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Committee on Culture and Education

2013/0162(COD)

9.12.2013

AMENDMENTS

33 - 77

Draft report
Marie-Christine Vergiat
(PE519.705v01-00)

The return of cultural objects unlawfully removed from the territory of a Member State (recast)

Proposal for a directive
(COM(2013)0311 – C7-0147/2013 – 2013/0162(COD))

AM_Com_LegReport

Amendment 33
Malika Benarab-Attou

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaty. These provisions ***do not preclude prohibitions or restrictions justified on grounds of the protection of*** national treasures possessing artistic, historic or archaeological value.

Amendment

(2) The internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaty. These provisions ***shall not apply to cultural objects, especially*** national treasures possessing artistic, historic or archaeological value, ***which cannot be treated as goods like any others, particularly in the light of the undertakings given by the Union and its Member States in the context of the UNESCO Convention on the protection and promotion of diversity of cultural expression.***

Or. fr

Amendment 34
Chrysoula Paliadeli

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaty. These provisions do not preclude prohibitions or restrictions justified on grounds of the protection of national treasures possessing artistic,

Amendment

(2) The internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaty. These provisions, ***as provided for in Article 36 of the Treaty on the Functioning of the European Union,*** do not preclude prohibitions or

historic or archaeological value.

restrictions justified on grounds of the protection of national treasures possessing artistic, historic or archaeological value.

Or. el

Amendment 35
Claudiu Ciprian Tănăsescu

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Under the terms and within the limits of Article 36 of the Treaty, Member States retain the right to define their national treasures and to take the necessary measures to protect them.

Amendment

(3) Under the terms and within the limits of Article 36 of the Treaty, Member States retain the right to define their national treasures and **the powers** to take the necessary **qualitative** measures **in any situation** to protect them.

Or. ro

Amendment 36
Chrysoula Paliadeli

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) Directive 93/7/EEC introduced arrangements enabling Member States to secure the return to their territory of cultural objects which are classified as national treasures within the meaning of Article 36 of the Treaty, fall under the common categories of cultural object referred to in the Treaty's Annex and have been removed from their territory in breach of the above-mentioned national measures or of Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods²³; and cultural

Amendment

(4) Directive 93/7/EEC introduced arrangements enabling Member States to secure the return to their territory of cultural objects which are classified as national treasures within the meaning of Article 36 of the Treaty, fall under the common categories of cultural object referred to in the Treaty's Annex and have been removed from their territory in breach of the above-mentioned national measures or of Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods²³; and cultural

objects classified as national treasures and forming an integral part of public collections or inventories of ecclesiastical institutions but which do not fall within these common categories .

²³ OJ L 395, 31.12.92, p. 1. OJ L 39, 10.02.09, p. 1.

objects classified as national treasures and forming an integral part of public collections or inventories of ecclesiastical institutions but which do not fall within these common categories; **and cultural goods originating from illegal excavations.**

²³ OJ L 395, 31.12.92, p. 1. OJ L 39, 10.02.09, p. 1.

Or. el

Amendment 37
Piotr Borys

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) **Application of** Directive 93/7/EEC has shown the limitations of the arrangements for securing the return of objects classified as national treasures which have been unlawfully removed from the territory of a Member State and discovered in the territory of another Member State.

Amendment

(8) **The objective of** Directive 93/7/EEC **was to ensure the physical return of the cultural objects to the Member State from whose territory these objects have been unlawfully removed irrespective of the property rights to such objects. The application of that Directive** has shown the limitations of the arrangements for securing the return of objects classified as national treasures which have been unlawfully removed from the territory of a Member State and discovered in the territory of another Member State. **The national reports on the application of that Directive have pointed to its infrequent application due in particular to the limitation of its scope, the short period of time allowed to initiate return proceedings and the costs associated with return proceedings.**

Or. en

Amendment 38
Malika Benarab-Attou

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Application of Directive 93/7/EEC has shown the limitations of the arrangements for securing the return of objects classified as national treasures which have been unlawfully removed from the territory of a Member State and discovered in the territory of another Member State.

Amendment

(8) Application of Directive 93/7/EEC has shown the limitations of the arrangements for securing the return of objects classified as national treasures which have been unlawfully removed from the territory of a Member State and discovered in the territory of another Member State. ***These limitations stem, in particular, from the constraints imposed by the annex to the Directive as regards the categories of cultural objects covered, the thresholds it lays down in terms of age and financial value and the overly short time limits it sets for completing procedures and bringing proceedings.***

Or. fr

Amendment 39
Chrysoula Paliadeli

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) The Member States should have arrangements at their disposal to ensure that the unlawful removal of a cultural object classified as a national treasure to another Member State ***does not present the same risk as*** its illegal export outside the Union.

Amendment

(9) The Member States should have ***common European*** arrangements at their disposal to ensure that the unlawful removal of a cultural object classified as a national treasure ***of a Member State*** to another Member State ***is treated as the illegal export of a European treasure in the event of*** its illegal export outside the Union.

Or. el

Amendment 40
Chrysoula Paliadeli

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) The scope of this Directive must extend to any cultural object classified as a national treasure possessing artistic, historic or archaeological value under national legislation or administrative procedures within the meaning of Article 36 of the Treaty. The criterion of falling under one of the categories referred to in the Annex to Directive 93/7/EEC should therefore be removed and thus the Annex itself should be deleted and ***the criterion of forming an integral part of public collections listed in the inventories of museums, archives and libraries' conservation collections or the inventories of ecclesiastical institutions should also be removed. The diversity of national arrangements for protecting cultural objects is recognised in Article 36 of the Treaty. In this context, mutual trust, a willingness to cooperate and mutual understanding between Member States are therefore essential.***

Amendment

(10) The scope of this Directive must extend to any cultural object classified as a national treasure possessing artistic, historic or archaeological value under national legislation or administrative procedures within the meaning of Article 36 of the Treaty. The criterion of falling under one of the categories referred to in the Annex to Directive 93/7/EEC should therefore be removed and thus the Annex itself should be deleted and ***Member States should be called upon to define the scope of the term 'national treasure' within the framework of Article 36 of the Treaty. The reciprocal acceptance of definitions of 'national treasure', a willingness to cooperate and mutual understanding between Member States are essential to prevent the illegal export of cultural goods within and outside the European Union.***

Or. el

Amendment 41
Hannu Takkula

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) The scope of this Directive ***must*** extend to any cultural object classified ***as a***

Amendment

(10) The scope of this Directive ***should*** extend to any cultural object classified ***or***

national *treasure* possessing artistic, historic or archaeological value under national legislation or administrative procedures within the meaning of Article 36 of the Treaty. The criterion of falling under one of the categories referred to in the Annex to Directive 93/7/EEC should therefore be removed and thus the Annex itself should be deleted and the criterion of forming an integral part of public collections listed in the inventories of museums, archives and libraries' conservation collections or the inventories of ecclesiastical institutions should also be removed. The diversity of national arrangements for protecting *cultural objects* is recognised in Article 36 of the Treaty. *In this context*, mutual trust, a willingness to cooperate and mutual understanding between Member States are therefore essential.

defined as being one of the national treasures possessing artistic, historic or archaeological value under national legislation or administrative procedures within the meaning of Article 36 of the Treaty. The criterion of falling under one of the categories referred to in the Annex to Directive 93/7/EEC should therefore be removed and thus the Annex itself should be deleted and the criterion of forming an integral part of public collections listed in the inventories of museums, archives and libraries' conservation collections or the inventories of ecclesiastical institutions should also be removed. *This Directive would thus cover cultural objects such as objects of historical, paleontological, ethnographic, numismatic interest or scientific value, whether or not they form part of public or other collection or are single items, provided that they are classified or defined as national treasures. Furthermore, cultural objects classified or defined as national treasures would not have to comply with thresholds related to their age and/or to their financial value to qualify for the return under this Directive. Taking into account that* the diversity of national arrangements for protecting *national treasures* is recognised in Article 36 of the Treaty, mutual trust, a willingness to cooperate and mutual understanding between Member States are therefore essential.

Or. en

Amendment 42
Piotr Borys

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) The scope of this Directive *must*

Amendment

(10) The scope of this Directive *should*

extend to any cultural object classified *as a* national *treasure* possessing artistic, historic or archaeological value under national legislation or administrative procedures within the meaning of Article 36 of the Treaty. The criterion of falling under one of the categories referred to in the Annex to Directive 93/7/EEC should therefore be removed and thus the Annex itself should be deleted and the criterion of forming an integral part of public collections listed in the inventories of museums, archives and libraries' conservation collections or the inventories of ecclesiastical institutions should also be removed. The diversity of national arrangements for protecting *cultural objects* is recognised in Article 36 of the Treaty. *In this context*, mutual trust, a willingness to cooperate and mutual understanding between Member States are therefore essential.

extend to any cultural object classified *or defined as being one of the* national *treasures* possessing artistic, historic or archaeological value under national legislation or administrative procedures within the meaning of Article 36 of the Treaty. The criterion of falling under one of the categories referred to in the Annex to Directive 93/7/EEC should therefore be removed and thus the Annex itself should be deleted and the criterion of forming an integral part of public collections listed in the inventories of museums, archives and libraries' conservation collections or the inventories of ecclesiastical institutions should also be removed. *This Directive would thus cover cultural objects such as objects of historical, paleontological, ethnographic, numismatic interest or scientific value, whether or not they form part of public or other collection or are single items, provided that they are classified or defined as national treasures. Furthermore, cultural objects classified or defined as national treasures would not have to comply with thresholds related to their age and/or to their financial value to qualify for the return under this Directive. Taking into account that* the diversity of national arrangements for protecting *national treasures* is recognised in Article 36 of the Treaty, mutual trust, a willingness to cooperate and mutual understanding between Member States are therefore essential.

Or. en

Amendment 43
Malika Benarab-Attou

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) The scope of this Directive must extend to any cultural object **classified** as a national treasure possessing artistic, historic or archaeological value under national legislation or administrative procedures within the meaning of Article 36 of the Treaty. The criterion of falling under one of the categories referred to in the Annex to Directive 93/7/EEC should therefore be removed and thus the Annex itself should be deleted and the criterion of forming an integral part of public collections listed in the inventories of museums, archives and libraries' conservation collections or the inventories of ecclesiastical institutions should also be removed. The diversity of national arrangements for protecting cultural objects is recognised in Article 36 of the Treaty. In this context, mutual trust, a willingness to cooperate and mutual understanding between Member States are therefore essential.

Amendment

(10) The scope of this Directive must extend to any cultural object **designated by a Member State** as a national treasure possessing artistic, historic or archaeological value under national legislation or administrative procedures within the meaning of Article 36 of the Treaty. The criterion of falling under one of the categories referred to in the Annex to Directive 93/7/EEC should therefore be removed and thus the Annex itself should be deleted and the criterion of forming an integral part of public collections listed in the inventories of museums, archives and libraries' conservation collections or the inventories of ecclesiastical institutions should also be removed. The diversity of national arrangements for protecting cultural objects is recognised in Article 36 of the Treaty. In this context, mutual trust, a willingness to cooperate and mutual understanding between Member States are therefore essential.

Or. fr

Amendment 44
Claudiu Ciprian Tănăsescu

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) Administrative cooperation between the Member States needs to be stepped up so that this Directive can be applied more effectively and uniformly. The central authorities should therefore be required to use the Internal Market Information System (“IMI”) provided for by Regulation (EU) No 1024/2012 of the European Parliament and of the Council of

Amendment

(11) Administrative cooperation between the Member States needs to be stepped up so that this Directive can be applied more effectively and uniformly. The central authorities should therefore be required to use the Internal Market Information System (“IMI”) provided for by Regulation (EU) No 1024/2012 of the European Parliament and of the Council of

25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC²⁴. It would also be desirable for other competent authorities of the Member States to use the same system *where possible*.

²⁴ OJ L 316, 14.11.2012, p. 1.

25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC²⁴. It would also be desirable for other competent authorities of the Member States to use the same system *effectively in accordance with the necessary qualitative and quantitative requirements*.

²⁴ JO L 316, 14.11.2012, p. 1.

Or. ro

Amendment 45
Chrysoula Paliadeli

Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Member States should submit a definition of ‘national treasure’.

Or. el

Amendment 46
Chrysoula Paliadeli

Proposal for a directive
Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) It is desirable for the success of this Directive that the national legislation of each Member State should be posted online not only for information purposes but also to promote exchanges of good practices.

Or. el

Amendment 47
Chrysoula Paliadeli

Proposal for a directive
Recital 11 c (new)

Text proposed by the Commission

Amendment

(11c) To improve the application of this Directive and cooperation between Member States, the central authorities of the Member States should communicate information about cultural objects that have been stolen or illegally removed from their country, including finds from illegal excavations.

Or. el

Amendment 48
Chrysoula Paliadeli

Proposal for a directive
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) For the purposes of the integration of this Directive in the IMI system, a special framework must be established adapted to the specificity of cultural goods, as an object completely differentiated from other goods falling under Article 36 of the Treaty.

Or. el

Amendment 49
Piotr Borys

Proposal for a directive
Recital 14

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Text proposed by the Commission

(14) The time-limit for bringing return proceedings should be set at three years after the requesting Member State became aware of the location of the cultural object and of the identity of its possessor or holder. In the interests of clarity, it should be stipulated that the time-limit for bringing proceedings begins on the date on which the information came to the knowledge of the central authority of the requesting Member State.

Amendment

(14) The time-limit for bringing return proceedings should be set at three years after the requesting Member State became aware of the location of the cultural object and of the identity of its possessor or holder. In the interests of clarity, it should be stipulated that the time-limit for bringing proceedings begins on the date on which the information came to the knowledge of the central authority of the requesting Member State. ***Directive 93/7/EEC provided that such proceedings may not, at all events, be brought more than 30 years after the object was unlawfully removed from the territory of the requesting Member State. However, in the case of objects forming part of public collections and ecclesiastical goods in the Member States where they are subject to special protection arrangements under national law, return proceedings are subject to a longer time-limit under certain circumstances. Due to the fact that Member States may have special protection arrangements under national law with religious institutions which lack ecclesiastical structure, this Directive should also extend to those other religious institutions.***

Or. en

Amendment 50
Marie-Christine Vergiat

Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) To that end, it is also desirable for any person, and in particular any actor in the market in cultural objects, to have

easy access to public information on cultural objects defined or classified as national treasures by the Member States. The Member States shall take the appropriate measures to facilitate access to this public information. The Unesco Database of National Cultural Heritage Laws set up in 2005 may serve as a useful information tool for this purpose.

Or. fr

Justification

This amendment seeks to clarify the meaning of Amendment 16 of the draft report. To avoid creating new constraints on the Member States, it draws attention to the fact that a database established by Unesco allows any natural or legal person to obtain information on national cultural laws, provided the States party to Unesco have transmitted those laws to Unesco for inclusion in the database.

Amendment 51 **Jean-Marie Cavada**

Proposal for a directive **Recital 19**

Text proposed by the Commission

(19) Since the tasks of the committee set up by Article 8 of Regulation (EC) No 116/2009 are rendered obsolete by the deletion of the Annex to Directive 93/7/EEC, references to that committee should be deleted.

Amendment

(19) It is essential, therefore, that the Commission set up a group of experts representing the national authorities responsible for implementing this Directive in each Member State, in order to provide a platform for exchange of information and good practice.

Or. fr

Amendment 52 **Chrysoula Paliadeli**

Proposal for a directive **Recital 19 a (new)**

Text proposed by the Commission

Amendment

(19a) For the smooth implementation of this Directive, an advisory committee of national experts must be set up as a body which will be involved in adapting the IMI system to the specific features of cultural objects, contribute to the exchange of good practices between Member States and identify any problems that may arise from the implementation of this Directive.

Or. el

Amendment 53
Ramon Tremosa i Balcells

Proposal for a directive
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) The principles of this Directive should be internally applied in Member States in order to ensure that private cultural objects unlawfully removed from citizens during the 20th century are returned.

Or. en

Amendment 54
Emma McClarkin

Proposal for a directive

Article 1 – point 1

Text proposed by the Commission

1) ‘Cultural object’ shall mean an object which: is classified, before or after its unlawful removal from the territory of a Member State, among the ‘national treasures possessing artistic, historic or archaeological value’ under national legislation or administrative procedures within the meaning of Article 36 of the Treaty.

Amendment

1) ‘Cultural object’ shall mean an object which: is classified ***or defined***, before or after its unlawful removal from the territory of a Member State, ***as being*** among the ‘national treasures possessing artistic, historic or archaeological value’ under national legislation or administrative procedures within the meaning of Article 36 of the Treaty.

Or. en

Amendment 55

Chrysoula Paliadeli

Proposal for a directive

Article 1 – point 1

Text proposed by the Commission

1) ‘Cultural object’ shall mean an object which: is classified, before or after its unlawful removal from the territory of a Member State, among the ‘national treasures possessing artistic, historic or archaeological value’ under national legislation or administrative procedures within the meaning of Article 36 of the Treaty.

Amendment

1) ‘Cultural object’ shall mean an object which: is classified, before or after its unlawful removal from the territory of a Member State, among the ‘national treasures possessing artistic, historic or archaeological value’ under national legislation or administrative procedures within the meaning of Article 36 of the Treaty, ***even if it has not yet been registered or originates from illegal excavations.***

Or. el

Amendment 56

Marco Scurria

Proposal for a directive

Article 1 – point 1

Text proposed by the Commission

1) ‘Cultural object’ shall mean an object which: is classified, before or after its unlawful removal from the territory of *a* Member State, among the ‘national treasures possessing artistic, historic or archaeological value’ under national legislation or administrative procedures within the meaning of Article 36 of the Treaty.

Amendment

1) ‘Cultural object’ shall mean an object which: is classified *by the Member State to which it belongs*, before or after its unlawful removal from the territory of *that* Member State, among the ‘national treasures possessing artistic, historic or archaeological value’ under national legislation or administrative procedures within the meaning of Article 36 of the Treaty.

Or. it

Amendment 57
Hannu Takkula

Proposal for a directive
Article 1 – point 1

Text proposed by the Commission

1) ‘Cultural object’ shall mean an object which: is classified, before or after its unlawful removal from the territory of *a* Member State, *among* the ‘national treasures possessing artistic, historic or archaeological value’ under national legislation or administrative procedures within the meaning of Article 36 of the Treaty.

Amendment

1) ‘Cultural object’ shall mean an object which: is classified *or defined by a Member State*, before or after its unlawful removal from the territory of *that* Member State, *as one of* the ‘national treasures possessing artistic, historic or archaeological value’ under national legislation or administrative procedures within the meaning of Article 36 of the Treaty.

Or. en

Amendment 58
Jean-Pierre Audy

Proposal for a directive
Article 1 – point 1

Text proposed by the Commission

1) ‘Cultural object’ shall mean **an** object which: is classified, before or after its unlawful removal from the territory of a Member State, among the ‘national treasures possessing artistic, historic or archaeological value’ under national legislation or administrative procedures within the meaning of Article 36 of the Treaty.

Amendment

1) ‘Cultural object’ shall mean **a tangible or intangible** object which: is classified, before or after its unlawful removal from the territory of a Member State, among the ‘national treasures possessing artistic, historic or archaeological value’ under national legislation or administrative procedures within the meaning of Article 36 of the Treaty **on the Functioning of the European Union;**

Or. fr

Amendment 59

Ramon Tremosa i Balcells

Proposal for a directive

Article 1 – point 1

Text proposed by the Commission

1) ‘Cultural object’ shall mean an object which: is classified, before or after its unlawful removal from the territory of a Member State, among the ‘national treasures possessing artistic, historic or archaeological value’ under national legislation or administrative procedures within the meaning of Article 36 of the Treaty.

Amendment

1) ‘Cultural object’ shall mean an object which: is classified, before or after its unlawful removal from the territory of a Member State, among the ‘national treasures possessing artistic, historic or archaeological value’ under national legislation or administrative procedures within the meaning of Article 36 of the Treaty **or a private object unlawfully removed from an individual citizen.**

Or. en

Amendment 60

Chrysoula Paliadeli

Proposal for a directive

Article 1 – point 8 a (new)

Text proposed by the Commission

Amendment

8a) ‘public collections’ shall also mean private collections in so far as they are supervised in any way by the central authorities of the Member State.

Or. el

Amendment 61
Chrysoula Paliadeli

Proposal for a directive
Article 1 – point 8 b (new)

Text proposed by the Commission

Amendment

8b) ‘IMI’ shall mean a section of the Internal Market Information System specially adapted to the requirements of cultural objects.

Or. el

Amendment 62
Santiago Fisas Aixela

Proposal for a directive
Article 2

Text proposed by the Commission

Amendment

Cultural objects which have been unlawfully removed from the territory of a Member State **shall be returned in accordance with the procedure and in the circumstances provided for in this Directive.**

This Directive seeks to ensure the return of cultural objects which have been unlawfully removed from the territory of a Member State **designated or classified by the Member State before or after leaving its territory as ‘national treasures possessing artistic, historic or archaeological value’ under national legislation or administrative provisions within the meaning of Article 36 of the Treaty.**

Amendment 63
Claudiu Ciprian Tănăsescu

Proposal for a directive
Article 4 – paragraph 1 – point 3

Text proposed by the Commission

3) enable the competent authorities of the requesting Member State to check that the object in question is a cultural object, provided that the check is made within five months of the notification provided for in paragraph 2. If it is not made within the stipulated period, paragraphs 4 and 5 shall cease to apply;

Amendment

3) enable the competent authorities of the requesting Member State to check that the object in question is a cultural object, provided that the check is made within five months of the notification provided for in paragraph 2. If it is not made within the stipulated period, paragraphs 4 and 5 shall cease to apply; ***the Member State in which the cultural object is situated during this time shall be liable for any damage suffered by it and shall be obliged to take any (emergency) measures necessary to protect and conserve the object in question from the time of its detection to the time of its designation as a 'cultural treasure' and beyond.***

Or. ro

Amendment 64
Doris Pack

Proposal for a directive
Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

For the purpose of promoting the international exchange of cultural objects and the mobility of collections between cultural institutions, the requesting Member State cannot initiate proceedings against the possessor or the holder of a

cultural object if that object is on loan and a legally binding return guarantee granting immunity from seizure has been issued by the competent authority of a Member State for the limited period of time of that loan.

Or. en

Amendment 65
Chrysoula Paliadeli

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

The exchange of information shall be conducted using the IMI.

Amendment

The exchange of information *relating to a trafficked product* shall be conducted using the IMI system, *specially adapted to the requirements arising from the nature of the product, as a cultural good and national treasure.*

Or. el

Amendment 66
Jean-Pierre Audy

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall lay down in their legislation that the return proceedings provided for in this Directive may not be brought more than *three* years after the

Amendment

Member States shall lay down in their legislation that the return proceedings provided for in this Directive may not be brought more than *10* years after the

central authority of the requesting Member State became aware of the location of the cultural object and of the identity of its possessor or holder.

central authority of the requesting Member State became aware of the location of the cultural object and of the identity of its possessor or holder.

Or. fr

Justification

Given the difficulties involved in locating a cultural object, if there is to be a time-limit for bringing proceedings it should be increased.

Amendment 67
Jean-Pierre Audy

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. Return proceedings may not be brought if removal from the national territory of the requesting Member State is no longer unlawful at the time when they are to be initiated. ***deleted***

Or. fr

Justification

It is inappropriate to stipulate that return proceedings may not be brought if removal from the national territory of the requesting Member State is no longer unlawful at the time when they are to be initiated. This provision would make it impossible for an unlawfully removed object to be returned from the moment when its removal is legalised. It should be made possible to bring return proceedings in respect of all unlawful removals.

Amendment 68
Santiago Fisas Aixela

Proposal for a directive
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall publish information regarding cultural objects designated or classified as national treasures on all appropriate media, so as to ensure that this information can be easily accessed by anyone wishing to do so.

Or. es

Amendment 69
Chrysoula Paliadeli

Proposal for a directive
Article 9 – paragraph 3

Text proposed by the Commission

Amendment

The possessor may not claim to have acted in good faith if he failed to exercise the level of due care and attention required by the circumstances.

The possessor may not claim to have acted in good faith ***and thus claim compensation*** if he failed to exercise the level of due care and attention required by the circumstances.

Or. el

Amendment 70
Hannu Takkula

Proposal for a directive
Article 9 – paragraph 3

Text proposed by the Commission

Amendment

The possessor may not claim to have acted in good faith if he failed to exercise the level of due care and attention required by the circumstances.

The possessor may not claim to have acted in good faith ***and may not claim compensation*** if he failed to exercise the level of due care and attention required by the circumstances.

Amendment 71
Claudiu Ciprian Tănăsescu

Proposal for a directive
Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

Compensation may be made only after a court ruling to the effect that material and moral damages are proven.

Or. ro

Amendment 72
Santiago Fisas Aixela

Proposal for a directive
Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

Simply consulting information concerning cultural objects designated or classified as national treasures shall not be sufficient to establish due diligence in the acquisition of cultural property on the part of the possessor.

Or. es

Amendment 73
Claudiu Ciprian Tănăsescu

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. ***Each*** Member ***State may*** extend ***its*** obligation to return cultural objects to

1. ***Agreement by*** Member ***States to*** extend ***their*** obligation to return cultural objects to

objects other than those defined in Article 1(1).

objects other than those defined in Article 1(1) *shall be within the national competence of each.*

Or. ro

Amendment 74
Chrysoula Paliadeli

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

2. *Each* Member State *may apply the arrangements provided for by this Directive to* requests for the return of cultural objects unlawfully removed from the territory of other Member States prior to 1 January 1993.

Amendment

2. *In order to serve the objectives of this Directive, each* Member State *shall use the appropriately adjusted IMI system in addressing* requests for the return of cultural objects unlawfully removed from the territory of other Member States prior to 1 January 1993.

Or. el

Amendment 75
Chrysoula Paliadeli

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. The Commission shall send the European Parliament, the Council and the European Economic and Social Committee, every five years, a report reviewing the application of this Directive. The report shall be accompanied by any appropriate proposals.

Amendment

2. The Commission shall send the European Parliament, the Council and the European Economic and Social Committee, every five years, a report reviewing the application of this Directive. The report shall be accompanied by any appropriate proposals *aimed at improving this Directive.*

Or. el

Amendment 76
Jean-Pierre Audy

Proposal for a directive
Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union **and shall be consolidated, with the Directive amended by it within three months of its entry into force.**

Or. fr

Amendment 77
Emma McClarkin

Proposal for a directive
Annex - I (new)

Text proposed by the Commission

Amendment

Annex -I

Indicative list of categories of objects referred to in Article 1

1. Archaeological objects which are the products of:

- land or underwater excavations and finds,

- archaeological sites,

- archaeological collections.

2. Elements forming an integral part of artistic, historical or religious monuments which have been dismembered.

3. Pictures and paintings executed entirely by hand, on any medium and in any material.

4. Mosaics other than those in category 1 or category 2 and drawings executed entirely by hand, on any medium and in

any material.

5. Original engravings, prints, serigraphs and lithographs with their respective plates and original posters.

6. Original sculptures or statuary and copies produced by the same process as the original other than those in category 1.

7. Photographs, films and negatives thereof.

8. Incunabula and manuscripts, including maps and musical scores, singly or in collections.

9. Books, singly or in collections.

10. Printed maps.

11. Archives and any elements thereof, of any kind, on any medium.

12. (a) Collections () and specimens from zoological, botanical, mineralogical or anatomical collections;*

(b) Collections () of historical, paleontological, ethnographic or numismatic interest.*

13. Means of transport.

() As defined by the Court of Justice in its Judgment in Case 252/84, as follows: 'Collectors' pieces within the meaning of Heading No 99.05 of the Common Customs Tariff are articles which possess the requisite characteristics for inclusion in a collection, that is to say, articles which are relatively rare, are not normally used for their original purpose, are the subject of special transactions outside the normal trade in similar utility articles and are of high value.'*

Or. en