



CULTURAL GOODS



**COUNCIL DIRECTIVE 93/7/EEC of 15
March 1993 on the return of cultural
objects unlawfully removed from the
territory of a Member State
(OJ L 74, 27.3.1993, p. 74)**



Amended by:

- Directive 96/100/EC of the European Parliament and of the Council of 17 February 1997 (L 60 59 1.3.1997)
- Directive 2001/38/EC of the European Parliament and of the Council of 5 June 2001 (L 187 43 10.7.2001)



Aim of Directive on cultural goods

Together with Regulation (EEC) N°3911/92 on the export of cultural goods, Directive 93/77/EEC introduces a Community system to protect MS' cultural goods.

The Directive enables MS to secure the return to their territory of cultural goods that have been removed from their territory in breach of national or Community law.

The Directive does not apply to the import, export or transfer of cultural goods between MS.



Scope of application

‘Cultural object’ means an object which is classified among the ‘national treasures under national legislation.

Additionally, the object must either

- belong to one of the categories listed in the Annex to the Directive. This Annex has been modified twice since 1993; or
- form an integral part of public collections or the inventories of ecclesiastical institution.

The Directive applies only to cultural objects unlawfully removed from the territory of a Member state on or after 1 January 1993.



Mechanisms provided for by the Directive

The Directive obliges MS to establish, in their implementing legislation, a system of administrative cooperation between the MS as regards national treasures which have been unlawfully removed and the basis for judicial proceedings before the Court in the MS in whose territory the unlawfully removed cultural object is located.



1 *Administrative Cooperation*

The national competent authorities of the MS must provide every assistance help to find, preserve and recover the cultural object which has been unlawfully removed from the territory of another MS.



2 *Judicial Proceedings*

The Member State may initiate, before the competent court in the Member State in which an unlawfully removed cultural object is located, proceedings against the possessor with the aim of securing the return of the object.

The request has to be accompanied by:

- a document describing the object covered by the request and stating that it is a cultural object,
- a declaration by the competent authorities of the requesting Member State that the cultural object has been unlawfully removed from its territory.



However, the national legislation must lay down that the return proceedings provided for in the Directive may not be brought more than one year after the requesting Member State became aware of the location of the cultural object and of the identity of its possessor.



Administration tasks

Each Member State shall, in the national legislation implementing the Directive, appoint one or more central authorities to carry out the tasks provided for in the Directive. In general, this authority is the Ministry of Culture.