



22/05/2018

AMENDMENTS: 8

Kostas Chrysogonos
Import of cultural goods

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

Amendments created with



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EUROPEAN PARLIAMENT

Committee on Civil Liberties, Justice and Home Affairs

22/05/2018

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Import of cultural goods

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

Amendment 1

Ana Gomes

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Cultural heritage constitutes one of the basic elements of civilisation, it enriches the cultural life of all peoples and it should therefore be protected from unlawful appropriation and pillage. The Union should accordingly prohibit the entry in the customs territory of the Union of cultural goods unlawfully exported from third countries.

Amendment

(2) Cultural heritage constitutes one of the basic elements of civilisation, it enriches the cultural life of all peoples and it should therefore be protected from unlawful appropriation and pillage. The Union should accordingly prohibit the entry in the customs territory of the Union of cultural goods unlawfully exported from third countries, ***with particular emphasis on cultural goods exported by third countries affected by national or regional armed conflicts and countries in which government institutions or groups have been known for abetting financing or supporting in any way organisations linked to organised crime and terrorism;***

Or. en

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Amendment 2

Ana Gomes

Proposal for a regulation

Recital 3

Text proposed by the Commission

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

Amendment

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

Or. en

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Amendment 3

Ana Gomes

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Given the known potential of free zones (and so-called "free ports") for the purpose of storing cultural goods, the control measures to be put in place should have as broad a scope as possible in terms of customs procedures concerned. Those control measures should therefore not only concern goods released for free circulation but also goods placed under a special customs procedure. However, such a broad scope should not **go against** the principle of freedom of transit of goods nor go beyond the objective of preventing illicitly exported cultural goods from entering the customs territory of the Union. Accordingly, while encompassing special customs procedures under which goods entering the customs territory of the Union may be placed, control measures should exclude transit.

Amendment

(5) Given the known potential of free zones (and so-called "free ports") for the purpose of storing cultural goods, the control measures to be put in place should have as broad a scope as possible in terms of customs procedures concerned **in order to prevent circumvention by exploitation of free zones, which represent potential background areas for continued proliferation of trade and storage in ill-gotten products in the EU**. Those control measures should therefore not only concern goods released for free circulation but also goods placed under a special customs procedure. However, such a broad scope should not **unreasonably counter** the principle of freedom of transit of goods nor go beyond the objective of preventing illicitly exported cultural goods from entering the customs territory of the Union. Accordingly, while encompassing special customs procedures under which goods

entering the customs territory of the Union may be placed, control measures should exclude transit, ***except when competent authorities have reasonable grounds to believe that cultural goods have been exported from the source country in violation of its laws and regulations or have been acquired in an otherwise illicit manner.***

Or. en

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Amendment 4

Ana Gomes

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Trafficking in looted artefacts and antiques has been identified as a possible source for terrorist financing and money laundering activities in the context of the supranational risk assessment on money laundering and terrorist financing risks affecting the internal market²⁶.

²⁶ Commission Communication COM (2017) 340

Amendment

(9) Trafficking in looted artefacts and antiques has been identified as a possible source for terrorist financing and money laundering activities in the context of the supranational risk assessment on money laundering and terrorist financing risks affecting the internal market²⁶. ***Fighting trafficking of looted artifacts and antiquities through legal trade or black markets requires concerted measures from Member States, addressing also loopholes in taxation;***

²⁶ Commission Communication COM (2017) 340

Or. en

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Amendment 5

Ana Gomes

Proposal for a regulation

Recital 13

Text proposed by the Commission

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

Amendment

(13) Storage of cultural goods from countries affected by armed conflict or suffering a natural disaster should also be permitted without the presentation of a licence or a statement in order to ensure their safety and preservation. ***However, a careful background check should be carried out on the persons seeking to introduce them into the customs area of the Union, with particular attention to the potential that storage of cultural goods from export countries affected by armed conflict or suffering from natural disaster may be used as a source money laundering and terrorism financing;***

Or. en

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Amendment 6

Ana Gomes

Proposal for a regulation

Article 3 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

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Amendment 7

Ana Gomes

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

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Amendment 8

Ana Gomes

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en