



Council of the
European Union

Brussels, 10 November 2017
(OR. en)

13928/17

CULT 133
ENFOCUSTOM 238
UD 253

INFORMATION NOTE

From: General Secretariat of the Council
To: Council
Subject: Regulation on the import of cultural goods – active participation from a cultural politics point of view
- 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 20-21 November 2017.

**Regulation on the import of cultural goods – active participation from
a cultural politics point of view**

On July 13th 2017 the Commission (COM) presented a proposal for a Regulation of the European Parliament and of the Council on the import of cultural goods [2017/0158(COD)]. The proposal is part of the European Agenda on Security 2015 [COM (2015) 185 final] and the Action Plan for strengthening the fight against terrorist financing [COM (2016) 50 final] that were welcomed by both the European Parliament and the Council. Against the background of various resolutions of the UN Security Council (most recently S/RES/2347 (2017)) as well as the Joint Declaration by the Heads of State and Government of the G-20 Summit on July 8th 2017 on combating alternative sources of terrorist financing, the subject of trafficking in cultural goods has become firmly anchored in security policy. Germany explicitly welcomes this development. Since 2015, the Ministers of Culture of France, Italy and Germany have been calling upon the Commission to start an initiative in this context and have emphasised the need for such a regulation in terms of security and cultural policy.

The closure of the EU Single Market for cultural objects brought into the market illicitly or cultural objects of unknown origin offers the possibility to disrupt the illegal financial flows which fund organised crime as well as terrorist groups. Moreover, this is an important EU contribution to protect the cultural heritage of humanity. Throughout the world cultural heritage is endangered by illegal excavations, looting, theft and illegal export of cultural goods. Far too often historical, cultural and identity-creating sources of information are lost forever. The proposed common rules for the import of cultural goods into the EU Single Market are therefore of utmost importance, not only from a security policy perspective, but also from a cultural politics point of view.

However, to a wide extent the proposal made by the Commission does not guarantee to achieve these goals and objectives. In particular, the proposal contains provisions that make it all too easy to import cultural goods into the EU, even though the licit origin is questionable. Unlike other conventions on the protection of cultural goods such as by UNESCO or the Council of Europe, the Commission's proposal departs from the general principle of the "country of origin". In turn, the proposal refers to the legal export of the cultural good from the country of last situs (export country). In addition, in the vast majority of cases a self-declaration by the importer shall be sufficient without further burden of proof.

Since the beginning of September 2017, the proposal has been negotiated in the Council's working group "Customs Union" in the area of the COMPET Council. Important questions of cultural policy must be addressed, since the answers to these questions will decisively influence the effectiveness of the future Regulation. Therefore, Germany would like to call upon the colleagues of the Ministries of Culture to actively participate in the negotiation of the proposal.
