



2017/2023(INI)

28.6.2018

OPINION

of the Committee on Culture and Education

for the Committee on Legal Affairs

on cross-border restitution claims of works of art and cultural goods looted in
armed conflicts and wars
(2017/2023(INI))

Rapporteur for opinion (*): Nikolaos Chountis

(*) Associated committee – Rule 54 of the Rules of Procedure

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SUGGESTIONS

The Committee on Culture and Education calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Recalls that education fosters respect and appreciation for art works and other cultural goods as symbols of cultural heritage and identity, and that it therefore plays an important role in preventing and discouraging looting and illicit trade of cultural goods; calls on the Commission and Member States to encourage and support educational and awareness-raising activities in this regard, including in non-formal and informal settings;
2. Underlines that the cross-border nature of most restitution claims requires a clear and coherent cross-border approach that can overcome existing difficulties and facilitate the achievement of just and fair solutions; calls on the Commission to envisage setting up an advisory body at Union level to assist Member States and other actors in their efforts to locate and identify looted art works and other cultural goods and expedite their restitution to the legitimate owners;
3. Underlines that looting of works of art and other cultural goods during armed conflicts and wars, as well as in times of peace, is a major common concern that needs to be addressed both in terms of prevention and restitution of looted cultural property in order to protect and ensure the integrity of the cultural heritage and identity of societies, communities, groups and individuals;
4. Emphasises that there is an urgent need to actively promote the systematic recourse to high-quality and independent provenance research in order to identify looted art works, to facilitate their restitution to the legitimate owners, to achieve a fully transparent, responsible and ethical art market, and to effectively prevent and deter looting and trafficking of art and cultural goods from armed conflicts and wars; notes the possibilities offered by European financial instruments in this direction; calls on the Commission and Member States to encourage and support special training programmes in provenance research at Union and national level, in order to enable in particular those involved in the fight against the illicit trade in cultural goods to develop and improve their expertise, including through cross-border projects;
5. Welcomes the Commission's proposal for a regulation on the import of cultural goods of 13 July 2017; considering the global scope of the art market and the number of objects in private hands, underlines the need for further efforts concerning the cross-border restitution of works of art and cultural goods looted in armed conflicts and wars; underlines that provenance research and European cooperation have proved to be useful for the identification of looted objects and subsequently enabling them to be restituted and in some cases preventing the financing of terrorist groups or wars;
6. Is aware that provenance research is closely linked to the due diligence obligation applicable when acquiring works of art and constitutes a major concern for all the actors in the art market as acquiring, knowingly or by negligence, stolen artworks is punishable under certain national laws;

7. Calls on Member States to take appropriate action to put an end to the illegal trade in cultural goods from the territories of states at war such as Syria and Iraq, thereby preventing cultural goods from being used as a source of terrorist financing;
8. Regrets that due to the absence, laxity or differences of rules between Member States concerning provenance research and due diligence, many cross-border restitution claims cannot be carried out in an effective and coordinated way, which may as a result foster looting and trafficking and incentivise smuggling; as a result of the lack of common standards the applicable procedure often remains unclear for all stakeholders, including museums, art dealers, collectors, tourists and travellers; asks, therefore, the Commission to harmonise the rules on provenance research and to incorporate some basic principles of the 1995 UNIDROIT Convention on stolen or illegally exported cultural objects;
9. Notes that the growing public awareness with regard to works of art and cultural goods looted during World War II and more recently the surge in looting of art and cultural goods during the conflicts in Iraq and Syria, in addition to the importance of provenance research, have led to the development of useful resources for establishing the ownership history of a work of art; values the initiatives taken by museums and other public and private institutions aiming to develop tools to facilitate provenance research; urges the Commission to proceed to a thorough mapping of existing databases and to envisage the creation of a central meta-database that takes account of the available information, is updated regularly and can be accessed by all relevant actors;
10. Considers that on the basis of this central meta-database, a common cataloguing system should be put in place which could use standardised object IDs; asks therefore the Commission to encourage introducing the object IDs developed and promoted by ICOM and other organisations as the market standard within the entire internal market;
11. Considers that to enable proper provenance research, the creation of a documentary record or transaction register that is as detailed as possible is needed; asks the Commission to actively support the drafting of common guidelines on such registers and to adopt appropriate measures in order to encourage Member States to introduce a general obligation for art market professionals to maintain such a transaction register and, more generally, to adhere to the 1995 UNIDROIT Convention on stolen or illegally cultural objects;
12. Considers that in order to have a set of rules that can effectively prevent looting and smuggling of works of art and cultural goods, and to achieve a fully transparent, responsible and ethical global art market, the Commission should seek to cooperate with third countries with a view to establishing fruitful partnerships, taking into account, to this end, the principles set out in the 1995 UNIDROIT Convention on stolen or illegally exported cultural objects;
13. Asks the Commission to encourage Member States to share information on existing practices with regard to the provenance check of cultural goods and to intensify their cooperation in order to harmonise the control measures and administrative procedures aiming at determining the provenance of cultural goods;
14. Urges the Commission to encourage, and support financially, provenance research activities throughout the Union; suggests that the Commission organise a discussion forum in order to exchange best practices and find the best solutions for the present and

the future;

15. Calls on the Commission to adopt measures aimed at making the art market and also the potential buyers of artefacts aware of the importance of provenance research, given that such research is linked to the due diligence obligation;
16. Supports the idea that cross-border restitution procedures concerning works of art and cultural goods looted in armed conflicts and wars, and the active promotion of provenance research, should be addressed in the context of the 2018 European Year of Cultural Heritage ('EYCH') initiative; calls therefore on the Commission and the working group it has set up to include this item in their working plan detailing the activities for 2018 EYCH.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	23.1.2018
Result of final vote	+: 24 -: 3 0: 1
Members present for the final vote	Isabella Adinolfi, Dominique Bilde, Andrea Bocskor, Nikolaos Chountis, Silvia Costa, Mircea Diaconu, Damian Drăghici, Angel Dzhambazki, Jill Evans, María Teresa Giménez Barbat, Petra Kammerevert, Svetoslav Hristov Malinov, Curzio Maltese, Rupert Matthews, Stefano Maullu, Luigi Morgano, John Procter, Michaela Šojdrová, Yana Toom, Helga Trüpel, Sabine Verheyen, Julie Ward, Bogdan Brunon Wenta, Theodoros Zagorakis, Bogdan Andrzej Zdrojewski, Krystyna Łybacka
Substitutes present for the final vote	Algirdas Saudargas