



THE EU LEGISLATIVE FRAMEWORK AGAINST THE ILLICIT TRAFFICKING OF CULTURAL GOODS

Fighting the illicit trafficking of cultural property
UNESCO, 26 November 2018

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THE PROBLEM

- The licit global art and antiques market is estimated at \$63.8 billion of sales (2016)
- The illicit looting of cultural goods is second only to the illicit traffic in arms and narcotics with an estimated value between \$ 3 and 6 billion
- The illicit traffic in cultural goods is linked to international organised crimes, tax evasion, money laundering, and terrorist financing
- The illicit traffic in cultural goods impoverishes societies and humanity by depriving them of their history



INTERNATIONAL INSTRUMENTS

- The Hague Convention of 1954 for the Protection of Cultural Property in the Event of an Armed Conflict
- The UNESCO Convention of 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property
- The UNIDROIT Convention of 1995 on Stolen or Illegally Exported Cultural Objects



EUROPEAN INSTRUMENTS

- Council Regulation 116/2009 on the **export of cultural goods**
- Council Regulation (EC) No 1210/2003 concerning certain specific restrictions on economic and financial relations with **Iraq**
- Council Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in **Syria**



REGULATION ON THE EXPORT OF CULTURAL GOODS

Council Regulation (EC) No 116/2009

- Export Licence: issued by the competent authority of the Member State of provenance or in which the cultural goods is lawfully held
- Refusal in case the cultural good concerned is covered by legislation protecting national treasures of artistic, historical or archaeological value
- Cultural goods are targeted through value and age thresholds
- Uniform controls throughout Union's custom authorities



REGULATION ON THE IMPORT OF CULTURAL GOODS

On-going legislative procedure

The rationale behind the proposal

- Europe and North America are the biggest markets for looted cultural goods
- Lack of implementation of international conventions and inability to protect national heritage
- Uneven controls/legislation at national level
- Lack of capacity of customs authorities



REGULATION ON THE IMPORT OF CULTURAL GOODS

On-going legislative procedure

The objectives

- **Prevent the import and storage in the EU of cultural goods illicitly exported from a third country**
- Uniform controls throughout the common market
- Due-diligence requirements for importers and buyers
- Support to the work of customs through the inclusion of cultural authorities
- Information sharing



REGULATION ON THE IMPORT OF CULTURAL GOODS

On-going legislative procedure

Main features

- Licensing system for most endangered goods (i.e. archaeological items)
- General prohibition
- Self-declaration and due diligence requirements for all the other goods
- IT system for traceability, information sharing and seamless custom procedures
- Data collection
- Capacity building: training and awareness raising campaigns



"since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed"

The Preamble to the Constitution of UNESCO

Thank you!

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