



COUNCIL OF
THE EUROPEAN UNION



Council Conclusions on preventing and combating illicit trafficking in cultural goods

*2987th JUSTICE and HOME AFFAIRS Council meeting
Brussels, 27-28 November 2008*

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION,

BEARING IN MIND Article 2 of the Convention on the establishment of a European Police Office (Europol) of 26 July 1995¹ and Article 4 of the Council Decision of 28 February 2002 setting up Eurojust, under which those agencies are competent in the area of illicit trafficking in cultural goods, including antiques and works of art,

REITERATING its commitment to the free movement of persons and goods throughout the Union and to the construction of an area of freedom, security and justice,

RECALLING that one of the objectives of the European Union is to protect Europe's public and private cultural heritage by combating illicit trafficking in cultural goods more effectively,

EMPHASISING that, in view of the economic and commercial dealings which characterise it and the artistic and cultural heritage which it contains, the territory of the European Union is a favoured target for criminal organisations,

¹ This Article corresponds to Article 4 and Annex 1 of the draft Council Decision establishing the European Police Office.

P R E S S

EMPHASISING that the prevention and punishment of illicit trafficking in cultural goods are factors in protecting economic trade and commerce, the artistic and cultural heritage of the Member States, the thriving European art market and respect for the rights of public and private victims, in particular their right to recover their stolen property,

NOTING that the free movement of cultural goods requires greater traceability of such goods in order better to prevent illicit trafficking,

NOTING that the absence of means of establishing the origin of cultural goods offered for resale complicates matters for the competent authorities *if the goods are of fraudulent origin* and that quicker and wider circulation of information relating to stolen cultural goods is necessary in the context of a common area of free movement where such goods can rapidly cross borders,

WHEREAS there are differences between Member States in the legal definition of a "cultural good", in establishing the "bad faith" of a dealer, broker or any other holder of a cultural good and in the legal classification of behaviour which consists in holding or passing on an object in the knowledge that it has been obtained through a criminal offence,

REITERATING the usefulness of creating, or of designating within existing police services, departments to combat illicit trafficking in cultural goods, in accordance with the provisions of the UNESCO Convention of 14 November 1970,

NOTING that although certain Member States have established specific databases of stolen cultural goods, these are not interconnected or compatible on account of their different design,

EMPHASISING that the Commission document of 6 August 2004 on "Storage of alerts on cultural goods in SIS II" recommended the creation of a specific database for cultural goods,

NOTING that there is an international institutional database accessible to the public and to police forces which is administered by the International Criminal Police Organisation (Interpol). This database is open to all States and is used by Member States. However, because of the current level of the technology it uses and the resources devoted to it, this database responds only partly to the challenges of combating illicit trafficking in cultural goods,

WELCOMING Interpol's stated willingness to cooperate with the Member States in developing and modernising that database,

CONCLUDES THAT IT IS NECESSARY TO PREVENT AND TO COMBAT ILLICIT TRAFFICKING IN CULTURAL GOODS AND TO THAT END:

RECALLS the importance of the relevant European and international instruments on action to combat illicit trafficking in cultural goods,

EMPHASISES the importance of close cooperation between Member States' departments specialising in combating the illicit trafficking of cultural goods, and to that end the value of exchanging good practice and experience, for instance, through the designation of contact points in all Member States,

CALLS UPON the European Commission to compile and report on, by 31 December 2010, an inventory of legislative, normative and operational instruments relating to the handling of cultural goods stolen in the European Union, more generally with a view to preventing the resale of stolen cultural goods and to their traceability,

RECOMMENDS looking into the possibility of quicker and wider circulation of information on stolen cultural goods in existing national systems,

SUPPORTS Interpol's action in improving its database and designing to that end an automatic data exchange system supplied, consulted and updated directly by the Member States and exploiting the latest technology, such as image similarity and the use of search engines,

CALLS UPON the European Commission to **involve Interpol in the aforementioned work and to encourage the development of partnerships between the relevant private and public players."**
