

Draft Regulation on the Import of Cultural Goods COM(2017)375: Comments by the International Federation of Library Associations and Institutions (IFLA) and the Consortium of European Research Libraries (CERL)

Libraries strongly welcome the desire of the European Commission to take action to prevent trade in stolen or trafficked cultural goods. In doing so, they will not only cut off sources of financing for terrorist groups, but also remove an incentive to take steps which are highly damaging to the communities affected. We support the emphasis on more harmonised definitions and rules across the Union, as well as the focus on investing more in training and research into the provenance of cultural goods.

We note the inclusion of manuscripts and incunabula in suggestive lists of cultural goods covered. Given the role of libraries in preserving and giving access to these works, on a non-commercial basis, our institutions have a strong interest in rules that favour the protection of such works.

We are concerned, however, that both the Commission's draft, and the draft report and opinion already published, appear to be based primarily on the situation of museums, and not necessarily of libraries and archives. Significantly, while libraries have a long-established system of cataloguing works – supported by the International Federation of Library Associations and Institutions – the data held by our institutions does not necessarily include information about the provenance of works.

Research into the history of 15th century books – incunabula – is at a very early stage, and while we now have more information than previously, we are far from a situation where a library or other actor can be certain that a book in their possession (or which they are seeking to acquire) has never been stolen or trafficked.

While it is sometimes possible to track books, incunabula and manuscripts looted in more recent history, this is rarely possible when it comes to theft, confiscation and spoliation which has taken place in the more distant past, when large numbers of books have disrupted or incomplete provenance histories, for instance because of the dispersal of libraries caused by the suppression of monastic orders by legal authorities. Moreover, European printed books were from the outset mass produced and often aimed at export from the area of production. It will only in very rare situations be possible to document when and how this took place.

It is therefore vital that the Regulation takes a proportionate approach that reflects key differences between types of cultural property in this regard, and avoids distracting attention from its core aim of creating meaningful and enforceable rules preventing trade in cultural property recently subject to spoliation. Regulations and codes of practice and ethics relating to due diligence and ethical acquisition already exist in libraries, for example the British Library, and other stakeholder organisations. The promotion and development of such robust codes relating to the dispersal and acquisition of cultural goods, in particular by professional bodies such as library associations and booksellers' associations, should be supported.

We also argue that it will be important to include reference to digitisation as a reason for which cultural goods may (temporarily) enter the European Union. Given the cost of digitisation tools, many countries look to send works to EU countries in order to perform this procedure.

COMMISSION (link)	DRAFT INTA/IMCO REPORT (link)	IFLA/CERL	Comment
<p>1. In the light of the Council Conclusions of 12 February 2016 on the fight against the financing of terrorism, the Communication from the Commission to the European Parliament and the Council on an Action Plan for strengthening the fight against terrorist financing and the Directive on combating terrorism, 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.</p>			<p>We can support the Commission text</p>
<p>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.</p>			<p>We can support the Commission text</p>
<p>3. In view of different rules applying in the Member States regarding the entry of cultural goods into the customs</p>	<p>(AM 1) 3. In view of different rules applying in the Member States regarding the import of cultural goods</p>		<p>We can support both the Commission and the INTA/IMCO text</p>

<p>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.</p>	<p>into the customs territory of the Union, measures should be taken in particular to ensure that <i>certain</i> imports of cultural goods are subject to uniform controls upon their entry <i>into the customs territory of the Union, especially on the basis of existing processes, procedures and administrative tools aiming to achieve a uniformed implementation of the Regulation (EU) No 952/2013 of the European Parliament and of the Council.</i></p>		
<p>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.</p>	<p>(AM 2) The common rules should cover the <i>import</i> of non-Union cultural goods entering the customs territory of the Union.</p>		<p>We have no strong position on this</p>
<p>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,</p>			<p>We can support the Commission text</p>

<p>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.</p>			
<p>6. The definitions based on those used in the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property signed in Paris on 14 November 1970 and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects signed in Rome on 24 June 1995, to which a significant number of Member States are a party, should be used in the Regulation, considering the familiarity of many third countries and most Member States with their provisions.</p>	<p>(AM 3) The definitions based on those used in the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property signed in Paris on 14 November 1970 (<i>the '1970 UNESCO Convention'</i>) and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects signed in Rome on 24 June 1995, to which a significant number of Member States are a party, should be used in the Regulation, considering the familiarity of many third countries and most Member States with their provisions.</p>		<p>We can support the IMCO/INTA amendment.</p>
<p>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</p>		<p>AM 1) The legality of export should be examined based on the laws and regulations of the countries <i>in which</i> the cultural goods were <i>held between 1970 and their dispatch to the Union</i></p>	<p>We can support the amendment proposed by the CULT rapporteur, although would underline that this</p>

<p>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.</p>		<p><i>(‘export country’)</i>. The person who seeks to introduce the cultural goods into the customs territory of the Union should demonstrate that they were exported from these countries legally. Any rules established should not be prejudicial to the restitution of materials spoliated between 1933 and 1946.</p>	<p>should not lead to a reduced incentive for countries to join the UNESCO 1970 Convention. We suggest that the Regulations focus on cultural property spoliated or trafficked after the UNESCO convention came into force in 1970. Nonetheless, any rules established should not be prejudicial to the restitution of materials spoliated between 1933 and 1946.</p>
<p>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</p>			<p>We can support the Commission text</p>

<p>for ensuring protection of cultural heritage.</p>			
<p>9. Trafficking in looted artefacts and antiques has been identified as a possible source for terrorist financing and money laundering activities in the context of the supranational risk assessment on money laundering and terrorist financing risks affecting the internal market.</p>			<p>We can support the Commission text</p>
<p>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</p>	<p>(AM 4) 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 an import licence issued by the competent authority of the Member State of entry prior to the import into the customs territory of the Union of those goods. 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</p>	<p>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 reasonably to prove, with due account of risk and application of due diligence principles, licit export from the source country with the appropriate supportive</p>	<p>Demanding ObjectIDs for books, incunabula and manuscripts is not a realistic proposal. Libraries have long-standing cataloguing standards and practices and the items in their collections normally have unique identifiers, for instance in the form of class marks or shelf marks. These systems have developed historically in each institution and reflect important aspects of the creation of each institutional collection. Obliging use of Object ID risks making the</p>

<p>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.</p>	<p>titles, invoices, sales contracts, insurance documents, object ID (the international standard for describing cultural objects), transport documents and experts appraisals. Based on complete and accurate applications, the competent authorities of the Member States should decide whether to issue an import licence without undue delay.</p>	<p>documents and evidence, in particular, export certificates or export licences issued by the third country of export, ownership titles, invoices, sales contracts, insurance documents, object ID (the international standard for describing certain cultural objects) where relevant, 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 decision of the authorities shall take due account of the availability of relevant information, and apply the principle of proportionality.</p>	<p>legislation meaningless for libraries and archives as well as for traders dealing in such materials. We therefore suggest that the Committee takes a proportionate approach, requiring Object ID only where this is relevant.</p>
<p>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</p>		<p>(AM 4) 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 export 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 standardised document. The Object ID standard, recommended by UNESCO,</p>	<p>See comment on Recital 10.</p> <p>Bearing in mind that printed books were produced in many hundreds of identical or nearly copies, and that many millions of copies of historic printed books are in circulation, it is unrealistic to create an electronic record of each of these with sufficient information to</p>

<p>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.</p>		<p>should be used to describe the cultural goods, where this is applicable. Those cultural goods should be electronically registered and the declarant should be provided with a copy of the submitted documents in order to ensure traceability after the goods enter the internal market.</p>	<p>enable one copy of an edition to be distinguished from another. This would amount to creating a system which would enable the creation and identification of records of all known copies of books printed in the relevant period, a task which has defeated librarians and researchers for centuries.</p>
<p>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.</p>	<p>(AM 5) Temporary admission of cultural goods for educational, scientific, restoration, exhibition or academic research purposes should not be subject to the presentation of a licence or of a statement.</p>	<p>(AM 5) Temporary admission of cultural goods for educational, scientific, restoration, exhibition, digitisation or academic research purposes should not be subject to the presentation of a licence or of a statement.</p>	<p>Libraries frequently work together in order to undertake digitisation work, given the cost of the relevant material. Works are often shipped from one country to another for this purpose, on a temporary basis. For the sake of clarity, this should be mentioned in the Regulation.</p>
<p>13. Storage of cultural goods from countries affected by armed conflict or suffering a natural disaster should also</p>			<p>We can support the Commission text</p>

<p>be permitted without the presentation of a licence or a statement in order to ensure their safety and preservation.</p>			
	<p>(AM6) 13a. <i>The Commission should ensure that micro, small and medium-sized enterprises ('MSMEs') benefit from adequate technical assistance and should facilitate the exchange of information with them in order to efficiently implement this Regulation. MSMEs established in the Union which import cultural goods should therefore benefit from the COSME programme established by Regulation (EU) No 1287/2013 of the European Parliament and of the Council.</i></p>		<p>We can support the INTA/IMCO amendment</p>
<p>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</p>	<p>(AM 7) 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</p>		<p>We can support the Commission's position</p>

<p>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 2016. 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.</p>	<p>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 2016. 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.</p>		
		<p>14a. Furthermore, and respecting the principle of proportionality and with due regard to risk, the Commission shall, following the appropriate consultations set out in Recital 14, establish a cut-off date before which customs authorities may choose to waive requirements for provenance information, as well as minimum value thresholds for the application of rules, in line with Council Regulation (EC)</p>	<p>In line with Article 7 of the UNESCO 1970 Convention, as well as current due diligence practices in many libraries, it is appropriate to set a cut-off date for provenance data requirements (i.e. about changes of ownership), while</p>

		No 116/2009 of 18 December 2008 on the export of cultural goods.	leaving the possibility to apply them in particular cases. Similarly, minimum value thresholds for the application of additional requirements, as already established in EU legislation, would ensure proportionality of the rules applied.
15. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt specific modalities for the temporary admission and storage of cultural goods into the customs territory of the Union, the templates for import licence applications and forms, as well as for importer statements and their accompanying documents, as well as further procedural rules on their submission and processing. Implementing powers should also be conferred on the Commission to make arrangements for the establishment of an electronic 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	(AM 8) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt specific modalities for the temporary admission and storage of cultural goods into the customs territory of the Union, the templates for import licence applications and forms, as well as for importer statements and their accompanying documents, as well as further procedural rules on their submission and processing. Implementing powers should also be conferred on the Commission to make arrangements for the establishment of an electronic database for the storage and exchange of information between Member States <i>in the framework of the Regulation (EU) No 952/2013. Such establishment can form part of the</i>		We can support the IMCO/INTA amendment

<p>European Parliament and of the Council.</p>	<p>work programme established under Article 280 of that Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.</p>		
<p>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.</p>			<p>We can support the Commission text</p>
<p>17. The EU Strategy and Action Plan for customs Risk Management aims –<i>inter alia</i>- 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.</p>			<p>We can support the IMCO/INTA amendment.</p>

		<p>17a (AM 9) 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 and promote rigorous professional codes of ethics; moreover, in order to assist the market actors to implement this Regulation, information, contact points should be made available in each Member State. There is also a need to invest in further research in order to understand the history of older books and manuscripts.</p>	<p>As highlighted above, there needs to be both awareness raising and further research into the history of documentary heritage in order to allow for greater understanding of how such works have changed hands over the years.</p>
<p>18. Member States should introduce effective, proportionate and dissuasive penalties for failing to comply with the provisions of this Regulation and communicate those penalties to the Commission.</p>			<p>We can support the Commission text</p>
<p>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.</p>			<p>We can support the Commission text</p>

<p>20. In accordance with the principle of proportionality as set out in Article 5 of the Treaty on European Union, this Regulation does not go beyond what is necessary in order to achieve that objective.</p>			<p>We can support the Commission text</p>
<p>21. This Regulation respects the fundamental rights and observes the principles recognised in Article 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union, in particular Title II thereof,</p>			<p>We can support the Commission text</p>
<p>1. This Regulation sets out the conditions and procedure for the entry of cultural goods into the customs territory of the Union.</p> <p>This Regulation does not apply to cultural goods which are in transit through the customs territory of the Union.</p>	<p>(AM 9) This Regulation sets out the conditions and procedure for the import of cultural goods into the customs territory of the Union.</p> <p>This Regulation does not apply to cultural goods which are in transit through the customs territory of the Union.</p>		<p>We would support the IMCO/INTA amendment.</p>
<p>1. For the purposes of this Regulation, the following definitions shall apply:</p> <p>(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</p>	<p>1. For the purposes of this Regulation, the following definitions shall apply:</p> <p>(AM 10) 'cultural goods' means any object which is of importance for archaeology, prehistory, history, literature, art or science and which</p>		<p>We can support either the Commission or IMCO/INTA position on this.</p>

<p>and meets the minimum age threshold specified therein;</p>	<p>belongs to the categories listed in the table in Annex;</p> <p>(aa) (AM 11) <i>'import of cultural goods' means:</i></p> <p>i. <i>release for free circulation as referred to in Article 201 of Regulation (EU) No 952/2013</i></p> <p>ii. <i>placing of goods under one of the following categories of special procedures referred to in Article 210 of Regulation (EU) No 952/2013:</i></p> <ul style="list-style-type: none"> - <i>storage, comprising customs warehousing and free zones</i> - <i>specific use, comprising temporary admission and end-use</i> - <i>inward processing</i> 		
<p>(b) 'source country' means the country in the current territory of which the cultural goods were created or discovered;</p>	<p>(AM 12) 'source country' means the country in the current territory of which the cultural goods were created or discovered <i>or which has such a close connection with the cultural goods that this country protects them as national cultural property and regulates their</i></p>		<p>We can support either the Commission or IMCO/INTA position on this.</p>

<p>(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;</p> <p>(d) 'permanently' means for a period of time of at least one month and for purposes other than temporary use, transit, export or dispatch;</p> <p>(e) 'release for free circulation' means the customs procedure referred to in Article 201 of Regulation (EU) No 952/2013;</p> <p>(f) 'placing under a special procedure other than transit' means the placing of goods under one of the special customs procedures referred to in points (b), (c) or (d) of Article 210 of Regulation (EU) No 952/2013;</p> <p>(g) 'holder of the goods' means the person referred to in Article 5(34) of Regulation (EU) No 952/2013;</p>	<p><i>export from its territory upon their lawful removal from the country in which the cultural goods were created or discovered.</i></p> <p>(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.</p> <p>(AM 13) (d) 'permanently' means for a period of time of at least <i>ten years</i> and for purposes other than temporary use, transit, export or dispatch.</p> <p>(AM 14) (e) [DELETED]</p> <p>(AM 15) (f) [DELETED]</p> <p>(g) 'holder of the goods' means the person referred to in Article 5(34) of Regulation (EU) No 952/2013;</p>		<p>We can support the CULT or IMCO/INTA amendment</p> <p>We would support the maintenance of points (e) and (f) for clarity.</p> <p>We would support the maintenance of points (e) and (f) for clarity.</p>
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(h) 'declarant' means the person referred to in Article 5(15) of Regulation (EU) No 952/2013.	(h) 'declarant' means the person referred to in Article 5(15) of Regulation (EU) No 952/2013.		
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.	(AM 16) 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.		We have no firm position on this point.
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.	(AM 17) 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 or of an importer statement made out in accordance with Article 5.		We have no firm position on this point.
	(AM 18) 1a. The successful import of cultural goods shall not be construed to be evidence of lawful provenance or ownership.		We can support the IMCO/INTA amendment.
2. Paragraph 1 shall not apply to: (a) the temporary admission, within the meaning of Article 250 of Regulation	2. Paragraph 1 shall not apply to: (AM 19) (a) the temporary admission, within the meaning of Article 250 of	2. Paragraph 1 shall not apply to: (a) the temporary admission, within the meaning of Article 250 of Regulation	It is vital to include digitisation among the

<p>(EU) No 952/2013, in the customs territory of the Union of cultural goods for educational, scientific and academic research purposes;</p> <p>(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.</p>	<p>Regulation (EU) No 952/2013, in the customs territory of the Union of cultural goods for educational, scientific, restoration, exhibition and academic research purposes;</p> <p>(AM 20) (ba) returned cultural goods, within the meaning of Article 203 of Regulation (EU) No 952/2013.</p>	<p>(EU) No 952/2013, in the customs territory of the Union of cultural goods for educational, scientific, restoration, exhibition, digitisation and academic research purposes;</p>	<p>purposes for which temporary admission is permitted.</p> <p>We can support the IMCO/INTA amendment. This will, for example, help in situations where cultural goods have been exported from the EU to countries with less strict rules, but then when re-imported can face much tougher restrictions.</p>
<p>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</p>	<p>(AM 21) 3. The Commission may adopt, by means of implementing acts, the specific modalities for the temporary admission or storage of cultural goods and of returned cultural goods referred</p>		<p>We can support the IMCO/INTA amendment.</p>

<p>implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13.</p>	<p>to in paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13.</p>		
<p>4. Paragraph 1 shall be without prejudice to other measures adopted by the Union in accordance with Article 215 of the Treaty on the Functioning of the European Union.</p>			
<p>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.</p>	<p>(AM 22) 4. The <i>import into the customs territory of</i> 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</p>		<p>We have no firm position on this point.</p>
<p>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</p>			<p>We can support the Commission text</p>

<p>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.</p>			
<p>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.</p>			<p>We can support the Commission text</p>
<p>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:</p> <p>(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;</p> <p>(b) where the export country is a Contracting Party to the 1970 UNESCO</p>			<p>We can support the Commission text</p>

<p>Convention, it is not demonstrated that the cultural goods were exported from the export country in accordance with its laws and regulations;</p> <p>(c) the competent authority has reasonable grounds to believe that the holder of the goods did not acquire them lawfully.</p>			
<p>5. Member States shall designate the public authorities competent to issue import licenses in accordance with this Article. They shall communicate the details of those authorities as well as any changes in that respect to the Commission. The Commission shall publish the details of those competent authorities and any changes thereto in the 'C' series of the <i>Official Journal of the European Union</i>.</p>			<p>We can support the Commission text</p>
<p>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.</p>			<p>We can support the Commission text</p>
<p>1. The release for free circulation and the placing under a special procedure other than transit in the Union of the</p>			<p>We can support the Commission text</p>

<p>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.</p>			
<p>2. 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.</p> <p>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. 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.</p>		<p>(AM 22) The importer statement shall include an electronic standardised document describing the cultural goods in question in sufficient detail, and with due regard to the existence of relevant sources of information, for them to be identified by the customs authorities.</p>	<p>We can support the Commission text</p> <p>We can support the Commission text</p>
<p>3. The Commission may adopt, by means of implementing acts, the template for the importer statement as well as the procedural rules on the</p>			<p>We can support the Commission text</p>

<p>submission and processing of the importer statement. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13.</p>			
	<p><i>(AM 23) The Commission shall ensure that micro, small and medium-sized enterprises (MSMEs) benefit from adequate technical assistance, including the creation of a dedicated helpdesk and of a website containing all the relevant information, and shall facilitate the exchange of information with MSMEs in order to efficiently implement this Regulation.</i></p>		<p>We can support the IMCO/INTA amendment.</p>
<p>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.</p>	<p>(AM 24) [DELETED]</p>		<p>We can support the Commission text, but sympathise with the rapporteurs' desire to reduce unnecessary barriers to trade</p>
<p>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.</p>			<p>We can support the Commission text</p>

<p>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.</p>			<p>We can support the Commission text</p>
<p>4. When submitting a declaration for the release of cultural goods for free circulation or for placing them under a special procedure other than transit, the quantity of the products shall be indicated using the supplementary unit set out in the Annex.</p>			<p>We can support the Commission text</p>
<p>Where Member States restrict the number of customs offices competent to release cultural goods for free circulation or to place them under a special procedure other than transit,</p>	<p>(AM 25) Member States may restrict the number of customs offices competent to allow the import of cultural goods. Where Member States apply that restriction, they shall</p>		<p>We have no firm position on this point.</p>

<p>they shall communicate the details of those customs offices as well as any changes in that respect to the Commission. The Commission shall publish the details of the competent customs offices and any changes thereto in the 'C' series of the <i>Official Journal of the European Union</i>.</p>	<p>communicate the details of those customs offices as well as any changes in that respect to the Commission.</p>		
<p>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.</p>			<p>We can support the Commission text</p>
<p>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.</p>	<p>(AM 26) 2. The administrative decision referred to in paragraph 1 shall be subject to <i>the provisions of Article 22(7) of Regulation (EU) No 952/2013</i>.</p>		<p>We can support the IMCO/INTA amendment.</p>
<p>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</p>	<p>(AM 27) 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</p>		<p>We can support the IMCO/INTA amendment.</p>

<p>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.</p>	<p>period of temporary retention under this Article shall be 6 months, with the possibility to extend that period for a further three months at the reasoned decision of the customs authorities. 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.</p>		
<p>Article 9 – Administrative Co-operation</p>	<p>(AM 28) Article 9 - Administrative co-operation and use of Electronic System</p>		<p>We can support the IMCO/INTA amendment.</p>
<p>1. For the purposes of implementing this Regulation, Member States shall ensure co-operation between their competent authorities referred to in Article 3(4).</p>	<p>(AM 29) 1. For the purposes of implementing this Regulation, Member States shall ensure co-operation between their competent authorities referred to in Article 4(5).</p>		<p>We can support the IMCO/INTA amendment.</p>
<p>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.</p>	<p>(AM 30) 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 importer statements and import licences.</p>		<p>We can support either the IMCO/INTA amendment.</p>

<p>3. The Commission may lay down, by means of implementing acts,</p> <p>a) the arrangements for the deployment, operation and maintenance of the electronic system referred to in paragraph 2;</p> <p>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.</p> <p>Those implementing acts shall be adopted in accordance with the procedure referred to in Article 13.</p>	<p>3. The Commission may lay down, by means of implementing acts,</p> <p>a) the arrangements for the deployment, operation and maintenance of the electronic system referred to in paragraph 2;</p> <p>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.</p> <p>(AM 31) Those implementing acts shall be adopted in accordance with the procedure referred to in Article 13. <i>Those implementing acts shall be adopted by... [six months from the date of entry into force of this Regulation.</i></p>		<p>We can support the Commission text</p>
<p>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</p>	<p>(AM 32) 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 <i>import</i> of cultural goods into the customs territory of the Union and <i>the making available of economic resources to prescribed terrorist groups as a result of the entry of cultural goods into customs territory</i></p>		<p>We can support the IMCO/INTA amendment.</p>

<p>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.</p>	<p>of the Union contrary to provisions of this Regulation on their import. Member States shall take all measures necessary to ensure that <i>these rules on penalties</i> 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.</p>		
	<p>(AM 33) -1. <i>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.</i></p>	<p>-1. <i>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) the International Council of Museums, the International Federation of Library Associations and Institutions, and other relevant professional bodies to ensure effective training, capacity building activities and awareness rising campaigns, as well as to commission relevant research and standard development where appropriate.</i></p>	<p>It is important to include professional bodies covering all relevant institutions, given that practices vary between them. Furthermore, and as highlighted previously, research into the history of incunabula and other historical documents remains at an early stage.</p>

<p>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.</p>	<p>(AM 34) 1. <i>The Commission, with the cooperation of the</i> Member States, shall organise:</p> <p>i. <i>training and capacity-building activities and awareness-raising campaigns to ensure the effective implementation of this Regulation,</i></p> <p>ii. <i>actions to foster the effective cooperation of source countries,</i></p> <p>iii. <i>an exchange of best practices aimed at promoting uniform implementation of this Regulation, especially the appropriate practices from Member States that have national legislation in force on the import of cultural goods before the entry into force of this Regulation.</i></p> <p>(AM 35) 1a. <i>Those activities, campaigns and actions shall build on the experience of currently existing programmes, including the ones</i></p>	<p>1. <i>The Commission, with the cooperation of the</i> Member States, shall organise:</p> <p>i. <i>training and capacity-building activities and awareness-raising campaigns to ensure the effective implementation of this Regulation,</i></p> <p>ii. <i>actions to foster the effective cooperation of source countries,</i></p> <p>iii. <i>an exchange of best practices aimed at promoting uniform implementation of this Regulation, especially the appropriate practices from Member States that have national legislation in force on the import of cultural goods before the entry into force of this Regulation.</i></p> <p>iv. <i>calls for proposals to undertake further research into the history – and in particular the movements – of incunabula and other documentary heritage in order to build understanding of this field and provide a basis for standard setting.</i></p>	<p>We can support the IMCO/INTA amendment.</p>
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	<i>promoted by the WCO and the Commission.</i>		
1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.			We can support the Commission text
2. The power to adopt delegated acts referred to in Article 2(2) shall be conferred on the Commission for an indeterminate period of time from ... [Publications Office is to fill in the date of entry into force of this Act].	(AM 36) 2. The power to adopt delegated acts referred to in Article 2(2) shall be conferred on the Commission for <i>a</i> period of <i>five years</i> from ... [date of entry into force of this <i>Regulation</i>].		We can support the Commission text
3. The delegation of power referred to in Article 2(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.			We can support the Commission text
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			We can support the Commission text

<p>Agreement on Better Law-Making of 13 April 2016.</p>			
<p>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p>			<p>We can support the Commission text</p>
<p>6. A delegated act adopted pursuant to Article 2(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.</p>			<p>We can support the Commission text</p>
<p>1. The Commission shall be assisted by the committee established by Article 8 of Council Regulation (EC) No 116/200930.</p>			<p>We can support the Commission text</p>
<p>2. Where reference is made to this Article, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>			<p>We can support the Commission text</p>

<p>1. Member States shall provide information to the Commission on the implementation of this Regulation. In particular, that information shall include:</p> <p>(a) statistical information on importer statements registered;</p> <p>(b) information on infringements of this Regulation;</p> <p>(c) the numbers of import licence applications submitted and of import licence applications refused;</p> <p>(d) relevant statistical information on trade in cultural goods;</p> <p>(e) number of cases in which cultural goods have been retained and</p> <p>(f) number of cases where cultural goods have been abandoned to the State in accordance with Article 199 of Regulation (EU) No 952/2013.</p> <p>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.</p>			<p>We can support the Commission text</p>
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<p>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.</p>	<p>(AM 37) 2. The Commission shall present a report to the European Parliament and the Council on the implementation of this Regulation two years after the date of application of this Regulation and, after that, every four years.</p>		<p>We can support the IMCO/INTA amendment.</p>
	<p>(AM 38) 2a. <i>The report referred to in paragraph 2 shall take into account the impact of this Regulation on the ground, including the impact of this Regulation on Union economic operators, including MSMEs. The report shall provide evidences on the different national performances, include an assessment on how uniformly this Regulation has been implemented and applied in the concerned period, and provide for recommendations to address deficient implementation by Member States.</i></p>		<p>We can support the IMCO/INTA amendment.</p>
<p>This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>.</p> <p>It shall apply from 1 January 2019.</p>			<p>We can support the Commission text</p>