



2017/0158(COD)

24.5.2018

AMENDMENTS

29 - 220

Draft opinion
Kostas Chrysogonos
(PE620.997v01-00)

on the proposal for a regulation of the European Parliament and of the Council
on the import of cultural goods

Proposal for a regulation
(COM(2017)0375 – C8-0227/2017 – 2017/0158(COD))

Amendment 29
Louis Michel, Gérard Deprez

Proposal for a regulation
Recital 1

Text proposed by the Commission

(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 financing²⁴ and the Directive on combating terrorism²⁵, 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.

²⁴ COM(2016) 50 final.

²⁵ 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

Amendment

(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 financing²⁴ and the Directive on combating terrorism²⁵, common rules on trade with third countries should be enacted so as to ensure the effective protection against **trafficking**, the loss of cultural goods, the preservation of humanity's cultural heritage and the prevention of terrorist financing **and money laundering** through the selling of looted cultural heritage to buyers in the Union.

²⁴ COM(2016) 50 final.

²⁵ 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

Or. fr

Amendment 30
Dietmar Köster

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) *With regard to the European Union's commitment to fair processes and victim compensation, as well as the UNESCO constitution and conventions on heritage protection, the restitution of objects traded and/or excavated or obtained illegally must be ensured.*

Or. en

Amendment 31
Dietmar Köster

Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) *With respect to the exploitation of colonial peoples and territories undertaken by member states of the Union in the past, this regulation aims to break with a eurocentrist view and takes regional and local characteristics, rather than market value, of cultural production into account.*

Or. en

Amendment 32
Dietmar Köster

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(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

(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. **A**

Union should accordingly prohibit the entry in the customs territory of the Union of cultural goods unlawfully exported from third countries.

significant, unidentifiable quantity of cultural goods on the market originates from predatory excavations or plundering. This causes irreparable damage to the cultural memory of humankind. Looting of archaeological sites happened at all times, but has now reached an industrial scale. As long as it is possible to engage in lucrative trade in illegally excavated cultural goods and profit without any notable risks, these excavations and looting will continue in the future. The Union should accordingly prohibit the entry in the customs territory of the Union of cultural goods unlawfully exported from third countries.

Or. en

Amendment 33
Andrejs Mamikins

Proposal for a regulation
Recital 2

Text proposed by the Commission

(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.

Amendment

(2) Cultural heritage constitutes ***important identitarian and symbolic value for*** civilisation, it enriches the cultural life of all peoples and ***as an element of human security*** it should therefore be protected from unlawful appropriation and pillage. ***The economic and artistic value of the cultural heritage creates a strong demand on the international market, but the lack of strong international legislative measures and their enforcement leads to the transfer of these goods to the shadow economy. The looting and pillage of cultural goods contributes to further disintegration of already conflict-torn regions.*** The Union should accordingly prohibit the entry in the customs territory of the Union of cultural goods unlawfully exported from third countries.

Amendment 34

Ana Gomes

Proposal for a regulation**Recital 2***Text proposed by the Commission*

(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.

Amendment

(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, *with particular emphasis on cultural goods exported by third countries affected by national or regional armed conflicts and countries in which government institutions or groups have been known for abetting financing or supporting in any way organisations linked to organised crime and terrorism.*

Or. en

Amendment 35

József Nagy

Proposal for a regulation**Recital 2***Text proposed by the Commission*

(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

Amendment

(2) Cultural heritage constitutes one of the basic elements of *civilization*, it enriches the cultural life of all peoples and it *unites us in shared memory knowledge and development of the humankind*, therefore *it should* be protected from unlawful appropriation and pillage. *Targeting of cultural heritage is a serious*

third countries.

crime that causes significant suffering to those immediately affected and beyond.
The Union should accordingly prohibit the entry in the customs territory of the Union of cultural goods unlawfully exported from third countries.

Or. en

Amendment 36
József Nagy

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Protection of cultural heritage can be effective only if organized both nationally and internationally among Member States working in close co-operation. In view of different rules applying in the Member States regarding the entry 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 entry.

Or. en

Amendment 37
Dietmar Köster

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) When cultural objects are taken out of context, the population is deprived of its customs and places of remembrance and worship. The historical context and scientific value of objects are lost if associated items are sold separately.

Amendment 38
Dietmar Köster

Proposal for a regulation
Recital 2 b (new)

Text proposed by the Commission

Amendment

(2b) The targeting of objects relevant to a specific culture and/or ethnicity is a process affiliated to ethnic cleansing. Therefore, the illicit trading of cultural goods is not an apolitical crime, but in many cases contributes to the achievement of forceful cultural homogenization and/or expulsion.

Or. en

Amendment 39
Dietmar Köster

Proposal for a regulation
Recital 2 c (new)

Text proposed by the Commission

Amendment

(2c) The fight against illicit trade in cultural goods requires inter-agency cooperation and international coordination. Common databases and a harmonization of legal processes are necessary to efficiently prevent crimes in general, but are specifically relevant for the retrieval of irreplaceable objects.

Or. en

Amendment 40
Dietmar Köster

Proposal for a regulation
Recital 2 d (new)

Text proposed by the Commission

Amendment

(2d) In view of the irreplaceability of cultural goods and the interest of the public, possession of these can only be conditional. The import procedure must include an assurance of subsequent appropriate storage, documentation, accessibility granted to academic institutions and public museums, and cooperation in the case of justified restitution claims.

Or. en

Amendment 41
Maria Grapini

Proposal for a regulation
Recital 3

Text proposed by the Commission

Amendment

(3) In view of different rules applying in the Member States regarding the entry 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 entry.

(3) In view of different rules applying in the Member States regarding the entry 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 entry, **which should be thorough and effective and ensure that EU legislation is properly applied in all Member States.**

Or. ro

Amendment 42
Ana Gomes

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) In view of different rules applying in the Member States regarding the entry 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 entry.

Amendment

(3) In view of different rules applying in the Member States regarding the entry of cultural goods into the customs territory of the Union, measures should be taken ***to harmonise the rules, regulations and procedures between Member States*** in particular to ensure that imports of cultural goods are subject to uniform controls upon their entry.

Or. en

Amendment 43
Daniel Dalton

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) In view of different rules applying in the Member States regarding the ***entry*** 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 entry.

Amendment

(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 entry.

Or. en

Amendment 44
Maria Grapini

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) The common rules should cover the customs treatment of non-Union cultural goods entering the customs territory of the Union, i.e. both their release for free

Amendment

(4) The common rules should cover the customs treatment of non-Union cultural goods entering the customs territory of the Union, i.e. both their release for free

circulation as well as their placement under a special customs procedure other than transit.

circulation as well as their placement under a special customs procedure other than transit ***and should also cover the creation of a joint database for the storage of additional information on cultural goods entering the customs territory of the EU.***

Or. ro

Amendment 45
Ana Gomes

Proposal for a regulation
Recital 5

Text proposed by the Commission

(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.

Amendment

(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 ***in order to prevent circumvention by exploitation of free zones, which represent potential background areas for continued proliferation of trade and storage in ill-gotten products in the EU.*** 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 ***unreasonably counter*** 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, ***except when competent authorities have reasonable grounds to believe that cultural goods have been exported from the source country in violation of its laws and regulations or have been acquired in an otherwise illicit***

manner.

Or. en

Amendment 46

Daniel Dalton

Proposal for a regulation

Recital 7

Text proposed by the Commission

Amendment

(7) The legality of export should be examined based on the laws and regulations of the country where the cultural goods were discovered or created ('source country'). In order to avoid circumvention, when the cultural goods enter the Union from a different third country, the person who seeks to introduce them into the customs territory of the Union should demonstrate that they were exported from there legally, when the third country in question is a signatory State of the 1970 UNESCO Convention and thus a country committed to fighting against illicit trafficking of cultural property. In other cases, the person should prove lawful export from the source country.

deleted

Or. en

Amendment 47

József Nagy

Proposal for a regulation

Recital 7

Text proposed by the Commission

Amendment

(7) The legality of export should be examined based on the laws and regulations of the country where the cultural goods were discovered or created

(7) The legality of export should be examined based on the laws and regulations of the country where the cultural goods were discovered or created

('source country'). ***In order to avoid circumvention***, when the cultural goods enter the Union from a different third country, the person who seeks to introduce them into the customs territory of the Union should demonstrate that they were exported ***from there legally, when the third country in question is a signatory State of the 1970 UNESCO Convention and thus a country committed to fighting against illicit trafficking of cultural property. In other cases, the person should prove lawful export*** from the source country.

('source country'). When the cultural goods enter the Union from a different third country, the person who seeks to introduce them into the customs territory of the Union should demonstrate that they were ***legally*** exported from the source country. ***In cases where the source country of the cultural goods cannot be reliably determined, the person who seeks to introduce them into the customs territory of the Union should demonstrate that they were legally exported from the last country where they were held before their dispatch into the Union (“export country”) in accordance with its laws and regulations.***

Or. en

Amendment 48
Andrejs Mamikins

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Whereas the intensification of trade in cultural goods and the proliferation of fake goods on the global market creates a need for the EU of a solid and clear legislative framework regulation the protection of cultural goods.

Or. en

Amendment 49
Daniel Dalton

Proposal for a regulation
Recital 8

Text proposed by the Commission

(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 all categories of cultural goods. **That minimum age** threshold 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.

Amendment

(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 all categories of cultural goods. **In addition, a value threshold of 50,000 euro should also be applied, which would apply too for all categories of cultural goods. Those 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.

Or. en

Amendment 50
Dietmar Köster

Proposal for a regulation
Recital 8

Text proposed by the Commission

(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 all categories of cultural goods. That minimum age threshold 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.

Amendment

(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 **100** year minimum age threshold for all categories of cultural goods, **in line with the provisions of the 1954 Hague Convention, the 1970 UNESCO Convention and of the 1995 UNIDROIT Convention.** That minimum age threshold 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.

Or. en

Amendment 51
Andrejs Mamikins

Proposal for a regulation
Recital 8

Text proposed by the Commission

(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 all categories of cultural goods. That minimum age threshold 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.

Amendment

(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 **75** year minimum age threshold for all categories of cultural goods. That minimum age threshold 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.

Or. en

Amendment 52
Andrejs Mamikins

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Whereas cultural goods that have been produced recently also may be subject to illicit trafficking and be used by the EU or third-country criminal organisations for money laundering, financing of terrorism, drug trafficking, refugee smuggling, etc., the European

Commission is invited to come up with a proposal that would cover also the import of more recent cultural goods.

Or. en

Amendment 53

Ana Gomes

Proposal for a regulation

Recital 9

Text proposed by the Commission

(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 market²⁶.

²⁶ Commission Communication COM (2017) 340

Amendment

(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 market²⁶. ***Fighting trafficking of looted artefacts and antiquities through legal trade or black markets requires concerted measures from Member States, addressing also loopholes in taxation.***

²⁶ Commission Communication COM (2017) 340

Or. en

Amendment 54

Maria Grapini

Proposal for a regulation

Recital 9

Text proposed by the Commission

(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 market²⁶.

²⁶ Commission Communication COM (2017) 340

context of the supranational risk assessment on money laundering and terrorist financing risks affecting the internal market.

²⁶ Commission Communication COM (2017) 340

Or. ro

Amendment 55
Andrejs Mamikins

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Whereas the antiques and the high-value artworks are used by refugees as a means to pay the smugglers for their transportation to the EU and therefore contribute to the illegal migration.

Or. en

Amendment 56
József Nagy

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(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

(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 the Member State of entry 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 source country with the appropriate supportive documents and evidence, in particular, export certificates or licences *issued by the third country of export*, 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.

of the *first* Member State of entry 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 *that the cultural goods have been exported from the source country in accordance with its laws and regulations or to prove the absence of such laws and regulations. The* licit export from the source country *should be proved* with the appropriate supportive documents and evidence, in particular, export certificates or *export* licences, 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. *In cases where the source country of the cultural goods cannot be reliably determined, the application should be accompanied by any supporting documents and information, providing evidence that the cultural goods were exported from the export country in accordance with its laws and regulations. The import of cultural goods that originate in conflict-affected or high-risk countries should always require the presentation of a licence issued by the competent authority of the first Member State of entry. Persons seeking to obtain such a licence should be able to prove that the cultural goods have been exported from the source country in accordance with its laws and regulations. The Commission should establish, by means of implementing acts, a regularly updated list of conflict-affected and high-risk countries. The Commission should call upon external expertise such as UNESCO and the International Council of Museums (ICOM) to provide for such list which should be based on the Red Lists published by ICOM, which classify the endangered categories of archaeological objects or works of art in the most*

vulnerable areas of the world in order to prevent them being sold or illegally exported.

Or. en

Amendment 57
Brice Hortefeux

Proposal for a regulation
Recital 10

Text proposed by the Commission

(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 the Member State of entry 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 source country with the appropriate supportive documents and evidence, in particular, export certificates or licences issued by the third country of export, 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.

Amendment

(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 the Member State of entry prior to the release for free circulation of those goods or their placement under a special customs procedure other than transit *when the goods come from countries designated by a United Nations Security Council Resolution laying down restrictive measures that apply to cultural goods, or by a similar measure adopted by the Union in accordance with the procedures set out in Article 215 of the Treaty on the Functioning of the European Union.* Persons seeking to obtain such a licence should be able to prove licit export from the source country with the appropriate supportive documents and evidence, in particular, export certificates or licences issued by the third country of export, 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.

Or. fr

Amendment 58
Daniel Dalton

Proposal for a regulation
Recital 10

Text proposed by the Commission

(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 the Member State of entry 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 source country with the*** appropriate supportive documents and evidence, in particular, export certificates or licences issued by the third country of export, 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.

Amendment

(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 the Member State of entry prior to the release for free circulation of those goods or their placement under a special customs procedure other than transit, ***where deemed necessary by the competent authority based upon the risk of illicit trade, type of cultural good, value and source and export countries***. Persons seeking to obtain such a licence should ***submit*** appropriate supportive documents and evidence, in particular, export certificates or licences issued by the third country of export, 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 ***and within the timescales specified. Persons submitting an application should not be charged a fee in relation to their application.***

Or. en

Amendment 59
Maria Grapini

Proposal for a regulation
Recital 10

Text proposed by the Commission

(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 the Member State of entry 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 source country with the appropriate supportive documents and evidence, in particular, export certificates or licences issued by the third country of export, 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.

Amendment

(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 the Member State of entry 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 source country with the appropriate supportive documents and evidence, in particular, export certificates or licences issued by the third country of export, 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. ***That decision should take due account of the availability of relevant information and follow the principle of proportionality.***

Or. ro

Amendment 60
Louis Michel, Gérard Deprez

Proposal for a regulation
Recital 10

Text proposed by the Commission

(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 the Member State of entry 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 source country with the appropriate supportive documents and evidence, in particular, export certificates or licences issued by the third country of export, 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.

Amendment

(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 **procurement** of a licence issued **electronically** by the competent authority of the Member State of entry 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 source country with the appropriate supportive documents and evidence, in particular, export certificates or licences issued by the third country of export, 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. ***The decisions of the competent authorities should be communicated immediately to the relevant customs offices.***

Or. fr

Justification

In order to facilitate checks by the customs authorities, the competent authorities and the customs authorities should exchange information immediately and electronically.

Amendment 61
Andrejs Mamikins

Proposal for a regulation
Recital 10

Text proposed by the Commission

(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 the Member State of entry 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 source country with the appropriate supportive documents and evidence, in particular, export certificates or licences issued by the third country of export, 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.

Amendment

(10) Since certain categories of cultural goods, namely archaeological objects, elements of monuments, *pieces of jewellery art, numismatic objects, artefacts of ancient technological achievements, martial art objects*, 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 the Member State of entry 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 source country with the appropriate supportive documents and evidence, in particular, export certificates or licences issued by the third country of export, 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.

Or. en

Amendment 62
Daniel Dalton

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Instances of looting connected to terrorist financing or money laundering have historically been connected to specific source countries or regions. It is therefore necessary that the Commission prepares a list of those states most in danger so that the efforts of customs authorities can be focused on the consignments at greatest risk. In order to compile this list, the Commission shall consider states currently in conflict or internal strife. Where the Commission considers that there is a risk to the preservation of cultural goods as a consequence of active conflict or a breakdown of state institutions, it should submit to add the country affected to a list of countries contained in Annex II. Cultural goods whose source country appears in Annex II should be subject to an import licence, where the other thresholds of the Regulation are also met.

Or. en

Amendment 63

József Nagy

Proposal for a regulation

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Taking into account the particular nature of the goods, the role of the cultural experts within the customs authorities is extremely relevant since they should be able, where necessary, to require additional information from the declarant and to physically examine the cultural goods by conducting an expertise.

Or. en

Amendment 64
Andrejs Mamikins

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Whereas the police authorities and the customs services of the third countries do not always have enough capabilities to fight cultural goods trafficking and illegal trade or are subject to corruption or other forms of maladministration.

Or. en

Amendment 65
József Nagy

Proposal for a regulation
Recital 11

Text proposed by the Commission

Amendment

(11) For other categories of cultural goods, the persons seeking to introduce 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, should be used to describe the cultural goods. ***Customs should register the entry of*** those cultural goods, ***keep the originals and give*** a copy of the relevant documents ***to the declarant***, in order to ensure traceability after the goods enter the internal market.

(11) For other categories of cultural goods, the persons seeking to introduce them into the customs territory of the Union should, by means of ***an electronic*** 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 ***an electronic standardized*** document. The Object ID standard, recommended by UNESCO, should be used to describe the cultural goods. Those cultural goods ***should be electronically registered and the declarant should be provided with*** a copy of the relevant ***submitted*** documents in order to ensure traceability after the goods

enter the internal market.

Or. en

Amendment 66

Brice Hortefeux

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Temporary admission of cultural goods for educational, scientific or academic research purposes should not be subject to the presentation of a licence or of a statement.

Amendment

(12) Temporary admission of cultural goods for educational, scientific or academic research purposes ***or for the purpose of cooperation between non-profit museums or public institutions*** should not be subject to the presentation of a licence or of a statement.

Or. fr

Amendment 67

Nathalie Griesbeck

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Temporary admission of cultural goods for educational, scientific ***or*** academic research purposes should not be subject to the presentation of a licence or of a statement.

Amendment

(12) Temporary admission of cultural goods for educational, scientific or academic research purposes ***or for the purpose of cooperation between non-profit museums or public institutions*** should not be subject to the presentation of a licence or of a statement.

Or. fr

Amendment 68

Daniel Dalton

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) Temporary admission of cultural goods for educational, scientific or academic research purposes should not be subject to the presentation of a licence *or of a statement*.

Amendment

(12) Temporary admission of cultural goods for educational, scientific or academic research purposes should not be subject to the presentation of a licence.

Or. en

Amendment 69
Ana Gomes

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Storage of cultural goods 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.

Amendment

(13) Storage of cultural goods 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. ***However, a careful background check should be carried out on the persons seeking to introduce them into the customs area of the Union, with particular attention to the potential that storage of cultural goods from export countries affected by armed conflict or suffering from natural disaster may be used as a source money laundering and terrorism financing.***

Or. en

Amendment 70
Dietmar Köster

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Storage of cultural goods 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*.

Amendment

(13) ***For many reasons, countries in war and crisis regions are usually unable to protect their cultural heritage.*** Storage of cultural goods from countries affected by armed conflict or suffering a natural disaster should also be permitted without the presentation of a *license* or a statement, ***on the condition that competent government authorities accompany and administer the process until restitution.***

Or. en

Amendment 71

Daniel Dalton

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) Storage of cultural goods 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.

Amendment

(13) Storage of cultural goods from countries affected by armed conflict or suffering a natural disaster should also be permitted without the presentation of a licence in order to ensure their safety and preservation.

Or. en

Amendment 72

Eva Joly

Proposal for a regulation

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Customs authorities should be able to seize and temporarily retain cultural goods brought into the customs territory of the Union when the conditions laid

down in this Regulation are not fulfilled. Appropriate safeguards should be in place, in particular proper information to the declarant, effective remedies, and a maximum period of retention of 6 months. The temporary seizure and retention of cultural goods should be limited in cases where it would represent undue hardship for natural persons, based on a proper assessment and on a case-by-case basis.

Or. en

Justification

It is important to insert the principle of “undue hardship” in this Regulation when it comes to temporary retention of cultural goods, in order to avoid possible situations where such retention would have a disproportionate effect on a natural person. This principle is already foreseen in other instruments of EU law, namely on Cash Controls and on Freezing and Confiscation.

Amendment 73 **Eva Joly**

Proposal for a regulation **Recital 14**

Text proposed by the Commission

(14) In order to take account of experience with the implementation of this Regulation and of changing geopolitical and other circumstances which place cultural goods at risk, while not impeding trade with third countries disproportionately, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of modifications to the minimum age threshold criterion for the different categories of cultural goods. That delegation should also allow the Commission to update the Annex following amendments to the Combined Nomenclature. It is of particular

Amendment

(14) In order to take account of experience with the implementation of this Regulation and of changing geopolitical and other circumstances which place cultural goods at risk, while not impeding trade with third countries disproportionately, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of modifications to the minimum age threshold criterion for the different categories of cultural goods *as well as to lay down the arrangements for the deployment, operation and maintenance of a new electronic system*. That delegation should also allow the

importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016²⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

²⁷ OJ L 123, 12.5.2016, p. 1.

Commission to update the Annex following amendments to the Combined Nomenclature. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016²⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

²⁷ OJ L 123, 12.5.2016, p. 1.

Or. en

Amendment 74

Daniel Dalton

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) In order to take account of experience with the implementation of this Regulation and of changing geopolitical and other circumstances which place cultural goods at risk, while not impeding trade with third countries disproportionately, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of modifications to the *minimum age threshold criterion for the different categories of cultural goods. That delegation should also allow the Commission to update the Annex*

Amendment

(14) In order to take account of experience with the implementation of this Regulation and of changing geopolitical and other circumstances which place cultural goods at risk, while not impeding trade with third countries disproportionately, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of modifications to the Annex following amendments to the Combined Nomenclature. It is of particular importance that the Commission carry out appropriate consultations during its

following amendments to the Combined Nomenclature. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016²⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

²⁷ OJ L 123, 12.5.2016, p. 1.

preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016²⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

²⁷ OJ L 123, 12.5.2016, p. 1.

Or. en

Amendment 75

Louis Michel, Gérard Deprez

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) In order to take account of experience with the implementation of this Regulation and of changing geopolitical and other circumstances which place cultural goods at risk, while not impeding trade with third countries disproportionately, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of modifications to the minimum age threshold criterion for the different categories of cultural goods. That delegation should also allow the Commission to update the Annex following amendments to the Combined

Amendment

(14) In order to take account of experience with the implementation of this Regulation and of changing geopolitical and other circumstances which place cultural goods at risk, while not impeding trade with third countries disproportionately, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of modifications to the minimum age threshold criterion for the different categories of cultural goods **and their origin**. That delegation should also allow the Commission to update the Annex following amendments to the Combined

Nomenclature. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016²⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

²⁷ OJ L 123, 12.5.2016, p. 1.

Nomenclature. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016²⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

²⁷ OJ L 123, 12.5.2016, p. 1.

Or. fr

Justification

Depending on the results of the risk assessment, taking into account geopolitical changes (conflicts, etc.), the Commission should be free to adapt the annex to protect cultural goods that are most exposed to risk.

Amendment 76

József Nagy

Proposal for a regulation

Recital 15

Text proposed by the Commission

(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

Amendment

(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, ***which should be done while guaranteeing adequate conservation conditions, having due regard to the particular nature of the***

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 database for 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 Council²⁸.

cultural goods. Those modalities should also apply to the electronic standardised templates for import licence applications and forms, as well as for **electronic** importer statements and their accompanying documents, as well as **to** further procedural rules on their **electronic** submission and processing. Implementing powers should also be conferred on the Commission to make arrangements for the establishment of an electronic database for 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 Council²⁸. **Implementing powers should also be conferred on the Commission to establish a regularly updated list of conflict-affected and high-risk countries.**

²⁸ 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).

²⁸ 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).

Or. en

Amendment 77

Andrejs Mamikins

Proposal for a regulation

Recital 15

Text proposed by the Commission

(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

Amendment

(15) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to **adoption cooperation with the European Parliament and the Council** specific

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 database for 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 Council²⁸.

²⁸ 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).

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 database for 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 Council²⁸.

²⁸ 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).

Or. en

Amendment 78

Daniel Dalton

Proposal for a regulation

Recital 15

Text proposed by the Commission

(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*

Amendment

(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 further procedural rules on their submission and processing.

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 database for 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 Council²⁸.

²⁸ 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).

Implementing powers should also be conferred on the Commission to make arrangements for the establishment of an electronic database for 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 Council²⁸.

²⁸ 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).

Or. en

Amendment 79 **József Nagy**

Proposal for a regulation **Recital 16**

Text proposed by the Commission

(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.

Amendment

(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 **electronically** 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.

Amendment 80**József Nagy****Proposal for a regulation****Recital 17***Text proposed by the Commission*

(17) The EU Strategy and Action Plan for customs Risk Management²⁹ 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.

²⁹ 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.

Amendment

(17) The EU Strategy and Action Plan for customs Risk Management²⁹ aims – inter alia- to strengthen capacities **and training** of customs authorities, **also for the European Border and Coast Guard Agency (Frontex)**, 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.

²⁹ 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.

Amendment 81**József Nagy****Proposal for a regulation****Recital 17 a (new)***Text proposed by the Commission**Amendment*

(17a) Since the trafficking of cultural objects can be a source of terrorism financing and money laundering, there is an urgent need to set up awareness-

raising campaigns to sensitise in particular buyers of cultural goods; moreover, in order to assist the market actors to implement this Regulation, information contact points should be made available in each Member State.

Or. en

Amendment 82
József Nagy

Proposal for a regulation
Recital 19

Text proposed by the Commission

(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. Consequently, the application of this Regulation should be deferred.

Amendment

(19) Sufficient time should be provided for the Commission to adopt rules implementing this Regulation, in particular those regarding the appropriate *electronic standardised* forms to use to apply for an import licence or to prepare an importer statement. Consequently, the application of this Regulation should be deferred.

Or. en

Amendment 83
Dietmar Köster

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

This Regulation sets out the conditions and procedure for the entry of cultural goods into the customs territory of the Union.

Amendment

This Regulation sets out the conditions and procedure for the entry of cultural goods into the customs territory of the Union.
Regulating the procedures of import, its purpose is to be found in the preservation of cultural heritage in territories outside the Union.

Or. en

Amendment 84
Daniel Dalton

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

This Regulation sets out the conditions and procedure for the *entry* of cultural goods into the customs territory of the Union.

Amendment

This Regulation sets out the conditions and procedure for the *import* of cultural goods into the customs territory of the Union.

Or. en

Amendment 85
József Nagy

Proposal for a regulation
Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

The entry into the customs territory of the Union of cultural goods which have been illegally exported from a third country is prohibited.

Or. en

Amendment 86
Brice Hortefeux

Proposal for a regulation
Article 2 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) 'cultural goods' means any object *which is of importance for archaeology, prehistory, history, literature, art or science and which belongs to the categories listed in the table in Annex and meets the minimum age threshold*

(a) 'cultural goods' means any object *listed in the Annex to Regulation (EC) No 116/2009 of 18 December 2008;*

specified therein;

Or. fr

Amendment 87
Dietmar Köster

Proposal for a regulation
Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) 'cultural goods' means any object which is of importance for archaeology, prehistory, history, literature, art or science **and which** belongs to the categories listed in the table in Annex and meets the minimum age threshold specified therein;

Amendment

(a) 'cultural goods' means any object which is of **significant** importance for archaeology, prehistory, history, literature, art or science, **is unique in its characteristics, contributes greatly to the commemoration of the history of mankind**, belongs to the categories listed in the table in Annex and meets the minimum age threshold specified therein;

Or. en

Amendment 88
Daniel Dalton

Proposal for a regulation
Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) 'cultural goods' means any object which is of importance for archaeology, prehistory, history, literature, art or science and which belongs to the categories listed in the table in Annex and meets the minimum age threshold specified therein;

Amendment

(a) 'cultural goods' means any object which is of importance for archaeology, prehistory, history, literature, art or science and which belongs to the categories listed in the table in Annex **I** and meets the minimum age **and value** threshold specified therein;

Or. en

Amendment 89
Daniel Dalton

Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) 'source country' means the country in the current territory of which the cultural goods were created or discovered;

Amendment

(b) 'source country' means the country in the current territory of which the cultural goods were created or discovered ***or which has such a close connection with the cultural goods that this country protects them as national cultural property and regulates their export from its territory upon their lawful removal from the country in which the cultural goods were created or discovered;***

Or. en

Amendment 90
József Nagy

Proposal for a regulation
Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) 'export country' means the last country in which the cultural goods were ***permanently*** held in accordance with that country's laws and regulations before their dispatch to the Union;

Amendment

(c) 'export country' means the last country in which the cultural goods were held in accordance with that country's laws and regulations before their dispatch to the Union;

Or. en

Amendment 91
József Nagy

Proposal for a regulation
Article 2 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) 'permanently' means for a period of time of at least one month and for purposes other than temporary use, transit, export or dispatch;

deleted

Or. en

Amendment 92

József Nagy

Proposal for a regulation

Article 2 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) 'conflict-affected and high-risk countries' means those countries listed by the Commission which are identified by the presence of armed conflicts, widespread violence or other risks of harm to people or cultural goods;

Or. en

Amendment 93

Louis Michel, Gérard Deprez

Proposal for a regulation

Article 2 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) 'competent authorities' means the authorities designated by the Member States to issue importer certificates and register importer statements;

Or. fr

Amendment 94
Louis Michel, Gérard Deprez

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 12 in order to amend the second column of the table in the Annex following amendments in the Combined Nomenclature **and** to amend the minimum age threshold in the third column of the table in the Annex in the light of experience gathered during the implementation of this Regulation.

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 12 in order to amend the second column of the table in the Annex following amendments in the Combined Nomenclature, to amend the minimum age threshold in the third column of the table in the Annex in the light of experience gathered during the implementation of this Regulation, **and to add geographical areas in which cultural goods are at a significantly higher risk of trafficking and pillaging.**

Or. fr

Justification

Depending on the results of the risk assessment, taking into account geopolitical changes (conflicts, etc.), the Commission should be free to adapt the annex to protect cultural goods that are most exposed to risk.

Amendment 95
Eva Joly

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

2. The Commission is empowered to adopt delegated acts in accordance with Article 12 in order to amend the second column of the table in the Annex following amendments in the Combined Nomenclature and to amend the minimum age threshold in the third column of the table in the Annex in the light of

Amendment

2. The Commission is empowered to adopt delegated acts in accordance with Article 12 in order to amend the second column of the table in the Annex following amendments in the Combined Nomenclature and to amend the minimum age threshold in the third column of the table in the Annex in the light of

experience gathered during the implementation of this Regulation.

experience gathered during the implementation of this Regulation, *as well as to lay down the arrangements for the deployment, operation and maintenance of the electronic system referred to in Article 9.*

Or. en

Amendment 96
József Nagy

Proposal for a regulation
Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *The Commission is empowered to adopt delegated acts in accordance with Article 12 in order to modify the categories of goods that are subject to the presentation of an import licence or the submission of an importer statement to the customs authorities of the first Member State of entry, in the light of the experience gathered during the implementation of this Regulation.*

Or. en

Amendment 97
Louis Michel, Gérard Deprez

Proposal for a regulation
Article 3 – paragraph 1 – subparagraph -1 (new)

Text proposed by the Commission

Amendment

The entry into the EU customs area of cultural goods which have been illegally exported from third countries is prohibited.

Or. fr

Justification

This amendment incorporates recital 2 of the Commission's proposal into an article, so as to introduce a general prohibition on the entry into EU territory of any cultural object that has been illegally exported.

Amendment 98

Daniel Dalton

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. The ***release*** of cultural goods ***for free circulation and the placing of cultural goods under a special procedure other than transit*** 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.

Amendment

1. The ***import*** of cultural goods ***into the customs territory of the Union*** shall only be permitted upon the presentation of an import licence issued in accordance with Article 4, ***where such a licence is required***, or of an ***extended description*** made out in accordance with Article 5.

Or. en

Amendment 99

József Nagy

Proposal for a regulation

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

1a. The issuance of an import licence by the competent authority of the first Member State of entry or the correct submission of the importer statement to the customs authorities of the first Member State of entry shall not be construed to be evidence of licit provenance or ownership of the cultural goods.

Amendment

Or. en

Amendment 100

Daniel Dalton

Proposal for a regulation

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The successful import of cultural goods shall not be construed to be evidence of lawful provenance or ownership.

Or. en

Amendment 101

József Nagy

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) 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 and academic research purposes;

(a) 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, ***restoration, conservation*** and academic research purposes ***and for the purpose of cooperation between museums or similar public non-profit institutions for the organization of cultural exhibitions.***

The cultural goods to be presented at commercial fairs and international art fairs shall not be subject to the presentation of an import licence or an importer statement. However, should the cultural goods be acquired and remain within the territory of the Union, they shall be subject to the submission of an import licence in accordance with Article 4 or the presentation of an importer statement in accordance with Article 5.

Amendment 102

Brice Hortefeux

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) 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 and academic research purposes;

Amendment

(a) 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 and academic research purposes, ***and in cases where museums or public non-profit institutions are working together to organise cultural exhibitions;***

Or. fr

Amendment 103

Ana Gomes

Proposal for a regulation

Article 3 – paragraph 2 – point b

Text proposed by the Commission

(b) the storage, within the meaning of Article 237 of Regulation (EU) No 952/2013, of cultural goods for the express purpose of ensuring their preservation by, or under the supervision of, a public authority.

Amendment

(b) the storage, within the meaning of Article 237 of Regulation (EU) No 952/2013, of cultural goods for the express purpose of ensuring their preservation by, or under the supervision of, a public authority, ***after carrying out a background check on the persons seeking to introduce them into the customs area of the Union, with particular attention to the potential that storage of cultural goods from export countries affected by armed conflict or suffering from natural disaster may be used as a source money laundering and terrorism financing.***

Amendment 104
Nathalie Griesbeck

Proposal for a regulation
Article 3 – paragraph 2 – point b

Text proposed by the Commission

(b) the storage, within the meaning of Article 237 of Regulation (EU) No 952/2013, of cultural goods for the express purpose of ***ensuring their preservation by***, or under the supervision of, a public authority.

Amendment

(b) the storage, within the meaning of Article 237 of Regulation (EU) No 952/2013, of cultural goods for the express purpose of ***storing them for their protection***, or under the supervision of, a public authority.

Or. fr

Amendment 105
Nathalie Griesbeck

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. The Commission may adopt, by means of implementing acts, the specific modalities for the temporary admission or storage of cultural goods referred to in paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13.

Amendment

3. The Commission may adopt, by means of implementing acts, the specific modalities for the temporary admission or storage of cultural goods ***for their protection*** referred to in paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13.

Or. fr

Amendment 106
Brice Hortefeux

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. ***The release for free circulation and the placing under a special procedure other than transit in*** the Union of the cultural goods referred to in ***points (c), (d) and (h) of*** the Annex shall be subject to the presentation of an import licence ***to the customs authorities.***

Amendment

1. ***The import into*** the Union of the cultural goods referred to in the Annex shall be subject to the presentation of an import licence ***when those goods come from countries designated by a United Nations Security Council Resolution laying down restrictive measures that apply to cultural goods, or by a similar measure adopted by the Union in accordance with the procedure set out in Article 215 of the Treaty on the Functioning of the European Union, except for transit.***

Or. fr

Amendment 107

Daniel Dalton

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. The ***release for free circulation and the placing under a special procedure other than transit in*** the Union of the cultural goods referred to in points (c), (d) and (h) of the Annex ***shall*** be subject to the presentation of an import licence to the customs authorities.

Amendment

1. The ***import into the customs territory of*** the Union of the cultural goods referred to in points (c), (d) and (h) of the Annex ***I may*** be subject to the presentation of an import licence to the customs authorities.

Or. en

Amendment 108

Nathalie Griesbeck

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *The importer statement must not be taken as proof of the legal origin or legal ownership of the goods.*

Or. fr

Amendment 109
Daniel Dalton

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. The holder of the goods shall ***apply for an import licence*** to the competent authority of the Member State of entry. ***The application shall be accompanied by any supporting documents and information substantiating that the cultural goods in question have been exported from the source country in accordance with its laws and regulations. However, where the export country is a Contracting Party to 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'), the application shall be accompanied by any supporting documents and information substantiating that the cultural goods have been exported from that country in accordance with its laws and regulations.***

2. The holder of the goods shall ***submit a notification*** to the competent authority of the Member State of entry ***10 days prior the intended date of release or placing under a special procedure. The notification shall contain:***

Or. en

Amendment 110
Dietmar Köster

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. The holder of the goods shall apply for an import licence to the competent authority of the Member State of entry. The application shall be accompanied by any supporting documents and information substantiating that the cultural goods in question have been exported from the source country in accordance with its laws and regulations. However, where the export country is a Contracting Party to 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'), the application shall be accompanied by any supporting documents and information substantiating that the cultural goods have been exported from that country in accordance with its laws and regulations.

Amendment

2. The holder of the goods shall apply for an import licence to the competent authority of the Member State of entry. The application shall be accompanied by any supporting documents and information substantiating that the cultural goods in question have been exported from the source country in accordance with its laws and regulations. However, where the export country is a Contracting Party to 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'), the application shall be accompanied by any supporting documents and information substantiating that the cultural goods have been exported from that country in accordance with its laws and regulations. ***Additionally, an assurance of appropriate storage entailing documentation, accessibility granted to academic institutions and public museums, and cooperation in the case of justified restitution claims must accompany and qualifies for import licenses.***

Or. en

Amendment 111
József Nagy

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. The holder of the goods shall apply for an import licence to the competent authority of the Member State of entry.

Amendment

2. The holder of the ***cultural*** goods ***listed in the previous paragraph*** shall apply for an import licence to the

The application shall be accompanied by any supporting documents and information substantiating that the cultural goods in question have been exported from the source country in accordance with its laws and regulations. *However*, where the *export* country is a Contracting Party to 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'), the application shall be accompanied by any supporting documents and information *substantiating* that the cultural goods *have been* exported from *that* country in accordance with its laws and regulations.

competent authority of the *first* Member State of entry. The application shall be accompanied by any supporting documents and information substantiating that the cultural goods in question have been exported from the source country in accordance with its laws and regulations *or in the absence of such laws and regulations*. *In cases* where the *source* country of the cultural goods *cannot be reliably determined*, the application shall be accompanied by any supporting documents and information, *providing evidence* that the cultural goods *were* exported from *the export* country in accordance with its laws and regulations.

Or. en

Amendment 112
Daniel Dalton

Proposal for a regulation
Article 4 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In cases where the source country is not known, the notification may designate a geographical region as relevant to the provenance of the goods.

Or. en

Amendment 113
Daniel Dalton

Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Within 10 days of receipt of the

notification, the competent authority of the Member State shall take a decision as to whether the good or goods should require an import licence. This decision shall be based upon risk of illicit trade and shall take into account the type of cultural good, the export and source countries involved, including whether those countries are signatories to the UNESCO Convention on Cultural Property, and the value of the goods.

Or. en

Amendment 114
József Nagy

Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The holder of cultural goods that originate in conflict-affected or high-risk countries shall always apply for an import licence to the competent authority of the first Member State of entry. The application shall be accompanied by any supporting documents and information substantiating that such cultural goods have been exported from the source country in accordance with its laws and regulations.

Or. en

Amendment 115
Daniel Dalton

Proposal for a regulation
Article 4 – paragraph 2 b (new) – introductory wording and point a (new)

Text proposed by the Commission

Amendment

2b. It shall include:

(a) a short description of the goods, including the number of goods using the applicable supplementary unit;

Or. en

Amendment 116
Daniel Dalton

Proposal for a regulation
Article 4 – paragraph 2 b (new) – point b (new)

Text proposed by the Commission

Amendment

(b) the category under Annex I to which the goods belong;

Or. en

Amendment 117
Daniel Dalton

Proposal for a regulation
Article 4 – paragraph 2 b (new) – point c (new)

Text proposed by the Commission

Amendment

*(c) the name of the export country;
and*

Or. en

Amendment 118
Daniel Dalton

Proposal for a regulation
Article 4 – paragraph 2 b (new) – point d (new)

Text proposed by the Commission

Amendment

(d) the name of the source country.

Or. en

Amendment 119
József Nagy

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. The competent authority of the Member State of entry 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.

Amendment

3. The competent authority of the **first** Member State of entry 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.

Or. en

Amendment 120
Maria Grapini

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. The competent authority of the Member State of entry 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.

Amendment

3. The competent authority of the Member State of entry shall verify whether the application is complete. It shall request any missing information or document from the applicant within **15 working** days of receipt of the application.

Or. ro

Amendment 121
Daniel Dalton

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. The competent authority of the

Amendment

3. The competent authority of the

Member State of entry 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.

Member State of entry shall verify whether the application is complete. It shall request any missing information or document from the applicant within **7** days of receipt of the application.

Or. en

Amendment 122
Maria Grapini

Proposal for a regulation
Article 4 – paragraph 4 – introductory part

Text proposed by the Commission

4. The competent authority shall, within **90** days of the submission of the complete application, examine the application and decide to issue the import licence or reject the application. It may reject the application on the following grounds:

Amendment

4. The competent authority shall, within **30** days of the submission of the complete application, examine the application and decide to issue the import licence or reject the application. It may reject the application on the following grounds:

Or. ro

Amendment 123
Daniel Dalton

Proposal for a regulation
Article 4 – paragraph 4 – introductory part

Text proposed by the Commission

4. The competent authority shall, within **90** days of the submission of the complete application, examine the application and decide to issue the import licence or reject the application. It may reject the application on the following grounds:

Amendment

4. The competent authority shall, within **14** days of the submission of the complete application, examine the application and decide to issue the import licence or reject the application. It may reject the application on the following grounds:

Or. en

Amendment 124

József Nagy

Proposal for a regulation

Article 4 – paragraph 4 – point a

Text proposed by the Commission

(a) where the *export country is not a Contracting Party to the 1970 UNESCO Convention, it is not demonstrated that the cultural goods were exported from the source country in accordance with its laws and regulations;*

Amendment

(a) where the *evidence required in paragraphs 2 or 3 is not provided,*

Or. en

Amendment 125

Andrejs Mamikins

Proposal for a regulation

Article 4 – paragraph 4 – point a

Text proposed by the Commission

(a) where *the export country is not a Contracting Party to the 1970 UNESCO Convention*, it is not demonstrated that the cultural goods were exported from the source country in accordance with its laws and regulations;

Amendment

(a) where it is not demonstrated that the cultural goods were exported from the source country in accordance with its laws and regulations;

Or. en

Amendment 126

József Nagy

Proposal for a regulation

Article 4 – paragraph 4 – point b

Text proposed by the Commission

(b) where *the export country is a Contracting Party to the 1970 UNESCO Convention, it is not demonstrated that*

Amendment

(b) where *there are pending claim for restitution by the authorities of the source country,*

the cultural goods were exported from the export country in accordance with its laws and regulations;

Or. en

Amendment 127

József Nagy

Proposal for a regulation

Article 4 – paragraph 4 – point c

Text proposed by the Commission

(c) the competent authority has reasonable grounds to ***believe*** that the holder of the goods did not acquire them lawfully.

Amendment

(c) the competent authority has reasonable grounds to ***affirm*** that the holder of the goods did not acquire them lawfully.

Or. en

Amendment 128

Daniel Dalton

Proposal for a regulation

Article 4 – paragraph 4 – point c a (new)

Text proposed by the Commission

Amendment

(ca) This Article shall not apply to goods whose source country is not listed in Annex II. For goods without a known source country, this paragraph shall not apply where the geographical region deemed relevant is based upon historical territories or regions of control and substantially includes countries listed in Annex II.

Or. en

Amendment 129

Daniel Dalton

Proposal for a regulation
Article 4 – paragraph 4 – point c b (new)

Text proposed by the Commission

Amendment

(cb) The Commission shall be empowered to adopt delegated acts in accordance with Article 12 to amend Annex II to amend the list of source countries to which this Article applies, in order to take account of political developments or other events which may have a serious detrimental effect on the capacity for national cultural institutions to ensure the preservation of cultural goods in those countries.

Or. en

Amendment 130
Louis Michel, Gérard Deprez

Proposal for a regulation
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. If the application is accepted, the competent authority shall immediately send a copy of the import certificate electronically to the relevant customs authorities.

If the application is rejected under Article 4(4), the competent authority shall immediately inform the relevant customs authorities and the Commission, stating its reasons for refusing the application. The Commission shall send the information it has received to the other Member States in order to ensure the uniform application of this Regulation.

When an application is made for a certificate for cultural goods for which a previous application has been rejected, the applicant must inform the competent

authority to which the application is submitted of the previous rejection.

Member States shall recognise the rejection of applications by the competent authorities of the other Member States, where the rejection was based on the provisions of this Regulation.

This need not apply, however, where the circumstances have significantly changed or where new evidence to support an application has become available. If a competent authority issues a certificate in cases such as these, it shall inform the Commission that it has done so, stating the reasons behind its decision.

Or. fr

Justification

This amendment is based on Article 6 of Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein. Its objective is to ensure that the relevant customs authorities are notified in advance that an import certificate is to be issued, and to ensure that Member States exchange information when requests are rejected and recognise each others' rejections.

Amendment 131 **József Nagy**

Proposal for a regulation **Article 4 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

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.*

Or. en

Amendment 132
Andrejs Mamikins

Proposal for a regulation
Article 4 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

These competent authorities are invited to create uniform licenses that would allow efficient and quick control by the authorities of any other Member State, should the transportation of the cultural goods occur via another port, rather than that initially declared during the application for license. Therefore, the licence should contain all the information in English along with the language of the country of issuing.

Or. en

Amendment 133
Andrejs Mamikins

Proposal for a regulation
Article 4 – paragraph 5 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

The licence should contain the information on the organisation, dealer or private collector to whom the artwork is destined. This information will not only help to monitor the movement of cultural goods, but also to uncover the patterns of illicit trade.

Or. en

Amendment 134
Eva Joly

Proposal for a regulation
Article 4 – paragraph 5 – subparagraph 2

Text proposed by 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.

Amendment

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, **as well as on the dedicated website referred to in Article 11.**

Or. en

Justification

For the sake of transparency, the list of competent authorities should be made publicly available on a website hosted by the Commission.

Amendment 135

József Nagy

Proposal for a regulation

Article 4 – paragraph 6

Text proposed by the Commission

6. The Commission **may** establish, by means of implementing acts, the template for 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.

Amendment

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

Or. en

Amendment 136

Louis Michel, Gérard Deprez

Proposal for a regulation
Article 4 – paragraph 6

Text proposed by the Commission

6. The Commission *may* establish, by means of implementing acts, the template for 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.

Amendment

6. The Commission *shall* establish, by means of implementing acts, the template for *the importer declaration and for* 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.

Or. fr

Amendment 137
Dietmar Köster

Proposal for a regulation
Article 5 – title

Text proposed by the Commission

Importer statement

Amendment

Importer statement *and preservation assurance*

Or. en

Amendment 138
Daniel Dalton

Proposal for a regulation
Article 5 – title

Text proposed by the Commission

Importer statement

Amendment

Extended description of goods

Or. en

Amendment 139
Brice Hortefeux

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. ***The release for free circulation and the placing under a special procedure other than transit in the Union*** of the cultural goods referred to ***in points (a), (b), (e), (f), (g), (i), (j), (k) and (l) of the Annex*** shall be subject to the submission of an importer statement to the customs authorities of the Member State of entry.

Amendment

1. ***The importation*** of the cultural goods referred to ***in the Annex and not covered by Article 4*** shall be subject to the submission of an importer statement to the customs authorities of the Member State of entry.

Or. fr

Amendment 140
Daniel Dalton

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. The ***release for free circulation and the placing under a special procedure other than transit in the Union*** of the cultural goods referred to in points (a), (b), (e), (f), (g), (i), (j), (k) and (l) of ***the Annex*** shall be subject to ***the submission of an importer statement*** to the customs authorities of the Member State of entry.

Amendment

1. The ***import*** of the cultural goods referred to in points (a), (b), (e), (f), (g), (i), (j), (k) and (l) of Annex ***I*** shall be subject to ***an extended description of goods to be supplied*** to the customs authorities of the Member State of entry.

Or. en

Amendment 141
Dietmar Köster

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. The release for free circulation and the placing under a special procedure other than transit in the Union of the cultural goods referred to in points (a), (b), (e), (f), (g), (i), (j), (k) and (l) of the Annex shall be subject to the submission of an importer statement to the customs authorities of the Member State of entry.

Amendment

1. The release for free circulation and the placing under a special procedure other than transit in the Union of the cultural goods referred to in points (a), (b), (e), (f), (g), (i), (j), (k) and (l) of the Annex shall be subject to the submission of an importer statement **and a preservation assurance** to the customs authorities of the Member State of entry.

Or. en

Amendment 142

József Nagy

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

1. The release for free circulation and the placing under a special procedure other than transit in the Union of the cultural goods referred to in points (a), (b), (e), (f), (g), (i), (j), (k) and (l) of the Annex shall be subject to the submission of an importer statement to the customs authorities of the Member State of entry.

Amendment

1. The release for free circulation and the placing under a special procedure other than transit in the Union of the cultural goods referred to in points (a), (b), (e), (f), (g), (i), (j), (k) and (l) of the Annex shall be subject to the submission of an **electronic** importer statement to the customs authorities of the **first** Member State of entry.

Or. en

Amendment 143

József Nagy

Proposal for a regulation

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The previous paragraph does not apply to cultural goods that originate in

conflict-affected or high-risk countries. Such cultural goods require the presentation of an import licence issued by the competent authority of the first Member State of entry in accordance with the provisions set out in Article 4.

Or. en

Amendment 144

József Nagy

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The importer statement shall contain a declaration signed by the holder of the goods that the goods have been exported from the source country in accordance with its laws and regulations. *However, where the export country is a Contracting Party to the UNESCO Convention on Cultural Property, the importer statement shall contain a declaration signed by the holder of the goods that the goods have been exported from that country in accordance with its laws and regulations.*

Amendment

The importer statement **registered electronically** shall contain a declaration signed by the holder of the goods **stating** that the goods have been exported from the source country in accordance with its laws and regulations.

Or. en

Amendment 145

Daniel Dalton

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The importer *statement* shall *contain a declaration signed by the holder of the goods that the goods have been exported from* the source country *in accordance with its laws and regulations. However,*

Amendment

The importer shall, *within the description of goods supplied in the customs declaration in accordance with Articles 162 to 169 of Regulation (EU) No 952/2013, identify the name of the source*

where the *export* country is *a Contracting Party to the UNESCO Convention on Cultural Property*, the importer statement shall contain a declaration signed by the holder of the goods *that the goods have been exported from that country in accordance with its laws and regulations*.

country *of the goods*. *In cases* where the source country is *not known*, the extended description may designate a geographical region as relevant to the goods.

Or. en

Amendment 146
Louis Michel, Gérard Deprez

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The importer statement shall contain a declaration signed by the holder of the goods that the goods have been exported from the source country in accordance with its laws and regulations. However, where the export country is a Contracting Party to the UNESCO Convention on Cultural Property, the importer statement shall contain a declaration signed by the holder of the goods that the goods have been exported from that country in accordance with its laws and regulations.

Amendment

The importer statement *shall be sent electronically to the competent authorities and* shall contain a declaration signed by the holder of the goods that the goods have been exported from the source country in accordance with its laws and regulations. However, where the export country is a Contracting Party to the UNESCO Convention on Cultural Property, the importer statement shall contain a declaration signed by the holder of the goods that the goods have been exported from that country in accordance with its laws and regulations.

Or. fr

Amendment 147
Daniel Dalton

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The importer statement shall include a standardised document describing the

Amendment

Where deemed necessary by the customs authorities *of the Member State of entry*

cultural goods in question in sufficient detail for them to be identified by the customs authorities.

due to the risk of illicit trade, taking into account the type of cultural good, the export and source countries involved, including whether those countries are signatories to the UNESCO Convention on Cultural Property, and the value of the goods, the customs authorities shall have recourse to the provisions of Article 188 of Regulation (EU) No 952/2013 to verify import of the goods is in accordance with the requirements of that Regulation

Or. en

Amendment 148
József Nagy

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The importer statement shall include a standardised document describing the cultural goods in question in sufficient detail for them to be identified by the customs authorities.

Amendment

The importer statement shall include a standardised *electronic* document describing the cultural goods in question in sufficient detail for them to be identified by the customs authorities. *In cases where the source country of the cultural goods cannot be reliably determined, the importer statement shall contain a declaration signed by the holder of the goods stating that the cultural goods were exported from the export country in accordance with its laws and regulations.*

Or. en

Amendment 149
Louis Michel, Gérard Deprez

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The importer statement shall include a standardised document describing the cultural goods in question in sufficient detail for them to be identified by the customs authorities.

Amendment

The importer statement shall include a standardised document describing the cultural goods in question in sufficient detail for them to be identified by the customs authorities. ***Importers shall also state in a declaration that they are aware of the consequences of submitting a false statement.***

Or. fr

Amendment 150

Maria Grapini

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The importer statement shall include a standardised document describing the cultural goods in question in sufficient detail for them to be identified by the customs authorities.

Amendment

The importer statement shall include a standardised document ***in electronic or hard copy format*** describing the cultural goods in question in sufficient detail for them to be identified by the customs authorities.

Or. ro

Amendment 151

Dietmar Köster

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The importer statement shall include a standardised document describing the cultural goods in question in sufficient detail for them to be identified by the customs authorities.

Amendment

The importer statement ***and the preservation assurance*** shall include a standardised document describing the cultural goods in question in sufficient detail for them to be identified by the customs authorities.

Amendment 152
Andrejs Mamikins

Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The importer statement has to be accompanied by an obligatory insurance covering the period of transportation and use on the territory of the EU. In addition, the originals of other documents, such as expert appraisal, invoices, ownership titles, can be requested by the customs officers at the moment of entering the EU customs space.

Or. en

Amendment 153
Dietmar Köster

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

Text proposed by the Commission

Amendment

2a. The preservation assurance shall contain a declaration signed by the holder of the goods that the goods will be stored appropriately during transit and sale as mentioned in Article 4, as well as sold exclusively to buyers able to comply with member state regulation concerning the proper handling of cultural goods.

Or. en

Amendment 154
Daniel Dalton

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. *The Commission may adopt, by means of implementing acts, the template for 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.*

Amendment

deleted

Or. en

Amendment 155
József Nagy

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. The Commission *may* adopt, by means of implementing acts, the template for 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.

Amendment

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

Or. en

Amendment 156
Dietmar Köster

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. The Commission may adopt, by means of implementing acts, the template for 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.

Amendment

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

Or. en

Amendment 157

Louis Michel, Gérard Deprez

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

3. The Commission *may* adopt, by means of implementing acts, the template for 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.

Amendment

3. The Commission *shall* adopt, by means of implementing acts, the template for 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.

Or. fr

Amendment 158

József Nagy

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

1. The import licence referred to in Article 4 or the importer statement referred to in Article 5, as the case may be, shall be

Amendment

1. The import licence referred to in Article 4 or the importer statement referred to in Article 5, as the case may be, shall be

submitted to the customs office competent to release the cultural goods for free circulation or for placing them under a special procedure other than transit.

electronically submitted to the customs office competent to release the cultural goods for free circulation or for placing them under a special procedure other than transit.

Or. en

Amendment 159
Daniel Dalton

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. The import licence referred to in Article 4 or the *importer statement* referred to in Article 5, as the case may be, shall be submitted to the customs office competent to release the cultural goods for free circulation or for placing them under a special procedure other than transit.

Amendment

1. The import licence referred to in Article 4 or the *extended description of goods* referred to in Article 5, as the case may be, shall be submitted to the customs office competent to release the cultural goods for free circulation or for placing them under a special procedure other than transit.

Or. en

Amendment 160
József Nagy

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. With regard to cultural goods requiring the issue of an import licence to enter the customs territory of the Union, the customs authorities shall check whether the import licence corresponds to the goods presented. For that purpose, they may physically examine the cultural goods, *including* by conducting an expertise.

Amendment

2. With regard to cultural goods requiring the issue of an import licence to enter the customs territory of the Union, the customs authorities shall check whether the import licence corresponds to the goods presented. For that purpose, they may physically examine the cultural goods by conducting an expertise. *The import licence electronically registered shall be attributed a serial number and a*

registration date and, upon release of the goods, the declarant will be provided with a copy of the registered import licence.

Or. en

Amendment 161
Andrejs Mamikins

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Cultural goods placed by the customs under a special procedure other than transport should be entered into a special digital catalogue available to all the customs services of the EU. This catalogue should include the cultural goods legally imported into the EU, as well as those that have been trafficked, stolen or lost.

Or. en

Amendment 162
Louis Michel, Gérard Deprez

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. With regard to cultural goods requiring the submission of an importer statement to enter the customs territory of the Union, the customs authorities shall check whether the importer statement complies with the requirements provided for in or on the basis of Article 5 and corresponds to the goods presented. For that purpose, they may require additional information from the declarant and physically examine the cultural goods,

3. With regard to cultural goods requiring the submission of an importer statement to enter the customs territory of the Union, the customs authorities shall check whether the importer statement complies with the requirements provided for in or on the basis of Article 5 and corresponds to the goods presented. For that purpose, they may require additional information from the declarant and physically examine the cultural goods,

including by conducting an expertise. They shall register the importer statement by attributing to it a serial number and a registration date and, upon release of the goods, provide the declarant with a copy of the registered importer statement.

including by conducting an expertise. They shall register the importer statement by attributing to it a serial number and a registration date and, upon release of the goods, provide the declarant with a copy of the registered importer statement ***and send the statement to the competent authorities.***

Or. fr

Amendment 163
Daniel Dalton

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. With regard to cultural goods requiring the submission of an ***importer statement*** to enter the customs territory of the Union, the customs authorities shall check whether the importer statement complies with the requirements provided for in or on the basis of Article 5 and corresponds to the goods presented. For that purpose, they may require additional information from the declarant and physically examine the cultural goods, including by conducting an expertise. They shall register the importer statement by attributing to it a serial number and a registration date and, upon release of the goods, provide the declarant with a copy of the registered importer statement.

Amendment

3. With regard to cultural goods requiring the submission of an ***extended description of goods*** to enter the customs territory of the Union, the customs authorities shall check whether the importer statement complies with the requirements provided for in or on the basis of Article 5 and corresponds to the goods presented. For that purpose, they may require additional information from the declarant and physically examine the cultural goods, including by conducting an expertise. They shall register the importer statement by attributing to it a serial number and a registration date and, upon release of the goods, provide the declarant with a copy of the registered importer statement.

Or. en

Amendment 164
József Nagy

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. With regard to cultural goods requiring the submission of an importer statement to enter the customs territory of the Union, the customs authorities shall check whether the importer statement complies with the requirements provided for in or on the basis of Article 5 and corresponds to the goods presented. For that purpose, they may require additional information from the declarant and physically examine the cultural goods, **including** by conducting an expertise. **They shall register** the importer statement **by attributing to it** a serial number and a registration date and, upon release of the goods, **provide** the declarant with a copy of the registered importer statement.

Amendment

3. With regard to cultural goods requiring the submission of an importer statement to enter the customs territory of the Union, the customs authorities shall check whether the importer statement complies with the requirements provided for in or on the basis of Article 5 and corresponds to the goods presented. For that purpose, they may require additional information from the declarant and physically examine the cultural goods by conducting an expertise. The importer statement **electronically registered shall be attributed** a serial number and a registration date and, upon release of the goods, the declarant **will be provided** with a copy of the registered importer statement.

Or. en

Amendment 165

Maria Grapini

Proposal for a regulation

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Since combating the illegal importation and trafficking of cultural goods requires a certain amount of preparation, Member States shall organise training courses for customs officers to improve their ability to recognise suspicious shipments and cooperate more effectively in combating illegal trade and trafficking in cultural goods.

Or. ro

Amendment 166
Louis Michel, Gérard Deprez

Proposal for a regulation
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The customs authorities, in partnership with Europol where appropriate, may decide to subject customs control and verification to more thorough scrutiny using a risk-based approach.

Or. fr

Justification

The customs authorities should have the power to carry out more thorough checks where necessary following a risk analysis. This amendment is inspired by the FLEGT licensing scheme for imports of timber (Regulation 2173/2005).

Amendment 167
Andrejs Mamikins

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In view of the introduction in the EU customs services of new practices connected to this Regulation, the employees of the customs should receive specific training on identifying illicitly trafficked, stolen and fake cultural goods. Expert assistance, dedicated funds and special equipment should be made available to the customs on the EU external borders to comply with the principles and the spirit of this Regulation.

Or. en

Amendment 168
Eva Joly

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by 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.

Amendment

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, ***as well as on the dedicated website referred to in Article 11.***

Or. en

Justification

For the sake of transparency, the list of competent authorities should be made publicly available on a website hosted by the Commission.

Amendment 169
Andrejs Mamikins

Proposal for a regulation
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Should the check on the EU boarder show that the cultural goods are being illicitly imported, the competent EU customs office should inform the national police and the customs offices of the country of provenience of the retained cultural good about the attempt of illegal transportation and use of the artwork. Should the country from which the cultural goods are being illicitly transported differ from the country of origin, national authorities of both countries need to be informed.

Amendment 170

József Nagy

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Customs authorities shall seize and temporarily retain cultural goods brought into the customs territory of the Union where the cultural goods in question entered the customs territory of the Union without the conditions laid down in paragraphs **1 and 2** of Article 3 being fulfilled.

Amendment

1. Customs authorities shall seize and temporarily retain cultural goods brought into the customs territory of the Union where the cultural goods in question entered the customs territory of the Union without the conditions laid down in paragraphs **1 and 2** of Article 3 being fulfilled. ***In case of retention of the cultural goods, adequate conservation conditions shall be guaranteed in accordance with the conditions and responsibilities for the temporary storage of goods as stated in Article 147 of Regulation (EU) No952/2013, having due regard to the particular nature of the goods.***

Amendment 171

Maria Grapini

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Customs authorities shall seize and temporarily retain cultural goods brought into the customs territory of the Union where the cultural goods in question entered the customs territory of the Union without the conditions laid down in paragraphs 1 and 2 of Article 3 being fulfilled.

Amendment

1. Customs authorities shall seize and temporarily retain cultural goods brought into the customs territory of the Union where the cultural goods in question entered the customs territory of the Union without the conditions laid down in paragraphs 1 and 2 of Article 3 being fulfilled, ***until such time as the documents***

attesting to those conditions being fulfilled are presented.

Or. ro

Amendment 172

Louis Michel, Gérard Deprez

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Customs authorities shall seize and temporarily retain cultural goods brought into the customs territory of the Union where the cultural goods in question entered the customs territory of the Union without the conditions laid down in paragraphs 1 and 2 of Article 3 being fulfilled.

Amendment

1. Customs authorities shall seize and temporarily retain cultural goods brought into the customs territory of the Union where the cultural goods in question entered the customs territory of the Union without the conditions laid down in paragraphs 1 and 2 of Article 3 being fulfilled, *or where there are doubts that the goods concerned have been legally acquired.*

Or. fr

Amendment 173

Ana Gomes

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. When competent authorities have reasonable grounds to believe that cultural goods in transit on the territory of the Union may have been exported in violation of rules and regulations of a source country, or otherwise obtained through illicit manner, they shall instruct customs authorities to temporarily seize those goods.

Or. en

Amendment 174

Daniel Dalton

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. The administrative decision referred to in paragraph 1 shall be ***accompanied by a statement of reasons, be communicated to the declarant and shall be subject to an effective remedy in accordance with procedures provided for in national law.***

Amendment

2. The administrative decision referred to in paragraph 1 shall be subject to ***the provisions of Article 22(7) of Regulation (EU) No 952/2013.***

Or. en

Amendment 175

Ana Gomes

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. The administrative decision referred to in paragraph 1 shall be accompanied by a statement of reasons, be communicated to the declarant and shall be subject to an effective remedy in accordance with procedures provided for in national law.

Amendment

2. The administrative decision referred to in paragraph 1 ***and 1a*** shall be accompanied by a statement of reasons, be communicated to the declarant and shall be subject to an effective remedy in accordance with procedures provided for in national law.

Or. en

Amendment 176

Andrejs Mamikins

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. The period of temporary retention shall be strictly limited to the time required for the customs authorities or other law enforcement authorities to determine whether the circumstances of the case warrant retention under other provisions of Union or national law. The maximum period of temporary retention under this Article shall be 6 months. If no determination is made regarding further retention of the cultural goods within that period or if a determination is made that the circumstances of the case do not warrant further retention, the cultural goods shall be made available to the declarant.

Amendment

3. The period of temporary retention shall be strictly limited to the time required for the customs authorities or other law enforcement authorities to determine whether the circumstances of the case warrant retention under other provisions of Union or national law. The maximum period of temporary retention under this Article shall be 6 months. If no determination is made regarding further retention of the cultural goods within that period or if a determination is made that the circumstances of the case do not warrant further retention, the cultural goods shall be made available to the declarant. ***Authorities of the EU Member States have to make sure that at the moment of restitution of the artworks to the country of origin the latter is not affected by an armed crisis where the safety of the cultural object cannot be guaranteed. Otherwise the object has to remain in the EU until the situation in the country of origin is stabilised.***

Or. en

Amendment 177

Daniel Dalton

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. The period of temporary retention shall be strictly limited to the time required for the customs authorities or other law enforcement authorities to determine whether the circumstances of the case warrant retention under other provisions of Union or national law. The maximum period of temporary retention under this Article shall be **6** months. If no

Amendment

3. The period of temporary retention shall be strictly limited to the time required for the customs authorities or other law enforcement authorities to determine whether the circumstances of the case warrant retention under other provisions of Union or national law. The maximum period of temporary retention under this Article shall be **3** months. If no

determination is made regarding further retention of the cultural goods within that period or if a determination is made that the circumstances of the case do not warrant further retention, the cultural goods shall be made available to the declarant.

determination is made regarding further retention of the cultural goods within that period or if a determination is made that the circumstances of the case do not warrant further retention, the cultural goods shall be made available to the declarant.

Or. en

Amendment 178
Louis Michel, Gérard Deprez

Proposal for a regulation
Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Technical assistance, guidance and exchange of information

The Member States, with the help of the Commission if necessary, may provide assistance and technical or other guidance to importers, taking account of the situation of small and medium-sized enterprises, in order to help them comply with the requirements of this Regulation.

The Member States, with the assistance of the Commission, shall help to disseminate useful information on the illicit trafficking of cultural goods, in particular with a view to helping importers assess the risks, and on best practices for the implementation of this Regulation.

Assistance shall be provided in a way that does not undermine the powers of the competent authorities referred to in Article 2(1)(h)(a), and which allows them to remain independent in the monitoring of compliance with this Regulation.

Or. fr

Justification

This new article is modelled on Article 13 of Regulation No 995/2010 laying down the obligations of operators who place timber and timber products on the market ('EUTR), and its objective is to make it easier for this Regulation to be implemented correctly.

Amendment 179

Louis Michel, Gérard Deprez

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. ***For the purposes of implementing this Regulation, Member States shall ensure co-operation between their competent authorities referred to in Article 3(4).***

Amendment

1. ***The competent authorities referred to in Article 2(h)(a) and the Member States' customs authorities shall work together and with the Commission to ensure that this Regulation is complied with.***

Or. fr

Justification

If this Regulation is to be implemented properly, the competent authorities need to work not only with each other, but also with the Commission and the Member State customs authorities.

Amendment 180

Daniel Dalton

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. For the purposes of implementing this Regulation, Member States shall ensure co-operation between their competent authorities referred to in Article 3(4).

Amendment

1. For the purposes of implementing this Regulation, Member States shall ensure co-operation between their competent authorities referred to in Article 4(5).

Or. en

Amendment 181
Eva Joly

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. An electronic system may be developed for the storage and the exchange of information between the authorities of the Member States, in particular regarding importer statements and import licences.

Amendment

2. An electronic system may be developed for the storage and the exchange of information between the authorities of the Member States, in particular regarding importer statements and import licences. ***Any personal data stored or processed under such an electronic system shall respect the Union's data protection legislation, in particular the principles of necessity, proportionality and purpose limitation as well as proper supervision by data protection authorities.***

Or. en

Amendment 182
Daniel Dalton

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. An electronic system ***may*** be developed for the storage and the exchange of information between the authorities of the Member States, in particular regarding importer statements and import licences.

Amendment

2. An electronic system ***shall*** be developed for the storage and the exchange of information between the authorities of the Member States ***within the framework of Regulation (EU) No 952/2013. Any such system shall address the receipt, processing, storage and exchange of*** in particular regarding importer statements and import licences.

Or. en

Amendment 183
Louis Michel, Gérard Deprez

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. An electronic system *may* be developed for the storage and the exchange of information between the authorities of the Member States, in particular regarding importer statements and import licences.

Amendment

2. An electronic system *shall* be developed for the storage and the exchange of information between the *competent* authorities of the Member States *and Member State customs authorities*, in particular regarding importer statements and import licences.

Or. fr

Amendment 184
József Nagy

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. An electronic system *may* be developed for the storage and the exchange of information between the authorities of the Member States, in particular regarding importer statements and import licences.

Amendment

2. An electronic system *shall* be developed for the storage and the exchange of information between the authorities of the Member States, in particular regarding importer statements and import licences.

Or. en

Amendment 185
Eva Joly

Proposal for a regulation
Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *The arrangements for the deployment, operation and maintenance of the electronic system referred to in*

paragraph 2 shall be the subject of an appropriate legislative proposal by the Commission.

Or. en

Justification

Since paragraph 2 foresees a new database, only a proper legal act under the Ordinary Legislative Procedure can set it up because of the impact on data protection.

Amendment 186

József Nagy

Proposal for a regulation

Article 9 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

The Commission *may* lay down, by means of implementing acts,

Amendment

The Commission *shall* lay down, by means of implementing acts,

Or. en

Amendment 187

Eva Joly

Proposal for a regulation

Article 9 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

The Commission may lay down, by means of *implementing* acts,

Amendment

The Commission may lay down, by means of *delegated* acts,

Or. en

Justification

The detailed rules for storage and exchange of information should take place under a delegated act, so that the European Parliament is properly consulted. There are crucial elements of data protection that require proper parliamentary oversight.

Amendment 188
Louis Michel, Gérard Deprez

Proposal for a regulation
Article 9 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The Commission *may* lay down, by means of implementing acts,

The Commission *shall* lay down, by means of implementing acts,

Or. fr

Amendment 189
Eva Joly

Proposal for a regulation
Article 9 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) *the arrangements for the deployment, operation and maintenance of the electronic system referred to in paragraph 2;*

deleted

Or. en

Amendment 190
Louis Michel, Gérard Deprez

Proposal for a regulation
Article 9 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the detailed rules regarding the storage and exchange of information between the authorities of the Member States by means of the electronic system referred to in paragraph 2.

(b) the detailed rules regarding the storage and exchange of information between the *competent* authorities of the Member States *and Member State customs authorities* by means of the electronic system referred to in paragraph 2.

Or. fr

Amendment 191

Daniel Dalton

Proposal for a regulation

Article 9 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Those implementing acts shall be adopted *in accordance with the procedure referred to in Article 13.*

Amendment

Those implementing acts shall be adopted *by... [six months from the date of entry into force of this Regulation].*

Or. en

Amendment 192

Eva Joly

Proposal for a regulation

Article 9 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Those *implementing* acts shall be adopted in accordance with the procedure referred to in Article 13.

Amendment

Those *delegated* acts shall be adopted in accordance with the procedure referred to in Article 12.

Or. en

Amendment 193

Andrejs Mamikins

Proposal for a regulation

Article 9 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

In order to guarantee a comprehensive and consistent approach to combatting of illicit trafficking of cultural goods, Member States are going to create a common definition of and a common way of dealing with cultural property crime, including crimes involving third-country

elements.

Or. en

Amendment 194
Andrejs Mamikins

Proposal for a regulation
Article 9 – paragraph 3 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

In order to guarantee a better coordination among the EU Member States, LIBE Committee suggests that a special Cultural Crime Center is established within Europol. This would allow all customs authorities to have access to a common database on looted and illegally imported cultural goods, the criminals and their tools. Such additional coordination Unit would also benefit other Europol's priorities, as money laundering, drug trafficking, etc.

Or. en

Amendment 195
Andrejs Mamikins

Proposal for a regulation
Article 9 – paragraph 3 – subparagraph 2 c (new)

Text proposed by the Commission

Amendment

To guarantee a quick and efficient interception of the trafficking of artefacts and antiques, including fake cultural goods illicitly coming to the EU, the inspection of containers and vehicles on the EU external borders should be intensified^{1a}.

^{1a} *Currently in the EU only 1-3% of*

containers are inspected.

Or. en

Amendment 196
Andrejs Mamikins

Proposal for a regulation
Article 9 – paragraph 3 – subparagraph 2 d (new)

Text proposed by the Commission

Amendment

Considering the fact that in recent decades a considerable number of cultural goods have illicitly penetrated the internal market of the EU and are still circulating contributing to the propagation of shadow economy, Member States are invited to apply additional measures to scrutinize the antiquity shops, including the online platforms, to identify the illicitly brought goods and the related operational chains. In addition, Member States are invited to lead awareness campaigns among collectors and antiquity dealers about the provisions of this Regulation to get their help in preventing illicit import of cultural goods.

Or. en

Amendment 197
Daniel Dalton

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

The Member States shall lay down the rules on penalties applicable to infringements of Articles 3, 4 and 5 and in particular, to the making of false statements and the submission of false information to obtain **entry** of cultural

The Member States shall lay down the rules on penalties applicable to infringements of Articles 3, 4 and 5 and in particular, to the making of false statements and the submission of false information to obtain **import** of cultural

goods into the customs territory of the Union, and shall take all measures necessary to ensure that *they* are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and of those measures within 18 months of the entry into force of the Regulation and shall notify it, without delay, of any subsequent amendment affecting them.

goods into the customs territory of the Union and *the making available of economic resources to prescribed terrorist groups as a result of the entry of cultural goods into customs territory of the Union contrary to provisions of this Regulation on their import. Member States* shall take all measures necessary to ensure that *these rules on penalties* are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and of those measures within 18 months of the entry into force of the Regulation and shall notify it, without delay, of any subsequent amendment affecting them.

Or. en

Amendment 198 **Dietmar Köster**

Proposal for a regulation **Article 10 – paragraph 1**

Text proposed by the Commission

The Member States shall lay down the rules on penalties applicable to infringements of Articles 3, 4 and 5 and in particular, to the making of false statements and the submission of false information to obtain entry of cultural goods into the customs territory of the Union, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and of those measures within 18 months of the entry into force of the Regulation and shall notify it, without delay, of any subsequent amendment affecting them.

Amendment

The Member States shall lay down the rules on penalties applicable to infringements of Articles 3, 4 and 5 and in particular, to the making of false statements and the submission of false information to obtain entry of cultural goods into the customs territory of the Union, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. *Ownership of cultural goods is insofar a right as it is used in the public interest. A violation of laws concerning the protection of those goods can lead to the expropriation of legally acquired goods as parts of related collections.* Member States shall notify the Commission of those rules and of those

measures within 18 months of the entry into force of the Regulation and shall notify it, without delay, of any subsequent amendment affecting them.

Or. en

Amendment 199
Louis Michel, Gérard Deprez

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

The Member States shall lay down the rules on penalties applicable to infringements of Articles 3, 4 and 5 and in particular, to the making of false statements and the submission of false information to obtain entry of cultural goods into the customs territory of the Union, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and of those measures within 18 months of the entry into force of the Regulation and shall notify it, without delay, of any subsequent amendment affecting them.

Amendment

The Member States shall lay down the rules on penalties applicable to infringements of Articles 3, 4 and 5 and, in particular, ***to the import into the EU of cultural goods without the relevant certificate, to the use of a certificate for cultural goods other than those for which it was issued, or*** to the making of false statements and the submission of false information to obtain entry of cultural goods into the customs territory of the Union, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and of those measures within 18 months of the entry into force of the Regulation and shall notify it, without delay, of any subsequent amendment affecting them.

Or. fr

Justification

This amendment is modelled on Article 16 of Regulation No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, and its objective is to complete the list of offences for which the Member States should apply penalties.

Amendment 200

Eva Joly

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

Member States shall organise training and capacity building activities to ensure the effective implementation of this Regulation by the authorities concerned. They may also use awareness-raising campaigns to sensitise in particular buyers of cultural goods.

Amendment

Member States shall organise training and capacity building activities to ensure the effective implementation of this Regulation by the authorities concerned. They may also use awareness-raising campaigns to sensitise in particular buyers of cultural goods. ***The Commission shall host a dedicated website informing EU citizens and third-country nationals, as well as legal persons, about the objectives of this Regulation, the obligations under Articles 3, 4 and 5, the list of competent authorities, the possibility for temporary retention under Article 8, the penalties introduced in Article 10 and the rights to an effective remedy.***

Or. en

Justification

It is important to set up a website informing citizens but also the importers of cultural goods about their obligations.

Amendment 201

József Nagy

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

Member States shall organise training and capacity building activities to ensure the effective implementation of this Regulation by the authorities concerned. They ***may*** also use awareness-raising campaigns to sensitise in particular buyers of cultural

Amendment

Member States shall organise training and capacity building activities to ensure the effective implementation of this Regulation by the authorities ***and the professionals*** concerned. They ***shall*** also use awareness-raising campaigns to sensitise in particular

goods.

buyers of cultural goods. ***Moreover, in order to assist the market actors to implement this Regulation, information contact points shall be made available in each Member State.***

Or. en

Amendment 202
Maria Grapini

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

Member States shall organise training and capacity building activities to ensure the effective implementation of this Regulation by the authorities concerned. They may also use awareness-raising campaigns to sensitise in particular buyers of cultural goods.

Amendment

Member States shall organise training and capacity building activities to ensure the effective implementation of this Regulation by the authorities concerned. They may also use awareness-raising campaigns to sensitise in particular buyers of cultural goods, ***professional importers of artworks and collectors.***

Or. ro

Amendment 203
Dietmar Köster

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

Member States shall organise training and capacity building activities to ensure the effective implementation of this Regulation by the authorities concerned. They ***may*** also use awareness-raising campaigns to sensitise in particular buyers of cultural goods.

Amendment

Member States shall organise training and capacity building activities to ensure the effective implementation of this Regulation by the authorities concerned. They ***shall*** also use awareness-raising campaigns to sensitise in particular buyers of cultural goods.

Or. en

Amendment 204
Daniel Dalton

Proposal for a regulation
Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In their preparatory works for the implementation of this Regulation, the Commission and the Member States shall cooperate with international organisations, such as the UNESCO, the Interpol, EUROPOL, World Customs Organization (WCO) and the International Council of Museums, to ensure effective training, capacity building activities and awareness rising campaigns.

Or. en

Amendment 205
József Nagy

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
The Commission shall establish, by means of implementing acts, a regularly updated list of conflict-affected and high-risk countries.

Or. en

Amendment 206
Andrejs Mamikins

Proposal for a regulation
Article 12 – paragraph 4

Text proposed by the Commission

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

Amendment

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State, ***as well as the European Parliament and the Council***, in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

Or. en

Amendment 207
Andrejs Mamikins

Proposal for a regulation
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

External relations

In the context where the third countries, especially those in the state of crisis, are not always able to prevent illicit import, export and transit of goods, the EU must take the efforts to promote the fight against the illicit trafficking of cultural goods.

Both the European Commission and the European External Action Service are invited to mainstream the principles of the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and promote the signature of this Convention by third parties.

Considering that this Regulation sets rules for orderly cultural goods import in the EU, while the majority of other countries continue to operate in patchy and incomplete legislative frameworks,

the EU should promote the establishment of stricter measures on the level of WTO.

The European Commission is invited to introduce special clauses into the future trade agreements and those ones that are currently being negotiated to reduce the risk of illegal import of cultural goods to the EU.

In order to make the work of the EU customs in fighting illegal cultural goods trafficking more efficient, specific cooperation with the customs services of third countries is necessary. Such contacts allowing a quick transmission of alerts and sharing of best practices are going to foster quick identification of illicit traffic and are going to have a dissuasive effect on the groups involved in such crimes. On the request of the customs services of the partner countries, the EU may give expert assistance to their local staff in this matter.

Without prejudice to the provisions of this Regulation, the countries that are candidates at the EU membership, as well as the countries belonging to the ENP, are invited to introduce the principles of this Regulation to their legislative framework, so as to make the early warning and the common efforts in combatting illicit cultural goods traffic more efficient.

Or. en

Amendment 208
Daniel Dalton

Proposal for a regulation
Article 14 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) statistical information on importer statements registered; *deleted*

Amendment 209

Louis Michel, Gérard Deprez

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) information on infringements of this Regulation;

Amendment

(b) information on infringements of this Regulation ***and the penalties applied;***

Or. fr

Amendment 210

Eva Joly

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

(e) number of cases in which cultural goods have been retained and

Amendment

(e) number of cases in which cultural goods have been retained and ***for how long and***

Or. en

Amendment 211

József Nagy

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

(e) number of cases in which cultural goods have been retained and

Amendment

(e) number of cases in which cultural goods have been retained and

Or. en

Amendment 212

József Nagy

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

(f) number of cases where cultural goods have been abandoned to the State in accordance with Article 199 of Regulation (EU) No 952/2013.

Amendment

(f) number of cases where cultural goods have been abandoned to the State in accordance with Article 199 of Regulation (EU) No 952/2013 **and**

Or. en

Amendment 213

Monika Beňová

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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.

Amendment

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

Or. en

Amendment 214

Louis Michel, Gérard Deprez

Proposal for a regulation

Article 14 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

On the basis of the Member States' replies to the questionnaires referred to in paragraph 1, the Commission may ask Member States to provide additional information on the processing of import

license applications. The Member States shall provide the information requested as quickly as possible.

Or. fr

Justification

In order to assess the whether this Regulation is being implemented in a uniform way, the Commission should, if necessary in its view, obtain more information on the processing of licence requests by the competent Member State authorities.

Amendment 215

Louis Michel, Gérard Deprez

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by 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.

Amendment

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. ***The reports shall assess whether this Regulation is being implemented in a uniform way, how well it functions and how effective it is, and may be accompanied if necessary by appropriate legislative proposals.***

Or. fr

Amendment 216

Daniel Dalton

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2. The Commission shall present a report to the European Parliament and the Council on the implementation of this

Amendment

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.

Regulation *two* years after the date of application of this Regulation and, after that, every *four* years.

Or. en

Amendment 217
Andrejs Mamikins

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

It shall apply from 1 January 2019.

Amendment

It shall apply from 1 January 2019. *As the provisions of this Regulation do not have retroactive action, the European Parliament invites the European Commission to come up with a legislative proposal that would regulate the issue of cultural goods that have recently illegally entered the EU, especially from the year 2011 when civil wars in MENA countries started and brought about numerous crimes against cultural heritage fostering the proliferation of transnational shadow market of cultural goods.*

Or. en

Amendment 218
Daniel Dalton

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

It shall apply from 1 January **2019**.

Amendment

It shall apply from 1 January **2021**.

Or. en

Amendment 219
Andrejs Mamikins

Proposal for a regulation
Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

Entering into force of this regulation does not alter or suspend the application of Regulations (EC) No 1210/2003 and (EU) No 36/2012 that provide for a prohibition of trade in cultural goods with Iraq and Syria respectively.

Or. en

Amendment 220
Dietmar Köster

Proposal for a regulation
ANNEX

Text proposed by the Commission

Categories of cultural goods	Combined Nomenclature (CN) Chapter, Heading or Subheading	Minimum age threshold	Supplementary units
(a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;	ex 9705	More than 250 years old	number of items (p/st)
(b) objects relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance;	ex 9705	More than 250 years old	number of items (p/st)
(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	number of items (p/st)
(d) elements of artistic or historical monuments or archaeological sites which	ex 9705; ex 9706	More than 250 years old	number of items (p/st)

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have been dismembered;

(e) antiquities, such as inscriptions, coins and engraved seals;	ex 9706	More than 250 years old	number of items (p/st)
(f) objects of ethnological interest;	ex 9705	More than 250 years old	number of items (p/st)
(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	number of items (p/st)
(ii) original works of statuary art and sculpture in any material;	ex 9703	More than 250 years old	number of items (p/st)
(iii) original engravings, prints and lithographs;	ex Chapter 49; ex 9702;	More than 250 years old	number of items (p/st)
(iv) original artistic assemblages and montages in any material;	ex 9701	More than 250 years old	number of items (p/st)
(h) rare manuscripts and incunabula,	ex 9702; ex 9706; ex 4901 10 and ex 4901 99; ex 4904; ex 4905 91 and ex 4905 99; ex 4906	More than 250 years old	number of items (p/st)
(i) old books, documents and publications of special interest, singly or in collections;	ex 9705; ex 9706	More than 250 years old	number of items (p/st)
(j) postage, revenue and similar stamps, singly or in collections;	ex 9704	More than 250 years old	number of items (p/st)
(k) archives, including sound, photographic and cinematographic archives;	ex 3704; ex 3705; ex 3706; ex 4901; ex 4906; ex 9705; ex 9706	More than 250 years old	number of items (p/st)
(l) articles of furniture and old musical instruments.	ex 9706	More than 250 years old	number of items (p/st)

Amendment

Categories of cultural goods	Combined Nomenclature (CN) Chapter,	Minimum age threshold	Supplementary units
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	Heading or Subheading		
(a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;	ex 9705	More than 100 years old	number of items (p/st)
(b) objects relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance;	ex 9705	More than 100 years old	number of items (p/st)
<i>(ba) objects relevant to religious or spiritual practices;</i>	<i>Ex 9705</i>	<i>More than 100 years old</i>	<i>Number of items (p/st)</i>
(c) products of archaeological excavations, including regular or clandestine, or of archaeological discoveries on land or underwater;	ex 9705; ex 9706	More than 100 years old	number of items (p/st)
(d) elements of artistic or historical monuments or archaeological sites which have been dismembered;	ex 9705; ex 9706	More than 100 years old	number of items (p/st)
(e) antiquities, such as inscriptions, coins and engraved seals;	ex 9706	More than 100 years old	number of items (p/st)
(f) objects of ethnological interest;	ex 9705	More than 100 years old	number of items (p/st)
(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 100 years old	number of items (p/st)
(ii) original works of statuary art and sculpture in any material;	ex 9703	More than 100 years old	number of items (p/st)
(iii) original engravings, prints and lithographs;	ex Chapter 49; ex 9702;	More than 100 years old	number of items (p/st)
(iv) original artistic assemblages and montages in any material;	ex 9701	More than 100 years old	number of items (p/st)
(h) rare manuscripts and incunabula,	ex 9702; ex 9706; ex 4901 10 and ex 4901 99; ex 4904; ex 4905 91 and ex 4905 99; ex 4906	More than 100 years old	number of items (p/st)

(i) old books, documents and publications of special interest, singly or in collections;	ex 9705; ex 9706	More than 100 years old	number of items (p/st)
(j) postage, revenue and similar stamps, singly or in collections;	ex 9704	More than 100 years old	number of items (p/st)
(k) archives, including sound, photographic and cinematographic archives;	ex 3704; ex 3705; ex 3706; ex 4901; ex 4906; ex 9705; ex 9706	More than 100 years old	number of items (p/st)
(l) articles of furniture and old musical instruments.	ex 9706	More than 100 years old	number of items (p/st)

Or. en