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To: Permanent Representatives Committee

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Subject: Draft Regulation of the European Parliament and of the Council on the  
Import of Cultural Goods  
- Mandate for negotiation with the European Parliament

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Delegations will find in the annex the Presidency compromise text on the above Proposal. A former version of this text was presented to the Working Party on 29 October 2018, and approved by a large majority of Delegations. The present text, which takes on board some final comments by Delegations, will be submitted to Coreper as an item without discussion in view of obtaining a mandate for negotiation with the European Parliament.

Proposal for a  
**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**on the introduction and the import of cultural goods**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) In the light of the Council Conclusions of 12 February 2016 on the fight against the financing of terrorism, the Communication from the Commission to the European Parliament and the Council on an Action Plan for strengthening the fight against terrorist financing<sup>1</sup> and the Directive on combating terrorism<sup>2</sup>, common rules on trade with third countries should be enacted so as to ensure the effective protection against the loss of cultural goods, the preservation of humanity's cultural heritage and the prevention of terrorist financing through the selling of looted cultural heritage to buyers in the Union.

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<sup>1</sup> COM(2016) 50 final.

<sup>2</sup> Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA; OJ L 88, 31.3.2017, p.6-21

- (2) Cultural heritage constitutes one of the basic elements of civilisation, it enriches the cultural life of all peoples and it should therefore be protected from unlawful appropriation and pillage. The Union should accordingly prohibit the entry in the customs territory of the Union of cultural goods unlawfully exported from third countries. While this general prohibition does not entail systematic controls, Member States should be allowed to intervene when receiving intelligence of suspicious shipments and to take all appropriate measures to intercept illicitly exported cultural goods.
- (3) In view of different rules applying in the Member States regarding the import of cultural goods into the customs territory of the Union, measures should be taken in particular to ensure that imports of cultural goods are subject to uniform controls upon their import.
- (4) The protection of cultural goods which are considered national treasures of the Member States is already covered by Directive 2014/60/EU of the European Parliament and of the Council on the return of cultural objects unlawfully removed from the territory of a Member State and Council Regulation (EC) No 116/2009 on the export of cultural goods. Consequently, this Regulation should not apply to cultural goods which were created or discovered in the customs territory of the Union. The common rules should cover the customs treatment of non-Union cultural goods entering the customs territory of the Union, Relevant for the application of this Regulation should be the extent of the customs territory of the Union at the time of import.

- (5) Given the known potential of free zones (and so-called "free ports") for the purpose of storing cultural goods, the control measures to be put in place should have as broad a scope as possible in terms of customs procedures concerned. Those control measures should therefore not only concern goods released for free circulation but also goods placed under a special customs procedure. However, such a broad scope should not go against the principle of freedom of transit of goods nor go beyond the objective of preventing illicitly exported cultural goods from entering the customs territory of the Union. Accordingly, while encompassing special customs procedures under which goods entering the customs territory of the Union may be placed, control measures should exclude transit.
- (6) The definitions based on those used in the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property signed in Paris on 14 November 1970 ('the 1970 UNESCO Convention') and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects signed in Rome on 24 June 1995, to which a significant number of Member States are a party, should be used in the Regulation, considering the familiarity of many third countries and most Member States with their provisions.
- (7) The legality of export should be primarily examined based on the laws and regulations of the country where the cultural goods were discovered or created. However, in order not to unreasonably impede legitimate trade, the person who seeks to ~~introduce~~ import cultural goods into the customs territory of the Union should be exceptionally allowed to demonstrate instead the licit export from a different third country where the cultural goods were located before their dispatch to the Union. This should apply in cases where the country in which the goods were created or discovered cannot be reliably determined or when the export of the goods in question took place before the 1970 UNESCO Convention became applicable or when the country where the goods were created or discovered has not ratified this Convention and has therefore not committed itself to fighting against illicit trafficking of cultural property.

- (8) In order not to impede trade with goods across the external border disproportionately, this Regulation should only apply to goods meeting a certain age limit. For that purpose, it seems appropriate to set a 250 year minimum age threshold for the conditions and procedures for the import of cultural goods. It seems furthermore appropriate to also set a financial threshold, consistent with Article 2(1)(3)(j) of Directive (EU) 2015/849<sup>2a</sup>, in order to exclude objects with lower values from the application of the conditions and procedures for the import of cultural goods. These thresholds will ensure that the measures provided for in this Regulation focus on cultural goods most likely to be targeted by looters in conflict areas, without excluding other goods the control of which is necessary for ensuring protection of cultural heritage.
- (9) Trafficking in looted artefacts and antiques has been identified as a possible source for terrorist financing and money laundering activities in the context of the supranational risk assessment on money laundering and terrorist financing risks affecting the internal market<sup>3</sup>.

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<sup>2a</sup> Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).

<sup>3</sup> Commission Communication COM (2017) 340

- (10) Since certain categories of cultural goods, namely archaeological objects, elements of monuments, rare manuscripts and incunabula are particularly vulnerable to pillage and destruction, it seems necessary to provide for a system of increased scrutiny before they may enter the customs territory of the Union. Such a system should require the presentation of a licence issued by the competent authority of a Member State prior to the release for free circulation of those goods or their placement under a special customs procedure other than transit. Persons seeking to obtain such a licence should be able to prove licit export from the country where the goods were created or discovered with the appropriate supportive documents and evidence, such as, export certificates or ownership titles, invoices, sales contracts, insurance documents, transport documents and experts appraisals. Based on complete and accurate applications, the competent authorities of the Member States should decide whether to issue a licence without undue delay. All import licences should be stored in an electronic system.
- (11) For other categories of cultural goods, the persons seeking to import them into the customs territory of the Union should, by means of a statement, certify and assume responsibility for their lawful export from the third country and should provide sufficient information for those goods to be identified by customs. In order to facilitate the procedure and for reasons of legal certainty, the information about the cultural good should be provided using a standardised document. The Object ID standard, recommended by UNESCO, could be used to describe the cultural goods. The holder of the goods should register these details in an electronic system, in order to facilitate identification by the customs authorities and to allow for risk analysis and targeted controls and to ensure traceability after the goods enter the internal market.

(11a) An icon (from the Ancient Greek word ‘εἰκών’ = image) is any representation of religious figures or religious events, produced in various media and sizes, monumental as well as portable. An icon, as a vital and inseparable part of divine worship and liturgical life, should be considered as forming an integral part of a religious monument which has been dismembered, if it was once part of the interior of a church, a monastery, a chapel, etc., either free-standing or as part of architectural furniture, e.g. an iconostasis or icon stand. Even in cases where the specific monument that the icon belonged to is unknown, but there is evidence that it once formed an integral part of a monument, in particular when it preserves signs or elements which indicate that it was once part of an iconostasis or an icon stand, the icon should be still covered by category (d) "elements of monuments".

(11aa) The Commission should be responsible to establish, in the context of the Single Window environment for customs, ~~the~~ a centralised electronic system for the submission of applications for import licences and importer statements and the storage and the exchange of information between the authorities of the Member States, in particular regarding importer statements and import licences.

- (11b) The processing of data under this Regulation may also cover personal data and should be carried out in accordance with Union law. Member States and the Commission should process personal data only in a manner compatible with the purposes of this Regulation or in duly justified circumstances for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. Any collection, disclosure, transmission, communication and other processing of personal data within the scope of this Regulation should be subject to the requirements of Regulation (EC) No 45/2001 of the European Parliament and of the Council and Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>4</sup>. The processing of personal data for the purposes of this Regulation should also respect the fundamental rights to respect for private and family life recognised by Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe, as well as the right to respect for private and family life, and the right to the protection of personal data recognised, respectively, by Articles 7 and 8 of the Charter of Fundamental Rights of the European Union (the 'Charter')."
- (11c) Cultural goods which were not created or discovered in the customs territory of the Union but which have been exported as Union goods should not be subject to the presentation of a import licence or of a importer statement when they are returned to that territory as returned goods within the meaning of the Union Customs Code.
- (12) Temporary admission of cultural goods for educational, scientific, conservation, exhibition, digitisation, performing arts, for the purpose of research conducted by academic institutions or for the purpose of cooperation between museums or similar institutions should also not be subject to the presentation of a licence or of a statement.

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<sup>4</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).



- (13) Storage of cultural goods for the express purpose of seeking a safe haven for ensuring their safe keeping by, or under the supervision of, a public authority from countries affected by armed conflict or suffering a natural disaster should also be permitted without the presentation of a licence or a statement in order to ensure their safety and preservation.
- (14) In order to facilitate the presentation of cultural goods at commercial art fairs, an import licence should not be necessary where the cultural goods are under temporary admission, within the meaning of Article 250 of Regulation (EU) No 952/2013, and an importer statement has been provided instead of the import licence. However, an import licence should be presented where such cultural goods are imported to the Union after the art fair.
- (15) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt specific modalities for the temporary admission and storage of cultural goods into the customs territory of the Union, the templates for import licence applications and forms, as well as for importer statements and their accompanying documents, as well as further procedural rules on their submission and processing. Implementing powers should also be conferred on the Commission to make arrangements for the establishment of an electronic system for the submission of applications for import licences and importer statements and the storage and exchange of information between Member States. Those powers should be *exercised* in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>5</sup>.

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<sup>5</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (16) Relevant information on trade flows of cultural goods should be collected to support the efficient implementation of the Regulation and to provide the basis for its future evaluation. Trade flows of cultural goods cannot be efficiently monitored only by their value or weight since these two measurements can fluctuate. It is essential to collect information on the number of items declared. As no supplementary measurement unit is specified in the Combined Nomenclature for cultural goods, it is necessary to require that the number of items is declared.
- (17) The EU Strategy and Action Plan for customs Risk Management<sup>6</sup> aims –*inter alia*– to strengthen capacities of customs authorities to increase the responsiveness to risks in the area of cultural goods. The common risk management framework laid down in Regulation (EU) No 952/2013 should be used and relevant risk information be exchanged between customs authorities.
- (18) Member States should introduce effective, proportionate and dissuasive penalties for failing to comply with the provisions of this Regulation and communicate those penalties to the Commission. Member States should also ensure that the customs authorities and the competent authorities agree on measures under Article 198 Union Customs Code. Details should be subject to national law
- (19) Sufficient time should be provided for the Commission to adopt rules implementing this Regulation, in particular those regarding the appropriate forms to use to apply for an import licence or to prepare an importer statement, and to establish the electronic system. Consequently, the application of this Regulation should be deferred.
- (20) In accordance with the principle of proportionality as set out in Article 5 of the Treaty on European Union, this Regulation does not go beyond what is necessary in order to achieve that objective.

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<sup>6</sup> COM/2014/0527 final: Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the EU Strategy and Action Plan for customs risk management.

HAVE ADOPTED THIS REGULATION:

*Article 1*

**Subject Matter and Scope**

1. This Regulation sets out the conditions for the introduction and the conditions and procedures for the import of cultural goods for the purposes of safeguarding humanity's cultural heritage and preventing the illicit trade in cultural goods, in particular where it may contribute to terrorist financing.
2. This Regulation shall not apply to cultural goods which were either created or discovered in the customs territory of the Union.

*Article 2*

**Definitions**

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'introduction' means any entry of cultural goods into the customs territory of the Union which are subject to customs supervision or customs control within the customs territory of the Union in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code;
- (aa) 'import' of cultural goods means:
  - (i) release for free circulation as referred to in Article 201 of Regulation (EU) No 952/2013;
  - (ii) placing of goods under one of the following special customs procedures referred to in Article 210 of Regulation (EU) No 952/2013:
    - storage comprising customs warehousing and free zones,
    - specific use, comprising temporary admission and end-use,
    - inward processing;
- (aaa) 'cultural goods' means any item listed in the Annex;

- (c) 'holder of the goods' means the person referred to in Article 5(34) of Regulation (EU) No 952/2013.

### *Article 3*

#### **Introduction and Import of Cultural Goods**

1. The introduction of cultural goods listed in Part A of the Annex which were removed from the territory of the country where they were created or discovered in breach of its laws and regulations is prohibited. Where the goods are subject to the prohibition the customs authorities and the competent authorities referred to in Article 4, shall agree on any appropriate measures to take.
  - 1a. The import of cultural goods listed in Parts B and C of the Annex shall only be permitted upon the presentation of an import licence issued in accordance with Article 4 or of an importer statement made out in accordance with Article 5.
  - 1b. The import licence or the importer statement referred to in paragraph 1a shall be provided to the customs authorities in accordance with Article 163 of Regulation (EU) No 952/2013. In case of placing the cultural goods under the free zone procedure, the import licence or the importer statement shall be provided upon presentation of the goods in accordance with Article 245 (1) (a) and (b) of Regulation (EU) No 952/2013.
2. Paragraph 1a shall not apply to:
  - (a) returned cultural goods, within the meaning of Art. 203 of Regulation (EU) No 952/2013;

- (b) the import of cultural goods for the express purpose of ensuring their safe keeping by, or under the supervision of, a public authority, with the intent to return these goods, when the situation so allows;
  - (c) the temporary admission, within the meaning of Article 250 of Regulation (EU) No 952/2013, in the customs territory of the Union of cultural goods for educational, scientific, conservation, exhibition, digitisation, performing arts, for the purpose of research conducted by academic institutions and for the purpose of cooperation between museums or similar;
- 2a. An import licence shall not be necessary for cultural goods under temporary admission, within the meaning of Article 250 of Regulation (EU) No 952/2013, to be presented at commercial art fairs where an importer statement has been provided. Where cultural goods that would require a licence are afterwards placed under an other customs procedure referred to in Article 2(aa), an import licence issued in accordance with Article 4 shall be presented.
3. The Commission shall adopt, by means of implementing acts, the specific modalities for the returned cultural goods, or the temporary admission or storage of cultural goods referred to in paragraphs 2 and 2a. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13.
4. Paragraph 1a shall be without prejudice to other measures adopted by the Union in accordance with Article 215 of the Treaty on the Functioning of the European Union.

- 5 When submitting a customs declaration for the import of cultural goods listed in Parts B and C of the Annex, the quantity of the items shall be indicated using the supplementary unit, as set out in the Annex. In case of placing the cultural goods under the free zone procedure the quantity of the items shall be indicated upon presentation of the goods in accordance with Article 245 (1) (a) and (b) of Regulation (EU) No 952/2013.

#### *Article 4*

#### **Import Licence**

1. The import into the Union of the cultural goods referred to in Part B of the Annex other than those under temporary admission as referred to in Article 3(2a) shall be subject to an import licence issued by the competent authority of the Member State in which the goods are placed under one of the customs procedures referred to in Article 2(1)aa for the first time.
  - 1a. Import licences issued by the competent authorities of the Member States in accordance with this Regulation shall be valid throughout the Union.
  - 1b. The import licence shall not be construed to be evidence of licit provenance or ownership.
2. The holder of the goods shall apply for an import licence to the competent authority of the Member State referred to in paragraph 1 via the electronic system referred to in Article 9a. The application shall be accompanied by any supporting documents and information providing evidence that the cultural goods in question have been exported from the country where they were created or discovered in accordance with its laws and regulations or providing evidence of the absence of such laws and regulations at the time they were taken out of its territory.

However, in cases where:

- (a) the country where the cultural goods were created or discovered cannot be reliably determined or
- (b) the cultural goods left the country where they were created or discovered before 24 April 1972, or,
- (c) the country where the cultural good was created or discovered is not a State Party to the 1970 UNESCO Convention,

the application may be accompanied instead by any supporting documents and information providing evidence that the cultural goods in question have been exported in accordance with the laws and regulations of the last country where they were located for [a period of more than 5 years and] for purposes other than temporary use, transit, export or transshipment.

3. The competent authority shall verify whether the application is complete. It shall request any missing information or document from the applicant within 30 days of receipt of the application.
4. The competent authority shall, within 90 days of receipt of the complete application, examine the application and decide to issue the import licence or reject the application. The competent authority shall reject the application:
  - where the evidence required in paragraph 2 is not provided;
  - where the competent authority is informed that there are pending claims for return by the authorities of the country where the cultural goods were created or discovered;
  - where it has information or reasonable grounds to believe that the holder of the goods did not acquire them lawfully;
  - where it has information or reasonable grounds to believe that the goods were removed from the territory of the country where the cultural goods were created or discovered in breach of its laws and regulations.

- 4a. In the event of rejection of the application, the administrative decision referred to in paragraph 4 shall be accompanied by a statement of reasons including information on the appeal procedure which is communicated to the applicant affected at the time it is issued.
- 4b. When an application is made for an import licence relating to cultural goods for which such an application has been previously rejected, the applicant shall inform the competent authority to which the application is submitted of the previous rejection.
5. Member States shall designate the public authorities competent to issue import licences in accordance with this Article. They shall communicate the details of those authorities as well as any changes in that respect to the Commission.

The Commission shall publish the details of those competent authorities and any changes thereto in the 'C' series of the *Official Journal of the European Union*.

6. The Commission shall establish, by means of implementing acts, the template for and the content of the application for the import licence as well as the procedural rules on the submission and processing of such an application. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13.



## Article 5

### Importer Statement

1. The import of the cultural goods referred to in Part C of the Annex shall be subject to the submission of an importer statement via the electronic system referred to in Article 9a.
2. The importer statement shall consist of:
  - a declaration signed by the holder of the goods that the goods have been exported from the country where they were created or discovered in accordance with its laws and regulations or in the absence of such laws and regulations at the time they were taken out of its territory.

However, in cases where:

- (a) the country where the cultural goods were created or discovered cannot be reliably determined or
- (b) the cultural goods left the country where they were created or discovered before 24 April 1972, or,
- (c) the country where the cultural good was created or discovered is not a State Party to the 1970 UNESCO Convention,

the declaration may instead be that the cultural goods in question have been exported in accordance with the laws and regulations of the last country where they were located for ~~{a period of more than 5 years and}~~ for purposes other than temporary use, transit, export or transshipment;

- a standardised document describing the cultural goods in question in sufficient detail for them to be identified by the authorities and to perform risk analysis and targeted controls.

3. The Commission shall adopt, by means of implementing acts, the template for and the content of the importer statement as well as the procedural rules on the submission and processing of the importer statement. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13.

#### *Article 7*

### **Competent Customs Offices**

Where Member States restrict the number of customs offices competent to allow import of goods subject to this Regulation, they shall communicate the details of those customs offices as well as any changes in that respect to the Commission.

The Commission shall publish the details of the competent customs offices and any changes thereto in the 'C' series of the *Official Journal of the European Union*.

#### *Article 9*

### **Administrative Co-operation**

For the purposes of implementing this Regulation, Member States shall ensure co-operation between their customs administrations and with the competent authorities referred to in Article 4.

#### *Article 9a*

### **Use of an Electronic System**

1. The storage and the exchange of information between the authorities of the Member States, in particular regarding importer statements and import licences, shall be carried out by a centralised electronic system.

Other means for the exchange and storage of information may be used on a temporary basis, in the event of a temporary failure of the electronic system.

2. The submission of an application for an import licence as well as the importer statement shall be registered by the holder of the goods in this electronic system.

3. The Commission shall lay down, by means of implementing acts:
  - a) the arrangements for the deployment, operation and maintenance of the electronic system, as referred to in paragraph 1,
  - b) the detailed rules regarding the submission, processing, storage and exchange of information between the authorities of the Member States by means of the electronic system or by the other means, as referred to in paragraph 1.

Those implementing acts shall be adopted in accordance with the procedure referred to in Article 13 within two years of the entry into force of the Regulation.

#### *Article 9aa*

#### **Establishment of an Electronic System**

The Commission shall establish the electronic system referred to in Article 9a. That system shall be operational at the latest four years after the entry into force of the implementing acts referred to in Article 9a paragraph 3.

#### *Article 9b*

#### **Personal Data Protection and Data Retention Periods**

1. The customs authorities and competent authorities shall act as controllers of the personal data they obtained in accordance with Articles 4, 5, and 9a.
2. The processing of personal data on the basis of this Regulation shall take place only for the purposes as defined in Article 1(1).

3. The personal data obtained in accordance with Articles 4, 5, and 9a shall be accessed only by duly authorised staff of the authorities, and shall be adequately protected against unauthorised access or communication. They may not be disclosed or communicated without the written express authorisation of the authority which originally obtained the information. However, that authorisation shall not be necessary where the authorities are required to disclose or communicate that information pursuant to legal provisions in force in the Member State in question, particularly in connection with legal proceedings.
4. The authorities shall store personal data obtained by operation of Articles 4, 5, and 9a for a period of 20 years from the date on which the data were obtained. Those personal data shall be erased upon the expiry of that period.

#### *Article 10*

#### **Penalties**

The Member States shall lay down the rules on penalties applicable to infringements to this Regulation and, in particular, to the introduction of cultural goods infringing Article 3 (1) and the making of false statements and the submission of false information, and shall take all necessary measures to ensure that these are implemented. The penalties provided for shall be effective, proportionate, and dissuasive. The Member States shall notify the Commission of those rules and of those measures at the latest on the day the Regulation becomes applicable as set out in Article 16(2) and (3) respectively, and shall notify it without delay of any subsequent amendment affecting them.

### *Article 13*

#### **Committee Procedure**

1. The Commission shall be assisted by the committee established by Article 8 of Council Regulation (EC) No 116/2009<sup>7</sup>.
2. Where reference is made to this Article, Article 5 of Regulation (EU) No 182/2011 shall apply.

### *Article 14*

#### **Reporting and Evaluation**

1. Member States shall provide information to the Commission on the implementation of this Regulation.

For this purpose, the Commission shall address relevant questionnaires to the Member States. Member States shall have 6 months to communicate the requested information to the Commission.

2. The Commission shall present a report to the European Parliament and the Council on the implementation of this Regulation three years after the date of application of this Regulation and, after that, every five years.

### *Article 15*

#### **Entry into Force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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<sup>7</sup> Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods (OJ L 39, 10.2.2009, p. 1).

*Article 16*

**Application**

1. With the exception of the articles listed in paragraphs 2 and 3, the provisions of this Regulation shall apply from the date of its entry into force.
2. Article 3(1) shall apply from 30 months after the date of entry into force of this Regulation.
3. Articles 4(1), 5(1) and 9a(1) shall apply from the date on which the electronic system referred to in Article 9a becomes operational or at the latest 6 years after entry into force of the Regulation. The Commission shall publish the date on which the conditions of this paragraph have been fulfilled in the 'C' series of the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*

*The President*

*For the Council*

*The President*

**Proposal for a Regulation of the European Parliament and of the Council**  
*on the introduction and the import of cultural goods*

**Part A. Cultural goods covered by Article 3 (1)**

(a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;
(b) property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artist and to events of national importance;
(c) products of archaeological excavations (including regular and clandestine) or of archaeological discoveries on land or underwater;
(d) elements of artistic or historical monuments or archaeological sites which have been dismembered <sup>8</sup> ;
(e) antiquities more than one hundred years old, such as inscriptions, coins and engraved seals;
(f) objects of ethnological interest;
(g) objects of artistic interest, such as: <ul style="list-style-type: none"> <li>(i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand);</li> <li>(ii) original works of statuary art and sculpture in any material;</li> <li>(iii) original engravings, prints and lithographs;</li> <li>(iv) original artistic assemblages and montages in any material;</li> </ul>
(h) rare manuscripts and incunabula;
(i) old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections;
(j) postage, revenue and similar stamps, singly or in collections;
(k) archives, including sound, photographic and cinematographic archives;
(l) articles of furniture more than one hundred years old and old musical instruments.

<sup>8</sup> Liturgical icons and statues, even free-standing, are to be considered as cultural goods belonging to this category.

## Part B. Cultural goods covered by Article 4

<b>Categories of cultural goods according to Part A</b>	<b>Combined Nomenclature (CN) Chapter, Heading or Subheading</b>	<b>Minimum age threshold</b>	<b>Minimum financial threshold (customs value)</b>	<b>Supplementary units</b>
(c) products of archaeological excavations, including regular or clandestine, or of archaeological discoveries on land or underwater;	ex 9705; ex 9706	More than 250 years old	Whatever the value	number of items (p/st)
(d) elements of artistic or historical monuments or archaeological sites which have been dismembered <sup>9</sup> ;	ex 9705; ex 9706	More than 250 years old	Whatever the value	number of items (p/st)
(h) rare manuscripts and incunabula	ex 9702; ex 9706	More than 250 years old	10.000 euros or more per item	number of items (p/st)

<sup>9</sup> Liturgical icons and statues, even free-standing, are to be considered as cultural goods belonging to this category.



### Part C. Cultural goods covered by Article 5

<b>Categories of cultural goods according to Part A</b>	<b>Combined Nomenclature (CN) Chapter, Heading or Subheading</b>	<b>Minimum age threshold</b>	<b>Minimum financial threshold (customs value)</b>	<b>Supplementary units</b>
(a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;	ex 9705	More than 250 years old	10.000 euros or more per item	number of items (p/st)
(b) property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artist and to events of national importance;	ex 9705	More than 250 years old	10.000 euros or more per item	number of items (p/st)
(e) antiquities, such as inscriptions, coins and engraved seals;	ex 9706	More than 250 years old	10.000 euros or more per item	number of items (p/st)
(f) objects of ethnological interest;	ex 9705	More than 250 years old	10.000 euros or more per item	number of items (p/st)

<b>Categories of cultural goods according to Part A</b>	<b>Combined Nomenclature (CN) Chapter, Heading or Subheading</b>	<b>Minimum age threshold</b>	<b>Minimum financial threshold (customs value)</b>	<b>Supplementary units</b>
(g) objects of artistic interest, such as:				
(i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand);	ex 9701	More than 250 years old	10.000 euros or more per item	number of items (p/st)
(ii) original works of statuary art and sculpture in any material;	ex 9703	More than 250 years old	10.000 euros or more per item	number of items (p/st)
(iii) original engravings, prints and lithographs;	ex 9702;	More than 250 years old	10.000 euros or more per item	number of items (p/st)
(iv) original artistic assemblages and montages in any material;	ex 9701	More than 250 years old	10.000 euros or more per item	number of items (p/st)
(i) old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections;	ex 9705; ex 9706	More than 250 years old	10.000 euros or more per item	number of items (p/st)