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Subject: Draft text substituting placeholder in Article GOODS.21 (cultural objects) of the draft text of the Agreement on the New Partnership with the United Kingdom

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TITLE IV: TRADE IN GOODS

Chapter one: National Treatment and market access for goods [including trade remedies]

Article GOODS.3: Definitions

For the purposes of this Chapter, the following definitions apply:

- (k) “Cultural object” means an object classified or defined as being among the national treasures possessing artistic, historic or archaeological value in accordance with the respective rules and procedures of each Party.

Article GOODS.21: Cultural objects¹

1. The Parties shall cooperate in facilitating the return of cultural objects unlawfully removed from the territory of a Party.
2. For the purposes of this provision, “unlawfully removed from the territory of a Party” means:
 - (a) removed from the territory of a Party on or after 1 January 1993 in breach of its rules on the protection of national treasures or in breach of its rules on the export of cultural objects; or
 - (b) not returned at the end of a period of lawful temporary removal or any breach of another condition governing such temporary removal.
3. Each Party shall ensure that its administrative and judicial authorities take appropriate measures so that cultural objects which have been unlawfully removed from the territory of the other Party are returned thereto.

Each Party shall ensure that such measures are available through own administrative action or at the request of the other Party.

4. The competent authorities of the Parties shall cooperate with each other in particular by:
 - (a) notifying the other Party where a cultural object is found in their territory and there are reasonable grounds for believing that it has been unlawfully removed from the territory of the other Party;
 - (b) addressing requests of the other Party for the return of cultural objects which have been unlawfully removed from the territory of that Party. Such requests must include evidence of the illegal removal and all information needed to facilitate the search of the cultural objects, with particular reference to the identification and the actual or presumed location of the objects;

¹ This provision might be placed elsewhere in the Agreement.

- (c) preventing, through the necessary interim measures, any action to evade the return of such cultural objects;
- (d) taking any necessary measures, in cooperation with the other Party, for the physical preservation of the cultural objects which have been unlawfully removed from the territory of the other Party.

5. In accordance with its rules and procedures, each Party shall admit proceedings before its competent national courts brought by the other Party against the possessor or, failing him, the holder, with the aim of securing the return of the unlawfully removed cultural object.

Proceedings may be brought only where the document initiating them is accompanied by:

- (a) a document describing the object covered by the request and stating that it is a cultural object;
- (b) a declaration by the competent authorities of the requesting Party that the cultural object has been unlawfully removed from its territory.

6. In case of disagreement between the competent authorities of the Parties with respect to the outcome of their cooperation pursuant to paragraph 4, either Party may notify the Partnership Council and request to enter into consultations with the other Party within the Partnership Council with a view to reaching a solution that is acceptable to both Parties.

7. Each Party shall identify a contact point responsible for communicating with the other Party on any matters arising under this Article, including in particular with respect to the notifications and requests referred to in paragraph 4(a) and (b).

8. The envisaged cooperation between the Parties shall involve, as appropriate and necessary, the customs authorities of the Parties responsible for managing export procedures for cultural goods.