



**COUNCIL OF  
THE EUROPEAN UNION**

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**"I/A" ITEM NOTE**

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from:	General Secretariat
to:	COREPER/Council
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Subject:	Draft Council Conclusions on preventing and combating crime against cultural goods

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1. The Law Enforcement Working Party at its meetings on 24 October and 23 November 2011 discussed the Presidency's proposal relating to preventing and combating crime against cultural goods, and agreed to the draft Council Conclusions on this subject.
2. On this basis, COREPER is requested to invite the Council to adopt the draft Council Conclusions on preventing and combating crime against cultural goods set out in annex.

**Draft Council Conclusions**  
**on preventing and combating crime against cultural goods**

THE COUNCIL OF THE EUROPEAN UNION,

BEARING IN MIND:

- Article 167 TFEU, which emphasises that the Union will contribute to the flowering of the cultures of the Member States, by respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore;
- Title V TFEU on the area of freedom, security and justice, and especially Article 87 thereof, which covers police cooperation involving all the Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences;
- Articles 34 to 36 TFEU, which expressly provide for the free movement of goods, including cultural goods, within the European Union and allow for the imposition of certain restrictions on imports and exports on the grounds of protection of national treasures possessing artistic, historic or archaeological value;
- The Stockholm Programme<sup>1</sup>, which stipulates that the enhancement of actions at the European level combined with better coordination with actions at regional and national level are essential for ensuring protection against transnational threats and that combating crime at the European level, will not work effectively without law enforcement cooperation between the Member States, exchange of best practices and avoidance of duplication of efforts;

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<sup>1</sup> OJ C 115, 4.5.2010. p. 1.

- Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods<sup>2</sup>, which ensures that the export of such goods is subject to uniform control at the external European Union borders;
- Council Directive No 93/7/EEC of 15 March 1993<sup>3</sup>, which sets out the procedures for the return of cultural objects which have been unlawfully removed from the territory of a Member State;
- The Council Conclusions of 28 November 2008 on preventing and combating illicit trafficking in cultural goods<sup>4</sup>, which underlines the importance of close cooperation between specialised agencies operating in the Member States in order to combat the illicit trafficking of cultural goods;
- The Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the Work Plan for Culture 2011-2014<sup>5</sup>;

NOTING that the European Union is an important region of origin, transit and destination for cultural goods;

NOTING that the system of standard registration of cultural goods, which is implemented in a few Member States, is not a uniform system for documenting the collections possessed;

NOTING the lack of a harmonised EU approach for recording missing items of cultural goods in national databases;

EMPHASISING that the rapid exchange of information and sharing of best practices between Member States would improve the effectiveness of combating crime against cultural goods;

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<sup>2</sup> OJ L 39, 10.2.2009, p. 1.

<sup>3</sup> OJ L 74, 27.3.1993, p. 74, as amended by Directive 96/100/EC of the European Parliament and of the Council of 17 February 1997 (OJ L 60, 1.3.1997, p. 59) and Directive 2001/38/EC of the European Parliament and of the Council of 5 June 2001 (OJ L 187, 10.7.2001, p. 43).

<sup>4</sup> 14224/2/08 REV 2 CRIMORG 166 ENFOPOL 191.

<sup>5</sup> OJ C 325, 2.12.2010, p. 1.

EMPHASISING the importance of supporting Interpol's actions to improve the database recording missing cultural goods;

EMPHASISING the importance of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property signed on 17 November 1970 and the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects signed on 24 June 1995, which are important instruments for strengthening protection of the global cultural heritage;

CONCLUDES that it is necessary to take measures that will increase the effectiveness of prevention and combating of crime against cultural goods and therefore:

RECOMMENDS that the Member States

- consider the ratification of the UNESCO Convention of 1970 and the UNIDROIT Convention of 1995;
- cooperate more closely with UNESCO on preventing crimes against cultural goods by taking common action (consider shared training programmes, exchange of good practices, existing legal frameworks and participation in information and awareness campaigns);
- consider the necessity of introducing specific provisions in their national legislation for crimes committed against cultural goods;
- enhance their cooperation with Interpol on developing and implementing the system for urgent reporting of key events connected with crime against cultural goods;
- strengthen coordination between law enforcement and culture authorities and private organisations (e.g. antique shops, auction houses, online auctions) with a view to facilitating the exchange of information, in accordance with relevant legislation, and best practice at national and international level and for that purpose designate contact points for preventing and combating crime against cultural goods;

- consider the possibility of developing transaction registers to be maintained by dealers in works of art, so as to increase the traceability of important cultural goods and prevent trafficking;
- introduce, if possible, a uniform and transparent standard for identifying cultural goods, such as the Object ID Standard as set out in the Annex, and take further measures to standardise and simplify procedures for recording missing cultural goods in national Member States' databases and to adapt the latter to the Interpol "Stolen Works of Art" database;
- consider specific arrangements for cooperation with third countries on protection of cultural heritage and combating international trafficking, particularly in the event of conflicts and natural disasters, and on procedures for the return of stolen goods;
- prepare in cooperation with Interpol a handbook in order to combat crime against cultural goods more effectively. The subject area of such a handbook should include the overview of legal instruments regarding cultural goods, a contact points database, and the nature and scope of national law enforcement authorities involved in combating and preventing crime against cultural goods in Member States;

RECOMMENDS that the European Commission

- support the Member States in the effective protection of cultural goods with a view to preventing and combating trafficking and promoting complementary measures where appropriate;
- involve relevant stakeholders when setting up the expert group under the Work Plan for Culture 2011-2014 to produce a toolkit on the fight against illicit trafficking and theft of cultural goods;
- consider the provision of financial support to innovative projects promoting prevention and the combating of trafficking in cultural goods;

RECOMMENDS that Europol

- use existing measures to provide practical support in tackling crimes against cultural goods, for example by making use of the Europol Platform for Experts (EPE);

RECOMMENDS that CEPOL

- continue to organise periodic training courses for law enforcement officials related to the combating of crime against cultural goods, including cooperation with relevant partners, e.g. UNESCO and European Judicial Training Network, and taking into account this subject in exchange programmes.

## OBJECT ID CHECKLIST

### TAKE PHOTOGRAPHS

Photographs are of vital importance in identifying and recovering stolen objects. In addition to overall views, take close-ups of inscriptions, markings, and any damage or repairs. If possible, include a scale or object of known size in the image.



### ANSWER THESE QUESTIONS:

#### Type of Object

What kind of object is it (e.g., painting, sculpture, clock, mask)?

#### Materials & Techniques

What materials is the object made of (e.g., brass, wood, oil on canvas)?

How was it made (e.g., carved, cast, etched)?

#### Measurements

What is the size and/or weight of the object? Specify which unit of measurement is being used (e.g., cm., in.) and to which dimension the measurement refers (e.g., height, width, depth).

#### Inscriptions & Markings

Are there any identifying markings, numbers, or inscriptions on the object (e.g., a signature, dedication, title, maker's marks, purity marks, property marks)?

#### Distinguishing Features

Does the object have any physical characteristics that could help to identify it (e.g., damage, repairs, or manufacturing defects)?

#### Title

Does the object have a title by which it is known and might be identified (e.g., *The Scream*)?

#### Subject

What is pictured or represented (e.g., landscape, battle, woman holding child)?

#### Date or Period

When was the object made (e.g., 1893, early 17th century, Late Bronze Age)?

#### Maker

Do you know who made the object? This may be the name of a known individual (e.g., Thomas Tompion), a company (e.g., Tiffany), or a cultural group (e.g., Hopi).

### WRITE A SHORT DESCRIPTION

This can also include any additional information which helps to identify the object (e.g., color and shape of the object, where it was made).

### KEEP IT SECURE

Having documented the object, keep this information in a secure place.

