


Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Return of cultural objects unlawfully removed from the territory of a Member State See also 2000/0332(COD) Repealed by 2013/0162(COD)	
Subject 4.45.06 Heritage and culture protection, movement of works of art	

Key players			
European Parliament			
	Former committee for opinion		
	ECON Economic and Monetary Affairs, Industrial Policy	The committee decided not to give an opinion.	
	JURI Legal Affairs, Citizens' Rights		
	LIBE Civil Liberties and Internal Affairs		20/11/1995
		PSE LAMBRAKI Irini	
Council of the European Union			
	Council configuration	Meeting	Date
	Culture	1981	16/12/1996
	Economic and Financial Affairs ECOFIN	1954	14/10/1996
	Economic and Financial Affairs ECOFIN	1942	08/07/1996
	Culture	1936	11/06/1996

Key events			
19/10/1995	Legislative proposal published	COM(1995)0479	Summary
27/10/1995	Committee referral announced in Parliament, 1st reading		
15/04/1996	Vote in committee, 1st reading		
15/04/1996	Committee report tabled for plenary, 1st reading	A4-0110/1996	
20/05/1996	Debate in Parliament		Summary
21/05/1996	Decision by Parliament, 1st reading	T4-0229/1996	Summary
08/07/1996	Council position published	08557/1/1996	Summary
18/07/1996	Committee referral announced in Parliament, 2nd reading		

08/10/1996	Vote in committee, 2nd reading		
08/10/1996	Committee recommendation tabled for plenary, 2nd reading	A4-0309/1996	
14/10/1996	Resolution/conclusions adopted by Council		Summary
12/11/1996	Debate in Parliament		Summary
13/11/1996	Decision by Parliament, 2nd reading	T4-0583/1996	Summary
16/12/1996	Act approved by Council, 2nd reading		Summary
17/02/1997	Final act signed		
17/02/1997	End of procedure in Parliament		
01/03/1997	Final act published in Official Journal		

Technical information

Procedure reference	1995/0254(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	See also 2000/0332(COD) Repealed by 2013/0162(COD)
Legal basis	EC before Amsterdam E 100A
Stage reached in procedure	Procedure completed
Committee dossier	CULT/4/08043

Documentation gateway

Legislative proposal	COM(1995)0479	19/10/1995	EC	Summary
Economic and Social Committee: opinion, report	CES0096/1996 OJ C 097 01.04.1996, p. 0028	31/01/1996	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading	A4-0110/1996 OJ C 152 27.05.1996, p. 0003	15/04/1996	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0229/1996 OJ C 166 10.06.1996, p. 0016-0038	21/05/1996	EP	Summary
Council position	08557/1/1996 OJ C 264 11.09.1996, p. 0066	08/07/1996	CSL	Summary
Commission communication on Council's position	SEC(1996)1301	11/07/1996	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A4-0309/1996 OJ C 347 18.11.1996, p. 0006	08/10/1996	EP	
Text adopted by Parliament, 2nd reading	T4-0583/1996 OJ C 362 02.12.1996, p. 0089-0102	13/11/1996	EP	Summary

Additional information

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Final act

[Directive 1996/100](#)
[OJ L 060 01.03.1997, p. 0059](#) Summary

Return of cultural objects unlawfully removed from the territory of a Member State

OBJECTIVE: to amend Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State, in order to deal with the problem of water-colour, gouache and pastel pictures which are regarded as being either paintings or drawings. **SUBSTANCE:** For the purposes of Directive 93/7/EEC, water-colour, gouache and pastel pictures are regarded as being either paintings or drawings, corresponding to categories 3 and 4 respectively of this Directive. Different value thresholds apply for each of these categories, which gives rise to serious differences in the treatment of the pictures depending on the Member States in which they are situated and the current national artistic traditions (which place differing values on different types of work). To deal with this problem, the Commission proposes deciding specifically in which category this type of picture falls by creating a new distinct category with its own threshold set at ECU 30,000. This threshold will ensure that works of major significance which have been unlawfully removed from the territory of a Member State can be returned. ?

Return of cultural objects unlawfully removed from the territory of a Member State

The rapporteur pointed out that cultural objects enjoyed special treatment when it came to the free movement provided for under the terms of the Treaty. For example, paintings valued above ECU 150 000 and drawings valued above ECU 15 000 required an official licence before they could be exported. Water-colour, gouache and pastel pictures posed a special problem in that they were considered as paintings in some countries and as drawings in others. The rapporteur took the view that classifying these works in the category of paintings would eventually mean too many of them requiring an official licence. It was for this reason that he proposed creating an intermediate category. Commissioner Bonino said that in her opinion the loopholes in European legislation as regards the export of cultural objects had been filled in as a result of the harmonisation of measures designed to protect water-colour, gouache and pastel pictures, which was the object of the proposal in question. She also pointed out that Parliament would have an opportunity, later that year, to hold a debate on cultural works when the Commission would be presenting the first three-yearly report on the application of the Regulations in this sector.

Return of cultural objects unlawfully removed from the territory of a Member State

Adopting the report by Mr José Antonio ESCUDERO (PPE, E) on the return of cultural objects unlawfully removed from the territory of a Member State, the European Parliament approved the Commission proposal without amendment.?

Return of cultural objects unlawfully removed from the territory of a Member State

In its common position, the Council made no substantive changes to the Commission proposal. It simply inserted a procedural amendment to make the date of implementation of the Directive coincide with that of the Regulation amending the Annex to Council Regulation (EEC) No 3911/92 on the export of cultural goods, the proposal for which was submitted at the same time as that for the Directive.. ?

Return of cultural objects unlawfully removed from the territory of a Member State

The Commission supported the text of the Council's common position.

Return of cultural objects unlawfully removed from the territory of a Member State

The Council adopted the following conclusion: "The setting up of a specialized national unit to centralize all information on the illegal trafficking of works of art in each Member State of the European Union, in accordance with national law, with the aim of facilitating the exchange of information, and the analysis of that information, between the various Member States of the European Union. The aim of this proposal is to centralize the information available in the various law enforcement agencies at national level, facilitating, furthermore, the exchange of information and the analysis thereof between States through having a single contact point in each Member State of the European Union. Relations between the national unit and the relevant departments are governed by national law, in particular by constitutional rules"?

Return of cultural objects unlawfully removed from the territory of a Member State

The rapporteur, Mr Escudero (EPP, E), recommended that the proposal should be adopted in order to clarify the situation as regards the

different definitions that existed for paintings, drawings and water-colours requiring an export licence under the terms of the 1993 directive. The rapporteur said that he could accept the two amendments that the Council had made to the initial proposal: the first of these related to the procedure and the second, which was of a technical nature, to the creation of a distinct category for the three abovementioned forms of art. For his part, Commissioner Monti fully supported the common position of the Council concerning the return of cultural works unlawfully removed from the territory of a Member State.

Return of cultural objects unlawfully removed from the territory of a Member State

In adopting the recommendation for second reading by Mr José ESCUDERO (PPE, E), Parliament approved, without amendments, the common position of the Council amending the Annex to Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State. ?

Return of cultural objects unlawfully removed from the territory of a Member State

The Council adopted the Directive.

Return of cultural objects unlawfully removed from the territory of a Member State

OBJECTIVE: to amend Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State in order to deal with the problem of water-colour, gouache and pastel pictures which are regarded as being either paintings or drawings. COMMUNITY MEASURE: Directive 96/100/EC of the European Parliament and of the Council amending the Annex to Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State. SUBSTANCE: For the purposes of Directive 93/7/EEC water-colour, gouache and pastel pictures are regarded as being either paintings or drawings, corresponding to categories 3 and 4 respectively of this Directive. Different financial thresholds apply for each of these categories which causes serious differences of treatment of the pictures depending on the Member States in which they are situated and the current national artistic traditions (which place differing values on different types of work). To deal with this problem this amendment to the directive decides specifically in which category this type of picture falls by creating a new distinct category with a threshold set at ECU 30 000. This threshold ensures that works of major significance unlawfully removed from the territory of a Member State can be returned. DEADLINE FOR TRANSPOSITION: 17/08/1997 ?