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WORKING PAPER

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WORKING DOCUMENT

From:	Council of the European Union
To:	Delegations
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Subject:	Draft Regulation of the European Parliament and of the Council on the introduction and the import of cultural goods - 4-column document with EP amendments and Presidency mandate


Delegations will find attached the 4-column document, prepared by EP for the technical meetings prior to the first political trilogue on 28 November 2018.

Proposal
for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on the import of cultural goods
 (COM(2017)0375 – 2017/0158(COD))

TRILOGUE NEGOTIATIONS

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
1.	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the import of cultural goods	No changes to COM proposal	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the introduction and the import of cultural goods	...
2.	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	No changes to COM proposal	No changes to COM proposal	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION
3.	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,	No changes to COM proposal	No changes to COM proposal	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,
4.	Having regard to the proposal from the European Commission,	No changes to COM proposal	No changes to COM proposal	Having regard to the proposal from the European Commission,
5.	After transmission of the draft legislative act to the national parliaments,	No changes to COM proposal	No changes to COM proposal	After transmission of the draft legislative act to the national parliaments,
6.	Acting in accordance with the ordinary legislative procedure,	No changes to COM proposal	No changes to COM proposal	Acting in accordance with the ordinary legislative procedure,
7.	Whereas:	No changes to COM proposal	No changes to COM proposal	Whereas:
8.	(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	(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		

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	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.	Parliament and the Council on an Action Plan for strengthening the fight against terrorist financing ²⁴ and the Directive on combating terrorism ²⁵ , common rules on trade with third countries should be enacted so as to ensure the effective protection against trafficking , the loss or destruction 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.		
9.		<i>(1 a) With regard to the Union's commitment to fair processes and victim compensation, as well as the constitution and conventions on heritage protection of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the restitution of objects traded, excavated or obtained illegally must be ensured. With respect to the exploitation of peoples and territories that usually leads to the illicit trade and trafficking in cultural goods, in particular when such illicit trade and trafficking originates from a context of armed conflict, this Regulation should take into account regional and local characteristics of people and territories, rather than the market value of cultural production.</i>		

LIMITE 2

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
10.	(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.	(2) <i>Cultural goods are often of major cultural, artistic, historical and scientific importance.</i> Cultural heritage constitutes one of the basic elements of civilisation <i>with, inter alia, symbolic value and cultural memory of humankind.</i> It enriches the cultural life of all peoples and <i>it unites people in shared memory knowledge and development of civilization.</i> It should therefore be protected from unlawful appropriation and pillage. <i>Looting of archaeological sites has always happened, but has now reached an industrial scale. As long as it is possible to engage in lucrative trade in illegally excavated cultural goods and to profit therefrom without any notable risks, such excavations and looting will continue into the future. The economic and artistic value of cultural heritage creates a strong demand on the international market, whereas the lack of strong international legal measures or ineffective enforcement of such measures leads to the transfer of such goods to the shadow economy. Looting of archaeological sites and trading in illegally excavated cultural heritage is a serious crime that causes significant suffering to those directly or indirectly affected. The illicit trade in cultural goods in many cases contributes to forceful cultural homogenisation or</i>	(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. <u>While this general prohibition does not entail systematic controls, Member States should be allowed to intervene when receiving intelligence of suspicious shipments and to take all appropriate measures to intercept illicitly exported cultural goods.</u>	...

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		<i>expulsion, while the looting and pillage of cultural goods leads, inter alia, to the disintegration of cultures. The Union should accordingly prohibit the import into the customs territory of the Union of cultural goods unlawfully exported from third countries, with particular emphasis on cultural goods from third countries affected by armed conflicts, in particular where such goods have been exported by terrorist or other criminal organisations.</i>		
11.		<i>(2 a) The competent authorities of third countries do not always have sufficient capabilities to fight the trafficking of cultural goods and their illicit trade. Those authorities might also be subject to corruption or other forms of maladministration. When cultural goods are removed from their context, the population is deprived of its customs and objects or places of remembrance and worship. The historical context and scientific value of objects are lost if associated items are sold separately. In view of the irreplaceability of cultural goods and the public interest, it should only be possible to possess such items on a conditional basis. The import procedure must include an assurance of subsequent appropriate storage, documentation, accessibility granted to academic institutions and public</i>		

LIMITE 4

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		<i>museums, and cooperation in the case of justified restitution claims.</i>		
12.	(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 import of cultural goods into the customs territory of the Union, measures should be taken in particular to ensure that certain imports of cultural goods are subject to uniform controls upon their entry into the customs territory of the Union, on the basis of existing processes, procedures and administrative tools aiming to achieve a uniform implementation of Regulation (EU) No 952/2013 of the European Parliament and of the Council¹.	(3) In view of different rules applying in the Member States regarding the entry-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-import
13. ²	(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.	(4) The common rules should cover the introduction and import of non-Union cultural goods into the customs territory of the Union.	(4) The protection of cultural goods which are considered national treasures of the Member States is already covered by Directive 2014/60/EU of the European Parliament and of the Council on the return of cultural objects unlawfully removed from the territory of a Member State and Council Regulation (EC) No 116/2009 on the export of cultural goods. Consequently, this Regulation should not apply to cultural goods which were created or discovered in the customs	....

¹ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

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			<u>territory of the Union. 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.</u> Relevant for the application of this Regulation should be the extent of the customs territory of the Union at the time of import.	
14.	(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.	(5) <i>Control measures to be put in place regarding</i> free zones (and so-called "free ports") should have as broad a scope as possible in terms of customs procedures concerned <i>in order to prevent circumvention of this Regulation by the exploitation of free zones, which represent potential background areas for the continued proliferation of trade in illegal products in the Union.</i> 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 beyond the objective of preventing illicitly exported cultural goods from entering the customs territory of the Union, <i>except when competent authorities have reasonable grounds to believe that cultural goods have been exported from the source or the third</i>		

LIMITE 6

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		<i>country in violation of its laws and regulations.</i>		
15.	(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.	(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 (<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.	(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 (<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.	(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 (<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.
16.	(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	(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 <i>or removed, excavated or stolen from land or underwater of such country, or the country which has such a close connection with the cultural goods that that 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</i> (source country). In order to avoid circumvention, when the cultural goods	(7) The legality of export should be <u>primarily</u> examined based on the laws and regulations of the country where the cultural goods were discovered or created (source country). <u>In order to avoid circumvention, when the cultural goods enter the Union from a different third country. However, in order not to unreasonably impede legitimate trade,</u> the person who seeks to introduce them <u>import cultural goods</u> into the customs territory of the Union should <u>be exceptionally allowed to demonstrate that they were exported from there legally, when the third country in question is a signatory State</u>	

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	property. In other cases, the person should prove lawful export from the source country.	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 <i>legally</i> exported from the source country. <i>In exceptional cases where either the source country of the cultural good cannot be reliably determined and that circumstance is considered to be well documented and supported by evidence by the competent authority or the cultural goods have been exported from the source country prior to 1970 and were held in a third country for purposes other than temporary use, transit, export or dispatch before being brought into the customs territory of the Union, but the holder cannot provide the documents required since such documents were not in use at the time the cultural goods were exported from the source country, the application shall be accompanied by the appropriate supporting documents and information substantiating that the cultural goods in question have been exported from the third country in accordance with its laws and regulations or providing evidence of the absence of such laws and regulations.</i>	instead the licit export from a different third country where the cultural goods were located before their dispatch to the Union. This should apply in cases where the country in which the goods were created or discovered cannot be reliably determined or when the export of the goods in question took place before the 1970 UNESCO Convention and thus a country became applicable or when the country where the goods were created or discovered has not ratified this Convention and has therefore not committed itself to fighting against illicit trafficking of cultural property. <i>In other cases, the person should prove lawful export from the source country.</i>	
17.		<i>(7a) Article 5 of the 1970 UNESCO Convention calls for the</i>		

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		<i>establishment of one or more national services for the protection of the cultural heritage of Member States which are Parties to that Convention against illegal import, export and transfer. In accordance with that Convention, such national services should be equipped with a sufficient number of qualified personnel to ensure that protection and to allow for the necessary active collaboration between the competent authorities of Member States which are Parties to that Convention in the area of security and in the fight against the illegal import of cultural goods, especially in areas of crisis. Member States which are already Parties to that Convention should comply with the commitments provided for therein and those Member States that have not yet done so, are urgently required to ratify it.</i>		
18.	(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	(8) In order not to impede trade in goods across the <i>Union's</i> external <i>borders</i> disproportionately, this Regulation should only apply to goods meeting a certain age <i>and value</i> limit. For that purpose, it seems appropriate to set a minimum age threshold for <i>most of</i> the categories of cultural goods, <i>in line with Regulation (EC) No 116/2009, the provisions of the 1970 UNESCO Convention and of the 1995 UNIDROIT Convention, and a</i>	(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 the conditions and procedures for the import of cultural goods. It seems furthermore appropriate to also set a financial threshold.	

LIMITE 9

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	conflict areas, without excluding other goods the control of which is necessary for ensuring protection of cultural heritage.	<i>financial threshold for certain categories of cultural goods as stated in Annex I. Certain categories of cultural goods should not be subject to a financial threshold since they require a reinforced protection due to their higher risk of theft, loss or destruction. The 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.</i>	<u>consistent with Article 2(1)(3)(i) of Directive (EU) 2015/849^{2a}, in order to exclude objects with lower values from the application of the conditions and procedures for the import of cultural goods. These thresholds</u> 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.	
19.	(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.	No changes to COM proposal	No changes to COM proposal	(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.
20.	(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	(10) Since certain categories of cultural goods, namely archaeological objects, <i>and</i> elements of monuments are particularly vulnerable to pillage and destruction, it seems necessary to provide for a system of increased scrutiny before they may enter the	(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	

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[Directive \(EU\) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation \(EU\) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC \(OJ L 141, 5.6.2015, p. 73\).](#)

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	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.	customs territory of the Union. Such a system should require the presentation of a licence issued by the competent authority of the first Member State of intended import prior to the import into the customs territory of the Union . Persons seeking to obtain such a licence should be able to prove that the cultural goods have been exported from the source country or, in exceptional cases, from the third country, in accordance with the laws and regulations of that source or third country or to prove the absence of such laws and regulations. With due account of risk and application of due diligence principles, the licit export from the source country or, in exceptional cases, from the third country should be proved with the appropriate supportive documents and evidence (export certificates or export licences issued by the source country, a standardised document following the Object ID standard, which represents the international standard for describing cultural objects , ownership titles, invoices, sales contracts, insurance documents, transport documents), substantiating that the cultural goods in question have been exported from the source country in accordance with its laws and regulations. Where supporting documents are not available, the	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 <u>where the goods were created or discovered</u> with the appropriate supportive documents and evidence, such as <u>particulars such as</u> , 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. <u>All import licences should be stored in an electronic system.</u>	

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		<i>application should include an expert appraisal if deemed necessary by the competent authority. 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.</i>		
21.		<i>(10 a) 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 analyse the cultural goods by means of a physical examination.</i>		
22.	(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	(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 source country or, in exceptional cases, 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 standardised document. A standardised document following the Object ID standard,	(11) For other categories of cultural goods, the persons seeking to introduce import 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 could be used to describe the cultural goods. Customs should register	

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	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.	recommended by UNESCO, should be used to describe the cultural goods. <i>The electronic statement should also include the export certificates or licences issued by the source country or, in exceptional cases, from the third country, providing evidence that the cultural goods in question were exported from that country in accordance with the laws and regulations of that source or third country or providing evidence of the absence of such laws and regulations. In case the source or third country's legislation does not foresee the issue of export licences or certificates, the importer statement should also include any other appropriate supportive documents and evidence, including ownership titles, invoices, sales contracts, insurance documents, and transport documents. Those cultural goods should be electronically registered and the declarant should be provided with a copy of the relevant documents, in order to ensure traceability after the goods enter the internal market. The information given to the competent authorities in the form of electronic statement should enable them to take further action where, based upon a risk analysis, they believe those goods may be the subject of illicit import.</i>	the entry of those cultural goods, keep the originals and give a copy of the relevant documents to the declarant, in order <u>The holder of the goods should register these details in an electronic system, in order to facilitate identification by the customs authorities and to allow for risk analysis and targeted controls and</u> to ensure traceability after the goods enter the internal market.	

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23.			<u>(11a) An icon (from the Ancient Greek word 'εἰκών' = image) is any representation of religious figures or religious events, produced in various media and sizes, monumental as well as portable. An icon, as a vital and inseparable part of divine worship and liturgical life, should be considered as forming an integral part of a religious monument which has been dismembered, if it was once part of the interior of a church, a monastery, a chapel, etc., either free-standing or as part of architectural furniture, e.g. an iconostasis or icon stand. Even in cases where the specific monument that the icon belonged to is unknown, but there is evidence that it once formed an integral part of a monument, in particular when it preserves signs or elements which indicate that it was once part of an iconostasis or an icon stand, the icon should be still covered by category (d) "elements of monuments".</u>	
24.			<u>(11aa) The Commission should be responsible to establish, in the context of the Single Window environment for customs, a centralised electronic system for the submission of applications for import licences and importer statements and the storage and the exchange of information between the authorities of the Member States, in particular</u>	

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25.			<p><u>regarding importer statements and import licences.</u></p> <p>(11b) <u>The processing of data under this Regulation may also cover personal data and should be carried out in accordance with Union law. Member States and the Commission should process personal data only in a manner compatible with the purposes of this Regulation or in duly justified circumstances for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. Any collection, disclosure, transmission, communication and other processing of personal data within the scope of this Regulation should be subject to the requirements of Regulation (EC) No 45/2001 of the European Parliament and of the Council and Regulation (EU) 2016/679 of the European Parliament and of the Council¹. The processing of personal data for the purposes of this Regulation should also respect the fundamental rights to respect for private and family life recognised by Article 8 of the Convention for the Protection of Human</u></p>

¹ [Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC \(General Data Protection Regulation\) \(OJ L 119, 4.5.2016, p. 1\).](#)



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			<u>Rights and Fundamental Freedoms of the Council of Europe, as well as the right to respect for private and family life, and the right to the protection of personal data recognised, respectively, by Articles 7 and 8 of the Charter of Fundamental Rights of the European Union (the 'Charter')."</u>	
26.			<u>(11c) Cultural goods which were not created or discovered in the customs territory of the Union but which have been exported as Union goods should not be subject to the presentation of a import licence or of a importer statement when they are returned to that territory as returned goods within the meaning of the Union Customs Code.</u>	
27.	(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.	(12) Temporary admission of cultural goods for educational, scientific, <i>performing arts, conservation, restoration, digitisation,</i> academic research purposes <i>and for the purpose of cooperation between museums or other non-profit institutions for the organisation of cultural exhibitions</i> should not be subject to the presentation of <i>an import licence or of an importer statement. The cultural goods to be presented at commercial fairs and international art fairs should not be subject to the presentation of an import licence or an importer statement. However, should the cultural goods be acquired and</i>	(12) Temporary admission of cultural goods for educational, scientific or academic research purposes should, <u>conservation, exhibition, digitisation, performing arts, for the purpose of research conducted by academic institutions or for the purpose of cooperation between museums or similar institutions should also</u> not be subject to the presentation of a licence or of a statement.	

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		<i>remain within the territory of the Union, they should be subject to the presentation of an import licence or an importer statement, depending on the category of the cultural goods.</i>		
28.	(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.	(13) Storage of cultural goods from countries affected by armed conflict or suffering a natural disaster <i>with the intention to return those goods to their source country or the third country from which they were lawfully exported, when the situation so allows</i> , should also be permitted without the presentation of <i>an import</i> licence or <i>an importer</i> statement in order to ensure their safety and preservation.	(13) Storage of cultural goods <u>for the express purpose of seeking a safe haven for ensuring their safe keeping by, or under the supervision of, a public authority</u> 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.	....
29.	(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	(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 <i>in</i> respect of modifications to the minimum age <i>and financial</i> threshold <i>criteria</i> for the different categories of cultural goods. That delegation should also allow the Commission to update Annex <i>I</i> following amendments to the Combined Nomenclature, <i>and to lay down a</i>	(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	

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	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 ¹ . 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.	<i>second Annex (Annex II) with a list of countries and Combined Nomenclature codes based on the "Red Lists of Cultural Objects at Risk" composed and amended by the International Council of Museums (ICOM).</i> 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 <i>of 13 April 2016</i> on Better Law-Making. 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.	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 2016¹. 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. <u>facilitate the presentation of cultural goods at commercial art fairs, an import licence should not be necessary where the cultural goods are under temporary admission, within the meaning of Article 250 of Regulation (EU) No 952/2013, and an importer statement has been provided instead of the import licence. However, an import licence should be presented where such cultural goods are imported to the Union after the art fair.</u>	
30.	(15) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers	(15) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers	(15) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers	...

¹ — OJ L 123, 12.5.2016, p. 1.

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	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 European Parliament and of the Council.	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, <i>which should be done while guaranteeing adequate conservation conditions, having due regard to the particular nature of the cultural goods. Those arrangements should also apply to the electronic standardised templates for electronic import licence applications and forms and a list of the grounds on which such an application might be rejected</i> , as well as for importer statements and their accompanying documents, as well as <i>to</i> further procedural rules on their <i>electronic</i> 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 work programme established under Article 280 of that Regulation.</i> Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.	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 system for the submission of applications for import licences and importer statements and the storage and exchange of information between Member States. Those powers should be <i>exercised</i> in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council	
31.		<i>(15a) For the implementation of this Regulation, the provisions</i>		

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		<i>applicable to customs control and verification are those contained in Regulation (EU) No 952/2013.</i>		
32.	(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.	(16) Relevant information on trade flows of cultural goods should be <i>electronically</i> collected <i>and shared by Member States and the Commission</i> , to support the efficient implementation of the Regulation and to provide the basis for its future evaluation. <i>In the interest of transparency and public scrutiny, as much information as possible should be made public.</i> 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 <i>electronically</i> 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.		
33.	(17) The EU Strategy and Action Plan for customs Risk Management 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.	(17) The EU Strategy and Action Plan for customs Risk Management aims –inter alia- to strengthen <i>training and</i> 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.		

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34.		<i>(17 a) It is necessary to establish awareness-raising campaigns targeted at purchasers of cultural goods regarding the risk of illicit goods and to assist the market actors in their understanding and application of this Regulation. Member States should involve relevant national contact points and other information provision services in the dissemination of this information.</i>		
35.		<i>(17 b) 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 Council¹.</i>		
36.	(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.	(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. Member	(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. Member	

¹ Regulation (EU) No 1287/2013 of the European Parliament and of the Council of 11 December 2013 establishing a Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (COSME) (2014 - 2020) and repealing Decision No 1639/2006/EC (OJ L 347, 20.12.2013, p. 33).

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		<i>States should also notify the Commission where penalties are applied. It is desirable to achieve a level-playing field and a coherent approach and therefore it is appropriate that penalties in each Member State are similar in nature and effect.</i>	States should also ensure that the customs authorities and the competent authorities agree on measures under Article 198 Union Customs Code. Details should be subject to national law	
37.	(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.	(19) The Commission <i>should</i> adopt <i>without delay</i> rules implementing this Regulation, in particular those regarding the appropriate <i>electronic standardised</i> forms to use to apply for an import licence or to prepare an importer statement.	(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 and to establish the electronic system . Consequently, the application of this Regulation should be deferred.	
38.	(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.	No changes to COM proposal	No changes to COM proposal	(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.
39.	(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,	No changes to COM proposal	(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,	....
40.	HAVE ADOPTED THIS REGULATION:	No changes to COM proposal	No changes to COM proposal	HAVE ADOPTED THIS REGULATION:

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
41.	<i>Article 1</i> <i>Subject-matter and scope</i>	No changes to COM proposal	<i>Article 1</i> <i>Subject matterMatter and scopeScope</i>	<i>Article 1</i> <i>Subject matterMatter and scopeScope</i>
42.	1. This Regulation sets out the conditions and procedure for the entry of cultural goods into the customs territory of the Union.	1. This Regulation sets out the conditions and procedure for the introduction and the import of cultural goods into the customs territory of the Union.	1. This Regulation sets out the conditions and procedure for the entry of cultural goods into the customs territory of the Union for the introduction and the conditions and procedures for the import of cultural goods for the purposes of safeguarding humanity's cultural heritage and preventing the illicit trade in cultural goods, in particular where it may contribute to terrorist financing.	...
43.	2. This Regulation does not apply to cultural goods which are in transit through the customs territory of the Union.	2. This Regulation applies to cultural goods which are in transit through the customs territory of the Union when competent authorities have reasonable grounds to believe that cultural goods have been exported from the source or the third country in violation of the laws and regulations of that source or third country.	2. This Regulation does shall not apply to cultural goods which are in transit through were either created or discovered in the customs territory of the Union.	...
44.	<i>Article 2</i> <i>Definitions</i>	No changes to COM proposal	No changes to COM proposal	<i>Article 2</i> <i>Definitions</i>
45.	1. For the purposes of this Regulation, the following definitions shall apply:	No changes to COM proposal	1. For the purposes of this Regulation, the following definitions shall apply:	1. For the purposes of this Regulation, the following definitions shall apply
46.	(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;	(a) 'cultural goods' means any item which is of importance for archaeology, prehistory, history, literature, art or science which belongs to the categories listed in the Annexes and meets the minimum age and financial thresholds specified therein;	(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;	...

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
47.			(a) <u>'introduction' means any entry of cultural goods into the customs territory of the Union which are subject to customs supervision or customs control within the customs territory of the Union in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code;</u>	...
48.		(a a) <i>'import of cultural goods' means:</i>		(a a) 'import of cultural goods' means:
49.		(i) <i>release for free circulation as referred to in Article 201 of Regulation (EU) No 952/2013; or</i>		(i) release for free circulation as referred to in Article 201 of Regulation (EU) No 952/2013; or
50.		(ii) <i>the placing of goods under one of the following categories of special procedures referred to in Article 210 of Regulation (EU) No 952/2013:</i>		(ii) the placing of goods under one of the following categories of special procedures referred to in Article 210 of Regulation (EU) No 952/2013:
51.		a. <i>storage, comprising customs warehousing and free zones,</i>		a. storage, comprising customs warehousing and free zones,
52.		b. <i>specific use, comprising temporary admission and end-use,</i>		b. specific use, comprising temporary admission and end-use,
53.		c. <i>inward processing;</i>		c. inward processing;
54.	(b) 'source country' means the country in the current territory of which the cultural goods were created or discovered;	(b) 'source country' means the country in the current territory of which the cultural goods were created or discovered <i>or removed, excavated or stolen from land or underwater, or a country which has such a close connection with the cultural goods that this country protects them as national cultural property and regulates their</i>	(b) 'source country' means the country in the current territory of which the cultural goods were created or discovered;	

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		<i>export from its territory upon their lawful removal from the country in which the cultural goods were created or discovered;</i>		
55.	(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;	(c) ' third country' means the last country other than the source country in which the cultural goods were held before being brought into the customs territory of the Union;	(d) ' 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;	
56.	(e) 'permanently' means for a period of time of at least one month and for purposes other than temporary use, transit, export or dispatch;	deleted	<u>'import' of cultural goods means:</u>	See 48-53
57.	(f) 'release for free circulation' means the customs procedure referred to in Article 201 of Regulation (EU) No 952/2013;	No changes to COM proposal	(e) ' release for free circulation ' means the customs procedure as referred to in Article 201 of Regulation (EU) No 952/2013;	See 48-53
58.	(g) '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;	No changes to COM proposal	(f) ' placing under a special procedure other than transit ' means the <u>ii) placing of goods under one of the following special customs procedures referred to in points (b), (c) or (d) of Article 210 of Regulation (EU) No 952/2013;</u>	See 48-53
59.			<u>- storage comprising customs warehousing and free zones;</u>	See 48-53
60.			<u>- specific use, comprising temporary admission and end-use;</u>	See 48-53
61.			<u>- inward processing;</u>	See 48-53

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62.			(e)-aaa) 'cultural goods' means any item listed in the Annex;	
63.	(h) 'holder of the goods' means the person referred to in Article 5(34) of Regulation (EU) No 952/2013;	No changes to COM proposal	(c) 'holder of the goods' means the person referred to in Article 5(34) of Regulation (EU) No 952/2013;	'holder of the goods' means the person referred to in Article 5(34) of Regulation (EU) No 952/2013
64.	(i) 'declarant' means the person referred to in Article 5(15) of Regulation (EU) No 952/2013.	No changes to COM proposal	(h) 'declarant' means the person referred to in Article 5(15) of Regulation (EU) No 952/2013.	
65.		(ha) 'Object ID' means the international standard adopted by UNESCO for describing cultural goods and compiling a single set of data on cultural goods;		
66.		(hb) 'competent authorities' means the authorities designated by the Member States to issue importer licences and register importer statements.		
67.	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.	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 Annex I following amendments in the Combined Nomenclature and to amend the minimum age and value thresholds in the Annex in the light of experience gathered during the implementation of this Regulation and of Regulation (EC) No 116/2009.	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.	
68.		2 a. The Commission is empowered to adopt delegated acts in accordance with Article 12 in order to		

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		<i>amend Annex II listing countries and object categories in relation to which there exists a particular risk of illicit traffic, based upon the Database of Red Lists of cultural objects at risk published by the International Council of Museums (ICOM). The Commission shall ensure that Annex II is regularly updated.</i>		
69.	<i>Article 3 Cultural goods entering the customs territory of the Union</i>	<i>Article 3 Introduction and import of cultural goods into the customs territory of the Union</i>	<i>Article 3 Introduction and Import of Cultural goods entering the customs territory of the Union-Goods</i>	...
70.			<i>-1. The introduction of cultural goods listed in Part A of the Annex which were removed from the territory of the country where they were created or discovered in breach of its laws and regulations is prohibited. Where the goods are subject to the prohibition the customs authorities and the competent authorities referred to in Article 4, shall agree on any appropriate measures to take.</i>	
71.	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.	1. The <i>introduction</i> of cultural goods <i>removed from the territory of a source country in breach of international law</i> and the <i>source or the third country's laws and regulations is prohibited. The import</i> of cultural goods <i>into the customs territory of the Union</i> shall only be permitted upon the presentation of an import licence issued in accordance with Article 4 or of an	4-1a. The release/import of cultural goods for free circulation and the placing of cultural goods under a special procedure other than transit listed in Parts B and C of the Annex 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.	

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		importer statement made out in accordance with Article 5.		
72.		<i>1 a. The successful import of cultural goods shall not be construed to be evidence of lawful provenance or ownership.</i>	
73.			<u>1b. The import licence or the importer statement referred to in paragraph 1a shall be provided to the customs authorities in accordance with Article 163 of Regulation (EU) No 952/2013. In case of placing the cultural goods under the free zone procedure, the import licence or the importer statement shall be provided upon presentation of the goods in accordance with Article 245 (1) (a) and (b) of Regulation (EU) No 952/2013.</u>	....
74.	2. Paragraph 1 shall not apply to:	No changes to COM proposal	2. Paragraph 1a shall not apply to:— (a)	2. Paragraph 1 shall not apply to
75.			<u>(a) returned cultural goods, within the meaning of Art. 203 of Regulation (EU) No 952/2013;</u>	....
76.			<u>(b) the import of cultural goods for the express purpose of ensuring their safe keeping by, or under the supervision of, a public authority, with the intent to return these goods, when the situation so allows;</u>	....
77.	(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	(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,	<u>(c) 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</u>	...

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	for educational, scientific and academic research purposes;	scientific, <i>performing arts, conservation, restoration, digitisation</i> and academic research purposes <i>and for the purpose of cooperation between museums or other non-profit institutions for the organisation of cultural exhibitions;</i>	for educational, scientific and academic research purposes; conservation, exhibition, digitisation, performing arts, for the purpose of research conducted by academic institutions and for the purpose of cooperation between museums or similar;	
78.		<i>(aa) the cultural goods to be presented at commercial fairs and international art fairs, unless they are acquired and remain within the territory of the Union;</i>		See 81
79.	(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.	(b) the storage, within the meaning of Article 237 of Regulation (EU) No 952/2013, of cultural goods for the purpose of ensuring their <i>safety or</i> preservation by, or under the supervision of, a public authority, <i>with the intention of returning such goods to their country of origin or the third country to which they were lawfully exported, when the situation so allows;</i>	(b) the storage,	...
80.		<i>(b a) returned cultural goods, within the meaning of Article 2 of Directive 2014/60/EU.</i>		...
81.			2a. An import licence shall not be necessary for cultural goods under temporary admission, within the meaning of Article 237250 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	...

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
			<u>authority to be presented at commercial art fairs where an importer statement has been provided. Where cultural goods that would require a licence are afterwards placed under an other customs procedure referred to in Article 2(aa), an import licence issued in accordance with Article 4 shall be presented.</u>	
82.	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.	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 <i>for their protection</i> referred to in paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13.	3. The Commission may <u>shall</u> adopt, by means of implementing acts, the specific modalities for the <u>returned cultural goods, or the</u> temporary admission or storage of cultural goods referred to in paragraph 2 <u>paragraphs 2 and 2a</u> . Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13.	...
83.	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.	No changes to COM proposal	4. Paragraph 1 <u>a</u> 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.	4. Paragraph 1a 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.
84.			<u>5. When submitting a customs declaration for the import of cultural goods listed in Parts B and C of the Annex, the quantity of the items shall be indicated using the supplementary unit, as set out in the Annex. In case of placing the cultural goods under the free zone procedure the quantity of the items shall be indicated upon presentation of the goods in accordance with Article</u>	

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			245 (1) (a) and (b) of Regulation (EU) No 952/2013.	
85.	<i>Article 4 Import licence</i>	No changes to COM proposal	<i>Article 4 Import licence Licence</i>	<i>Article 4 Import licence Licence</i>
86.	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.	1. The import into the Union of the cultural goods referred to in points A1 and A2 of the Annex I shall be subject to the presentation of an import licence to the customs authorities.	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. The import into the Union of the cultural goods referred to in points (c), (d) and (h) Part B of the Annex other than those under temporary admission as referred to in Article 3(2a) shall be subject to the presentation of an import licence to the customs authorities. an import licence issued by the competent authority of the Member State in which the goods are placed under one of the customs procedures referred to in Article 2(1)aa for the first time.	
87.			1a. Import licences issued by the competent authorities of the Member States in accordance with this Regulation shall be valid throughout the Union.	
88.			1b. The import licence shall not be construed to be evidence of licit provenance or ownership.	
89.		<i>This Article shall only apply to the goods referred to in the first subparagraph if they feature on the list of countries and Combined Nomenclature codes as laid down in Annex II, if such a list is in use for the source country from which the cultural</i>		

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		<i>goods are exported and the source country of the cultural goods is known.</i>		
90.		<i>This Article shall also apply to cultural goods which are only listed in Annex II imported into the customs territory of the Union from a source or third country.</i>		
91.	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 apply for an import licence to the competent authority of the first Member State of intended import . The application shall be accompanied by the appropriate 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 providing evidence of the absence of such laws and regulations. It shall include:	2. The holder of the goods shall apply for an import licence to the competent authority of the Member State of entry <u>referred to in paragraph 1 via the electronic system referred to in Article 9a.</u> The application shall be accompanied by any supporting documents and information substantiating <u>providing evidence</u> that the cultural goods in question have been exported from the source country <u>where they were created or discovered</u> in accordance with its laws and regulations <u>or providing evidence of the absence of such laws and regulations at the time they were taken out of its territory.</u> However, <u>in cases 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:</u>	

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92.			(a) <u>the country where the cultural goods were created or discovered cannot be reliably determined or</u>	
93.			(b) <u>the cultural goods left the country where they were created or discovered before 24 April 1972, or</u>	
94.			(c) <u>the country where the cultural good was created or discovered is not a State Party to the 1970 UNESCO Convention,</u>	
95.			<u>the application may be accompanied instead by any supporting documents and information substantiating providing evidence that the cultural goods in question have been exported from that country in accordance with its the laws and regulations of the last country where they were located for a period of more than 5 years and for purposes other than temporary use, transit, export or transshipment.</u>	
96.		- export certificates or export licences;		
97.		- a standardised document, following the Object ID standard, describing the cultural goods in question in sufficient detail for them to be identified by the customs authorities;		
98.		- ownership titles;		
99.		- invoices;		
100.		- sales contracts;		
101.		- insurance documents or transport documents.		

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102.		<i>Where supporting documents are not available, the application shall also include an expert appraisal if deemed necessary by the competent authority.</i>		
103.		<i>2 a. Notwithstanding paragraph 2, in exceptional cases where either:</i>		
104.		<i>(a) the source country of the cultural good cannot be reliably determined and that circumstance is considered to be well documented and supported by evidence by the competent authority; or</i>		
105.		<i>(b) the cultural goods have been exported from the source country prior to 1970 and were held in a third country for purposes other than temporary use, transit, export or dispatch before being brought into the customs territory of the Union, but the holder cannot provide the documents required under paragraph 2 since such documents were not in use at the time the cultural goods were exported from the source country, the application shall be accompanied by the appropriate supporting documents and information substantiating that the cultural goods in question have been exported from the third country in accordance with its laws and regulations or providing evidence of the absence of such laws and regulations.</i>		

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106.		<i>The supporting documents shall include:</i>		
107.		<i>- export certificates or export licences;</i>		
108.		<i>- a standardised document, following the Object ID standard, describing the cultural goods in question in sufficient detail for them to be identified by the customs authorities;</i>		
109.		<i>- ownership titles;</i>		
110.		<i>- invoices;</i>		
111.		<i>- sales contracts; and</i>		
112.		<i>- insurance documents or transport documents.</i>		
113.		<i>Where supporting documents are not available, the application shall also include an expert appraisal if deemed necessary by the competent authority.</i>		
114.	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.	3. The competent authority of the <i>first</i> Member State of <i>intended import</i> shall verify whether the application is complete. It shall request any missing <i>or additional</i> information or document from the applicant within <i>21</i> days of receipt of the application.	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.	
115.	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:	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. <i>In case the import licence is issued, the competent authority shall register that licence electronically. The competent authority shall</i> reject the application on the following grounds:	4. The competent authority shall, within 90 days of the submission receipt of the complete application, examine the application and decide to issue the import licence or reject the application. It may <i>The competent authority shall</i> reject the application on the following grounds:	

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116.	(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;	(a) <i>when</i> it is not demonstrated that the cultural goods were exported from the source country in accordance with its laws and regulations <i>as in force at the time of the export, or in the absence of such laws and regulations; or, in the exceptional cases enlisted in Article 4(2a), from the third country in accordance with the laws and regulations of that third country in force at the time of the export, or in the absence of such laws and regulations;</i>	(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;	
117.	(b) where the export country is a Contracting Party to the 1970 UNESCO Convention, it is not demonstrated that the cultural goods were exported from the export country in accordance with its laws and regulations;	<i>deleted</i>	(b) where the export country is a Contracting Party to the 1970 UNESCO Convention, it is not demonstrated that the cultural goods were exported from the export country in accordance with its laws and regulations;	
118.			- where the evidence required in paragraph 2 is not provided;	
119.	(c) the competent authority has reasonable grounds to believe that the holder of the goods did not acquire them lawfully.	(c) the competent authority has reasonable <i>and verifiable</i> grounds to believe that the holder of the goods did not acquire them lawfully.	(c) — the competent authority has reasonable <i>and verifiable</i> grounds to believe that the holder of the goods did not acquire them lawfully.	
120.			- where the competent authority is informed that there are pending claims for return by the authorities of the country where the cultural goods were created or discovered;	
121.			- where it has information or reasonable grounds to believe that the holder of the goods did not acquire them lawfully;	

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122.			<u>- where it has information or reasonable grounds to believe that the goods were removed from the territory of the country where the cultural goods were created or discovered in breach of its laws and regulations.</u>	
123.		<i>(c a) if the application for an import licence for a cultural good has been previously rejected by the competent authorities of another Member State of the Union for that same cultural good and no further evidence has been provided which was not already submitted in connection with the rejected application;</i>		
124.		<i>(c b) where the licit export directly from the source country cannot be proven by appropriate supportive documents and evidence, in particular, export certificates or licences issued by the country of export, ownership titles, invoices, sales contracts, the object ID where available, insurance documents, transport documents and experts appraisals.</i>		
125.		<i>4 a. The competent authority may reject the application where there are claims for return or payment of damages, submitted by the authorities of the source country, pending before courts.</i>		
126.		<i>4 b. When the application is rejected, the administrative decision referred to in paragraph 4 shall be</i>		

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		<i>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.</i>		
127.		<i>4 c. The application shall include a declaration that the items have not previously been the subject of an application or, in the case of prior refusal, it shall state the reasons of that refusal and shall include additional evidence which was unavailable when the application was previously considered.</i>		
128.		<i>4 d. Where a Member State rejects an electronic application, that rejection as well as the grounds on which it was based shall be communicated to the other Member States and to the Commission. In cases of suspect of illicit trafficking, Member States shall also inform other relevant authorities such as INTERPOL and EUROPOL.</i>		
129.			<u>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.</u>	
130.			<u>4b. When an application is made for an import licence relating to cultural</u>	

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			goods for which such an application has been previously rejected, the applicant shall inform the competent authority to which the application is submitted of the previous rejection.	
131.	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.	5. Member States shall designate without delay 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.	5. Member States shall designate the public authorities competent to issue import licenses licences in accordance with this Article. They shall communicate the details of those authorities as well as any changes in that respect to the Commission.	
132.	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> .	No changes to COM proposal	No changes to COM proposal	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> .
133.	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.	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.	6. The Commission may shall establish, by means of implementing acts, the template for and the content of 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.	
134.	<i>Article 5</i> <i>Importer statement</i>	No changes to COM proposal	Article 5 Importer statement Statement	Article 5 Importer statementStatement
135.	1. The release for free circulation and the placing under a special procedure	1. The import into the customs territory of the Union of cultural goods which	1. The release for free circulation and the placing under a special procedure	

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	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.	<i>are</i> referred to in points 3 to 14 of Part A of the Annex I shall be subject to the submission by the holder of the goods of an electronic importer statement to the customs authorities of the first Member State of intended import .	other than transit in the Union <u>The import</u> of the cultural goods referred to in points (a), (b), (e), (f), (g), (i), (j), (k) and (l) <u>Part C</u> of the Annex shall be subject to the submission of an importer statement to the customs authorities of the Member State of entry <u>via the electronic system referred to in Article 9a.</u>	
136.		<i>This Article is also applicable to those cultural goods referred to in points A1 and A2 whose Combined Nomenclature codes do not figure into Annex II.</i>		
137.	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. 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.	2. The importer statement shall be registered electronically. It shall consist of:	2. The importer statement shall contain <u>consist of:</u> – a declaration signed by the holder of the goods that the goods have been exported from the source country <u>where they were created or discovered</u> in accordance with its laws and regulations <u>or in the absence of such laws and regulations at the time they were taken out of its territory.</u> However, <u>in cases where the export country is a Contracting</u>	
138.			<u>(a) the country where the cultural goods were created or discovered cannot be reliably determined or</u>	
139.			<u>(b) the cultural goods left the country where they were created or discovered before 24 April 1972, or</u>	

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140.			(c) <u>the country where the cultural good was created or discovered is not a State Party to the 1970 UNESCO Convention on Cultural Property, the importer statement shall contain a</u>	
141.			<u>the declaration signed by the holder of the goods may instead be that the cultural goods in question have been exported from that country in accordance with its laws and regulations of the last country where they were located for a period of more than 5 years and for purposes other than temporary use, transit, export or transshipment.</u>	
142.		<i>a) 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 providing evidence of the absence of such laws and regulations;</i>		
143.		<i>b) a standardised document, following the Object ID standard, describing the cultural goods in question in sufficient detail for them to be identified by the customs authorities;</i>		
144.		<i>c) the export certificates or licences issued by the source country, providing evidence that the cultural goods in question were exported from the source country in accordance with its laws and regulations.</i>		

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145.	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.	No changes to COM proposal	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 <u>and to perform risk analysis and targeted controls.</u>	
146.		<i>2 a. Notwithstanding paragraph 2, in exceptional cases where either:</i>		
147.		<i>(a) the source country of the cultural good cannot be reliably determined and that circumstance is considered to be well documented and supported by evidence by the competent authority; or</i>		
148.		<i>(b) the cultural goods have been exported from the source country prior to 1970 and were held in a third country for purposes other than temporary use, transit, export or dispatch before being brought into the customs territory of the Union, but the holder cannot provide the documents required under paragraph 2 since such documents were not in use at the time the cultural goods were exported from the source country,</i>		
149.		<i>the importer statement shall consist of:</i>		
150.		<i>(a) a declaration signed by the holder of the goods stating that the goods have been exported from the third country in accordance with its laws and regulations or providing evidence of the absence of such laws and regulations;</i>		

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151.		<i>(b) a standardised document, following the Object ID standard, describing the cultural goods in question in sufficient detail for them to be identified by the customs authorities; and</i>		
152.		<i>(c) the export certificates or licences issued by the third country, providing evidence that the cultural goods in question were exported from the third country in accordance with its laws and regulations.</i>		
153.		<i>Where the laws and regulations of the source or third country do not foresee the issuance of export licences or certificates, the importer statement shall also include any other appropriate supporting documents and evidence, including ownership titles, invoices, sales contracts, insurance documents, transport documents.</i>		
154.	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.	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.	3. The Commission may shall adopt, by means of implementing acts, the template for and the content of 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.	
155.		Article 5 a Micro, small and medium-sized enterprises		

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
156.		<i>The Commission shall ensure that micro, small and medium-sized enterprises (MSMEs) benefit from adequate technical and financial assistance, including the promotion of national contact points in cooperation with Member States and the establishment a dedicated website containing all the relevant information, and shall facilitate the exchange of information between MSMEs and the relevant national contact points when in receipt of enquiries in order to efficiently implement this Regulation.</i>		
157.		<i>Article 5 b Use of electronic system</i>		
158.		<i>1. All exchanges of information between competent authorities and declarants under Articles 4 and 5, such as exchange of declarations, applications or decisions, shall be made by electronic means.</i>		
159.		<i>2. The Commission shall establish the electronic system referred to in paragraph 1. It shall adopt implementing acts to lay down:</i>		
160.		<i>- the arrangements for the deployment, operation and maintenance of the electronic system referred to in paragraph 1;</i>		
161.		<i>- the detailed rules regarding the submission, processing, storage and exchange of information between the</i>		

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
		<i>competent authorities of the Member States by means of the electronic system.</i>		
162.		<i>Member States shall cooperate with the Commission in developing, maintaining and employing electronic system referred to in paragraph 1 and in storing information, in accordance with this Regulation.</i>		....
163.		<i>3. With regards to the processing of personal data within the framework of this Regulation, declarants and competent authorities should carry out their tasks in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council^{1a}, and Regulation (EU) .../....²</i>		....
164.	<i>Article 6 Customs control and verification</i>	<i>deleted</i>	<i>Article 6 Customs control and verification</i>	deleted
165.	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.	<i>deleted</i>	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.	deleted

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)(OJ L 119, 4.5.2016, p. 1)

² OJ: Please insert in the text the number of the Regulation contained in document 2017/0003 (COD)

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
166.	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.	<i>deleted</i>	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.	deleted
167.	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.	<i>deleted</i>	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.	deleted
168.	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	<i>deleted</i>	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	deleted

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	indicated using the supplementary unit set out in the Annex.		indicated using the supplementary unit set out in the Annex.	
169.	Article 7 Competent customs offices	No changes to COM proposal	Article 7 Competent customs offices Customs Offices	Article 7 Competent customs offices Customs Offices
170.	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, they shall communicate the details of those customs offices as well as any changes in that respect to the Commission.	Member States <i>may</i> restrict the number of customs offices competent to <i>allow the import of</i> cultural goods. <i>Where Member States apply that restriction,</i> they shall communicate the details of those customs offices as well as any changes in that respect to the Commission.	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, allow import of goods subject to this Regulation, they shall communicate the details of those customs offices as well as any changes in that respect to the Commission.	...
171.	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> .	No changes to COM proposal	No changes to COM proposal	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> .
172.	Article 8 Temporary retention by customs authorities	No changes to COM proposal	Article 8 Temporary retention by customs authorities	
173.	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.	1. <i>Competent</i> authorities shall seize and temporarily retain cultural goods brought into the customs territory of the Union without the conditions laid down in paragraphs 1 and 2 of Article 3 being fulfilled. <i>In the 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</i>	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.	

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		<i>of Regulation (EU) No 952/2013, having due regard to the particular nature of the goods.</i>		
174.	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.	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>	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.	
175.	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.	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, <i>with the possibility to extend that period for a further three months at the reasoned decision of the customs authorities.</i> 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. <i>Authorities of the Member States shall ensure that, at the moment of restitution of the cultural goods to the country of origin, the country of origin is not affected by an armed crisis where</i>	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.	

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		<i>the safety of the cultural goods cannot be guaranteed. In such a case, the cultural good shall remain in the Union until the situation in the country of origin is stabilised.</i>		
176.		<i>3 a. Customs authorities shall immediately notify the source or, in cases where the source country of the cultural goods cannot be reliably determined, the third country as well as EUROPOL and INTERPOL, as the case may be, after having taken the decision referred to in paragraph 1.</i>		
177.		<i>3b. When competent authorities have reasonable grounds to believe that cultural goods in transit through the customs territory of the Union may have been exported in violation of rules and regulation of a source country, they shall instruct customs authorities to temporarily seize those goods.</i>		
178.	<i>Article 9 Administrative co-operation</i>	<i>Article 9 Administrative co-operation and use of electronic system</i>	<i>Article 9 Administrative coCo-operation</i>	.....
179.	1. For the purposes of implementing this Regulation, Member States shall ensure co-operation between their competent authorities referred to in Article 3(4).	1. For the purposes of implementing this Regulation, Member States shall ensure co-operation and information sharing between their competent authorities referred to in Article 4(5).	1. For the purposes of implementing this Regulation, Member States shall ensure co-operation between their <u>customs administrations and with the</u> competent authorities referred to in Article 3(4)-4.	.....
180.			<u>Article 9a Use of an Electronic System</u>	.....

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
181.	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.	2. An electronic system <i>shall</i> be developed for the storage and the exchange of information between the authorities of the Member States <i>within the framework of Regulation (EU) No 952/2013. Any such system shall address the receipt, processing, storage and exchange of information,</i> in particular regarding importer statements and import licences.	2. An electronic system may be developed for the <u>1. The storage and the exchange of information between the authorities of the Member States, in particular regarding importer statements and import licences, shall be carried out by a centralised electronic system.</u>	.....
182.			<u>Other means for the exchange and storage of information may be used on a temporary basis, in the event of a temporary failure of the electronic system.</u>	.....
183.			<u>2. The submission of an application for an import licence as well as the importer statement shall be registered by the holder of the goods in this electronic system.</u>	.....
184.		<i>2a. The electronic system referred to in paragraph 2 shall be capable of being consulted by Member States when processing requests submitted in connection with export licenses required under Regulation (EC) No 116/2009. Such requests may refer directly to information held on the electronic system.</i>		.....
185.	3. The Commission may lay down, by means of implementing acts,	3. The Commission <i>shall</i> lay down, by means of implementing acts:	3. The Commission may <u>shall</u> lay down, by means of implementing acts:	.....
186.	a) the arrangements for the deployment, operation and maintenance of the	No changes to COM proposal	a) the arrangements for the deployment, operation and maintenance of the	.....

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
	electronic system referred to in paragraph 2;		electronic system, <u>as</u> referred to in paragraph <u>2-1</u> .	
187.	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.	No changes to COM proposal	b) the detailed rules regarding the <u>submission, processing, storage</u> and exchange of information between the authorities of the Member States by means of the electronic system <u>or by the other means, as</u> referred to in paragraph <u>2-1</u>.	.....
188.	Those implementing acts shall be adopted in accordance with the procedure referred to in Article 13.	Those implementing acts shall be adopted <i>by ... [six months from the date of entry into force of this Regulation]</i> in accordance with the procedure referred to in Article 13.	Those implementing acts shall be adopted in accordance with the procedure referred to in Article <u>43-13</u> <u>within two years of the entry into force of the Regulation.</u>	.....
189.		<i>3a. The processing of personal data on the basis of this Regulation shall take place only for the purposes of 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.</i>		.....
190.		<i>3b. All personal data obtained in accordance with Articles 4, 5 and 9 shall be accessed and processed only by duly authorised staff of the authorities, and shall be adequately protected against unauthorised access or communication.</i>		.....
191.			<u>Article 9aa</u> <u>Establishment of an Electronic System</u>	.....
192.			<u>The Commission shall establish the electronic system referred to in Article</u>

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Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
			<u>9a. That system shall be operational at the latest four years after the entry into force of the implementing acts referred to in Article 9a paragraph 3.</u>	
193.			<u>Article 9b</u> <u>Personal Data Protection and Data Retention Periods</u>	.....
194.			<u>1. The customs authorities and competent authorities shall act as controllers of the personal data they obtained in accordance with Articles 4, 5, and 9a.</u>	.....
195.			<u>2. The processing of personal data on the basis of this Regulation shall take place only for the purposes as defined in Article 1(1).</u>	.....
196.			<u>3. The personal data obtained in accordance with Articles 4, 5, and 9a shall be accessed only by duly authorised staff of the authorities, and shall be adequately protected against unauthorised access or communication. They may not be disclosed or communicated without the written express authorisation of the authority which originally obtained the information. However, that authorisation shall not be necessary where the authorities are required to disclose or communicate that information pursuant to legal provisions in force in the Member State in question, particularly in connection with legal proceedings.</u>	.....

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
197.			4. The authorities shall store personal data obtained by operation of Articles 4, 5, and 9a for a period of 20 years from the date on which the data were obtained. Those personal data shall be erased upon the expiry of that period.	.....
198.	<i>Article 10 Penalties</i>	No changes to COM proposal	No changes to COM proposal	Article 10 Penalties
199.	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.	Member States shall lay down the rules on penalties applicable to infringements of Articles 3, 4 and 5 and in particular, to the submission of false information to obtain import of cultural goods into the customs territory of the Union, Member States shall take all measures necessary to ensure that that those rules are implemented. The penalties provided for shall be effective, proportionate and dissuasive. In order to achieve a level playing field and a coherent approach Member States shall apply penalties that are similar in nature and effect. Member States shall notify the Commission of those rules and of those measures within 12 months of the entry into force of the Regulation and shall notify it, without delay, of any subsequent amendment affecting them.	The Member States shall lay down the rules on penalties applicable to infringements of Articles 3, 4 to this Regulation and 5 and , in particular, to the introduction of cultural goods infringing Article 3 (1) and 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 measures to ensure that they these are implemented. The penalties provided for shall be effective, proportionate, and dissuasive. The Member States shall notify the Commission of those rules and of those measures within 18 months of the entry into force of at the latest on the day the Regulation becomes applicable as set out in Article 16(2) and (3) respectively , and shall notify it, without delay, of any subsequent amendment affecting them.	...
200.	<i>Article 11 Training, capacity building and awareness raising</i>	No changes to COM proposal	Article 11 Training, capacity building and awareness raising	

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
201.		<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), International Centre of the Preservation and Restoration of Cultural Property (ICCROM) and the International Council of Museums, to ensure effective training, capacity building activities and awareness rising campaigns, as well as to commission relevant research and standard development where appropriate.</i>		
202.	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.	<i>The Commission, with the cooperation of the Member States shall organise:</i>	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.	
203.		<i>i. training and capacity-building activities and awareness-raising campaigns for authorities, national contact points and professionals concerned to ensure the effective implementation of this Regulation;</i>		
204.		<i>ii. actions to foster the effective cooperation of source countries; and</i>		

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
205.		<i>iii. 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>		
206.		<i>Those activities, campaigns and actions shall build on the experience of currently existing programmes, including the ones promoted by the WCO and the Commission.</i>		
207.		<i>Article 11 a Cooperation with third countries</i>		
208.		<i>In matters covered by its activities and to the extent required for the fulfilment of its tasks under this Regulation, the Commission shall facilitate and encourage technical and operational cooperation between Member States and third countries.</i>		
209.		<i>The Commission may organise training activities in cooperation with Member States and third countries on their territories.</i>		
210.	<i>Article 12 Exercise of the delegation</i>	No changes to COM proposal	<i>Article 12 Exercise of the delegation</i>	
211.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	No changes to COM proposal	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
212.	2. The power to adopt delegated acts referred to in Article 2(2) shall be	2. The power to adopt delegated acts referred to in Article 2 shall be	2. The power to adopt delegated acts referred to in Article 2(2) shall be	

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
	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].	conferred on the Commission for a period of <i>five years from ...</i> [date of entry into force of this <i>Regulation</i>]. <i>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the ...-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>	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].	
213.	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 Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	No changes to COM proposal	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 Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
214.	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.	No changes to COM proposal	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.	
215.	5. As soon as it adopts a delegated act, the Commission shall notify it	No changes to COM proposal	5. As soon as it adopts a delegated act, the Commission shall notify it	

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
	simultaneously to the European Parliament and to the Council.		simultaneously to the European Parliament and to the Council.	
216.	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.	No changes to COM proposal	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.	
217.	<i>Article 13 Committee procedure</i>	No changes to COM proposal	<i>Article 13 Committee procedure Procedure</i>	<i>Article 13 Committee procedural Procedure</i>
218.	1. The Commission shall be assisted by the committee established by Article 8 of Council Regulation (EC) No 116/2009.	No changes to COM proposal	1. The Commission shall be assisted by the committee established by Article 8 of Council Regulation (EC) No 116/ 2009 2009.	The Commission shall be assisted by the committee established by Article 8 of Council Regulation (EC) No 116/ 2009 2009.
219.	2. Where reference is made to this Article, Article 5 of Regulation (EU) No 182/2011 shall apply.	No changes to COM proposal	2. Where reference is made to this Article, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this Article, Article 5 of Regulation (EU) No 182/2011 shall apply.
220.	<i>Article 14 Reporting and Evaluation</i>	No changes to COM proposal		<i>Article 14 Reporting and Evaluation</i>
221.	1. Member States shall provide information to the Commission on the implementation of this Regulation. In particular, that information shall include:	No changes to COM proposal	1. Member States shall provide information to the Commission on the implementation of this Regulation. In particular, that information shall include:	...
222.	(a) statistical information on importer statements registered;	No changes to COM proposal	(a) statistical information on importer statements registered;	

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
223.	(b) information on infringements of this Regulation;	(b) information on infringements of this Regulation <i>and penalties applied</i> ;	(b) information on infringements of this Regulation;	■
224.	(c) the numbers of import licence applications submitted and of import licence applications refused;	No changes to COM proposal	(c) the numbers of import licence applications submitted and of import licence applications refused;	■
225.	(d) relevant statistical information on trade in cultural goods;	No changes to COM proposal	(d) relevant statistical information on trade in cultural goods;	■
226.	(e) number of cases in which cultural goods have been retained and	No changes to COM proposal	(e) number of cases in which cultural goods have been retained and	■
227.	(f) number of cases where cultural goods have been abandoned to the State in accordance with Article 199 of Regulation (EU) No 952/2013.	No changes to COM proposal	(f) number of cases where cultural goods have been abandoned to the State in accordance with Article 199 of Regulation (EU) No 952/2013.	■
228.	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.	For this purpose, the Commission shall address relevant questionnaires to the Member States. Member States shall have 6 months, <i>from the receipt of the questionnaire</i> to communicate the requested information to the Commission.		■
229.		<i>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.</i>		■
230.	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	2. The Commission shall present a report to the European Parliament and the Council on the implementation of this Regulation <i>two</i> years after the date		■

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
	of application of this Regulation and, after that, every five years.	of application of this Regulation and, after that, every <i>four</i> years. <i>That report shall be publicly available. It shall include consideration of practical implementation, including the impact on Union economic operators, particularly MSMEs. The report shall compare Member State implementation, including an assessment of the degree of uniform application of the Regulation since the date of the previous report. That assessment shall also consider the provisions establishing and application of penalties, and the degree to which they provide for a level playing field amongst Member States. Where necessary, the report may make recommendations to address inadequate implementation of this Regulation by Member States.</i>		
231.		<i>2a. The report referred to in paragraph 2 shall take into account the impact of this Regulation on the ground, including its impact 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>		

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
232.	<i>Article 15</i> <i>Entry into force</i>	No changes to COM proposal	<i>Article 15</i> <i>Entry into forceForce</i>	<i>Article 15</i> <i>Entry into force</i>
233.	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> .	No changes to COM proposal		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> .
234.	It shall apply from 1 January 2019.	No changes to COM proposal	It shall apply from 1 January 2019.	
235.			<i>Article 16</i> <i>Application</i>	
236.			<u>2. Article 3(1) shall apply from 30 months after the date of entry into force of this Regulation.</u>	
237.			<u>3. Articles 4(1), 5(1) and 9a(1) shall apply from the date on which the electronic system referred to in Article 9a becomes operational or at the latest 6 years after entry into force of the Regulation. The Commission shall publish the date on which the conditions of this paragraph have been fulfilled in the 'C' series of the Official Journal of the European Union.</u>	
238.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	No changes to COM proposal	No changes to COM proposal	This Regulation shall be binding in its entirety and directly applicable in all Member States.
239.	Done at Brussels,	No changes to COM proposal	No changes to COM proposal	Done at Brussels,
240.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	No changes to COM proposal	No changes to COM proposal	This R egulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Line	Original Commission proposal (COM(2017)0375)	European Parliament report A8-0308/2018 of 25 October 2018	Council Presidency compromise proposal	Draft compromise text
	This Regulation shall be binding in its entirety and directly applicable in all Member States. Done at Brussels,			This Regulation shall be binding in its entirety and directly applicable in all Member States. Done at Brussels,
241.	<i>For the European Parliament, The President</i> <i>For the Council The President</i>	No changes to COM proposal	No changes to COM proposal	<i>For the European Parliament, The President</i> <i>For the Council The President</i>
242.	Annex I	Annex I	ANNEX <i>Part A. Cultural goods covered by Article 23 (1) - see below the table</i>	
243.	Cultural goods covered by Article 2(1)	Cultural goods covered by Article 2 - <i>paragraph 1 - point a</i>		
244.		<i>Annex Ia - see below the table</i>		
245.		<i>Annex Ib</i>		
246.		<i>Countries and object categories in relation to which there exists a particular risk of illicit traffic</i>		
247.		<i>[To be established by the Commission pursuant to Article 2(2a).]</i>		

Annex I a (new)
EP Amendment

1.	<i>Archaeological objects more than 100 years old which are the products of:</i>	
	<i>– excavations and finds on land or under water</i>	<i>9705 00 00</i>
	<i>– archaeological sites</i>	<i>9706 00 00</i>
	<i>– archaeological collections</i>	
2.	<i>Elements forming an integral part of artistic, historical or religious monuments which have been dismembered, of an age exceeding 100 years</i>	<i>9705 00 00</i> <i>9706 00 00</i>
3.	<i>Pictures and paintings, other than those included in categories 4 or 5, executed entirely by hand in any medium and on any material^{1a}</i>	<i>9701</i>
4.	<i>Watercolours, gouaches and pastels executed entirely by hand on any material^{1a}</i>	<i>9701</i>
5.	<i>Mosaics in any material executed entirely by hand, other than those falling in categories 1 or 2, and drawings in any medium executed entirely by hand on any material^{1a}</i>	<i>6914</i> <i>9701</i>
6.	<i>Original engravings, prints, serigraphs and lithographs with their respective plates and original posters^{1a}</i>	<i>Chapter 49</i> <i>9702 00 00</i> <i>8442 50 99</i>
7.	<i>Original sculptures or statuary and copies produced by the same process as the original^{1a}, other than those in category 1</i>	<i>9703 00 00</i>
8.	<i>Photographs, films and negatives thereof^{1a}</i>	<i>3704</i>

		3705 3706 4911 91 80
9.	<i>Incunabula and manuscripts, including maps and musical scores, singly or in collections^{1a}</i>	9702 00 00 9706 00 00 4901 10 00 4901 99 00 4904 00 00 4905 91 00 4905 99 00 4906 00 00
10.	<i>Books more than 100 years old, singly or in collections</i>	9705 00 00 9706 00 00
11.	<i>Printed maps more than 200 years old</i>	9706 00 00
12.	<i>Archives, and any elements thereof, of any kind or any medium which are more than 50 years old</i>	3704 3705 3706 4901 4906 9705 00 00 9706 00 00
13.	<i>(a) Collections^{1b} and specimens from zoological, botanical, mineralogical or anatomical collections;</i>	9705 00 00
	<i>(b) Collections^{1b} of historical, palaeontological, ethnographic or numismatic interest</i>	9705 00 00
14.	<i>Means of transport more than 75 years old</i>	9705 00 00 Chapters 86-89
15.	<i>Any other antique items not included in categories</i>	

	<i>A.1 to A.14</i>	
	<i>(a) between 50 and 100 years old</i>	
	<i>toys, games</i>	<i>Chapter 95</i>
	<i>glassware</i>	<i>7013</i>
	<i>articles of goldsmiths' or silversmiths' wares</i>	<i>7114</i>
	<i>furniture</i>	<i>Chapter 94</i>
	<i>optical, photographic or cinematographic apparatus</i>	<i>Chapter 90</i>
	<i>musical instruments</i>	<i>Chapter 92</i>
	<i>clocks and watches and parts thereof</i>	<i>Chapter 91</i>
	<i>articles of wood</i>	<i>Chapter 44</i>
	<i>pottery</i>	<i>Chapter 69</i>
	<i>tapestries</i>	<i>5805 00 00</i>
	<i>carpets</i>	<i>Chapter 57</i>
	<i>wallpaper</i>	<i>4814</i>
	<i>arms</i>	<i>Chapter 93</i>
	<i>(b) more than 100 years old</i>	<i>9706 00 00</i>
<hr/>		
<i>^{1a} Which are more than 50 years old and do not belong to their originators.</i>		
<i>^{1b} As defined by the Court of Justice in its judgment in Case 252/84, as follows: 'Collectors' pieces within the meaning of heading No 97.05 of the Common Customs Tariff are articles which possess the requisite characteristics for inclusion in a collection, that is to say, articles which are relatively rare, are not normally used for their original purpose, are the</i>		

subject of special transactions outside the normal trade in similar utility articles and are of high value’.

The cultural objects in categories A.1 to A.15 are covered by this Regulation only if their value corresponds to, or exceeds, the financial thresholds under B.

<i>B. Financial thresholds applicable to certain categories under A (in euro)</i>	
<i>Value:</i>	
<i>Whatever the value:</i>	
–	<i>1 (Archaeological objects)</i>
–	<i>2 (Dismembered monuments)</i>
–	<i>9 (Incunabula and manuscripts)</i>
–	<i>12 (Archives)</i>
<i>15 000</i>	
–	<i>5 (Mosaics and drawings)</i>
–	<i>6 (Engravings)</i>
–	<i>8 (Photographs)</i>
–	<i>11 (Printed maps)</i>
<i>30 000</i>	
–	<i>4 (Watercolours, gouaches and pastels)</i>
<i>50 000</i>	
–	<i>7 (Statuary)</i>
–	<i>10 (Books)</i>
–	<i>13 (Collections)</i>

–	14 (Means of transport)
–	15 (Any other object)
150 000	
–	3 (Pictures)

The assessment of whether or not the conditions relating to financial value are fulfilled must be made when an application for an export license is submitted. The financial value is that of the cultural object in the international market.

The values expressed in Euro in Annex I shall be converted and expressed in national currencies at the rate of exchange on 31 December 2001 published in the Official Journal of the European Communities. This counter value in national currencies shall be reviewed every two years with effect from 31 December 2001. Calculation of this counter value shall be based on the average daily value of those currencies, expressed in euro, during the 24 months ending on the last day of August preceding the revision which takes effect on 31 December. This method of calculation shall be reviewed, on a proposal from the Commission, by the Advisory Committee on Cultural Goods, in principle two years after the first application. For each revision, the values expressed in euro and their counter values in national currency shall be published periodically in the Official Journal of the European Union in the first days of the month of November preceding the date on which the revision takes effect.

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Council amendment

ANNEX

**Proposal for a Regulation of the European Parliament and of the Council
on the *introduction and the* import of cultural goods
Part A. Cultural goods covered by Article 23 (1)**

<u>(a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;</u>
<u>(b) property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artist and to events of national importance;</u>
<u>(c) products of archaeological excavations (including regular and clandestine) or of archaeological discoveries on land or underwater;</u>
<u>(d) elements of artistic or historical monuments or archaeological sites which have been dismembered¹;</u>
<u>(e) antiquities more than one hundred years old, such as inscriptions, coins and engraved seals;</u>
<u>(f) objects of ethnological interest;</u>
<u>(g) objects of artistic interest, such as:</u>

¹ Liturgical icons and statues, even free-standing, are to be considered as cultural goods belonging to this category.



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<u>(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);</u>
<u>(ii) original works of statuary art and sculpture in any material;</u>
<u>(iii) original engravings, prints and lithographs;</u>
<u>(iv) original artistic assemblages and montages in any material;</u>
<u>(h) rare manuscripts and incunabula;</u>
<u>(i) old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections;</u>
<u>(j) postage, revenue and similar stamps, singly or in collections;</u>
<u>(k) archives, including sound, photographic and cinematographic archives;</u>
<u>(l) articles of furniture more than one hundred years old and old musical instruments.</u>



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Part B. Cultural goods covered by Article 4

<u>Categories of cultural goods according to Part A</u>	<u>Combined Nomenclature (CN) Chapter, Heading or Subheading</u>	<u>Minimum age threshold</u>	<u>Minimum financial threshold (customs value)</u>	<u>Supplementary units</u>
<u>(c) products of archaeological excavations, including regular or clandestine, or of archaeological discoveries on land or underwater;</u>	<u>ex 9705; ex 9706</u>	<u>More than 250 years old</u>	<u>Whatever the value</u>	<u>number of items (p/st)</u>
<u>(d) elements of artistic or historical monuments or archaeological sites which have been dismembered¹;</u>	<u>ex 9705; ex 9706</u>	<u>More than 250 years old</u>	<u>Whatever the value</u>	<u>number of items (p/st)</u>
<u>(h) rare manuscripts and incunabula</u>	<u>ex 9702; ex 9706</u>	<u>More than 250 years old</u>	<u>10.000 euros or more per item</u>	<u>number of items (p/st)</u>

¹ Liturgical icons and statues, even free-standing, are to be considered as cultural goods belonging to this category.

Part C. Cultural goods covered by Article 5

Categories of cultural goods <u>according to Part A</u>	Combined Nomenclature (CN) Chapter, Heading or Subheading	Minimum age threshold	<u>Minimum financial threshold (customs value)</u>	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	<u>10.000 euros or more per item</u>	number of items (p/st)
(b) objects <u>property</u> 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 <u>artist</u> and to events of national importance;	ex 9705	More than 250 years old	<u>10.000 euros or more per item</u>	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 have been dismembered;	ex 9705; ex 9706	More than 250 years old	number of items (p/st)	
(e) antiquities, such as inscriptions, coins and engraved seals;	ex 9706	More than 250 years old	<u>10.000 euros or more per item</u>	number of items (p/st)
(f) objects of ethnological interest;	ex 9705	More than 250 years old	<u>10.000 euros or more per item</u>	number of items (p/st)

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PUBLIC

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(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	<u>10.000 euros or more per item</u>	number of items (p/st)
(ii) original works of statuary art and sculpture in any material;	ex 9703	More than 250 years old	<u>10.000 euros or more per item</u>	number of items (p/st)
(iii) original engravings, prints and lithographs;	ex Chapter 49; ex 9702;	More than 250 years old	<u>10.000 euros or more per item</u>	number of items (p/st)
(iv) original artistic assemblages and montages in any material;	ex 9701	More than 250 years old	<u>10.000 euros or more per item</u>	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, (historical, artistic, scientific, literary, etc.) 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;	More than 250 years old	number of items (p/st)	



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	ex 9705; ex 9706		
(1) articles of furniture and old musical instruments.	ex 9706	More than 250 years old	number of items (p/st)