deciding on the legality of an import of cultural property into the EU internal market should be whether the object in question was removed from its country of origin legally. This implies working on the basis of third countries' export rules.
