

Cultural Heritage after Brexit: Measure for Measure

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BREXIT: Any impact on cultural heritage?

EU Funding Programmes for Cultural Heritage

- Safeguarding and Promoting Cultural Heritage in the UK
- Research

EU Legislation on Cultural Objects

- The Export of Cultural Objects from the EU

[Council Regulation \(EC\) 116/2009](#)

- The Import of Cultural Objects from the EU

[Proposal for a regulation of the European Parliament and of the Council on the import of cultural goods \(13 July 2017\)](#)

- The Movement of Cultural Objects within the EU

[Directive 2014/60/EU à CASE STUDY](#)



CASE STUDY: The Movement of Cultural Objects within the EU

Directive 2014/60/EU (replacing Council Directive 93/7/EEC) provides for:

- cooperation mechanisms and
- return proceedings

against the possessor of a cultural object unlawfully removed from the territory of one EU country to the territory of another EU country.

Single market (1993) established the freedom of movement of goods, including cultural goods...

BUT an exception was required for national treasures!
(Article 36 TFEU)

Application of the Directive 2014/60/EU: EEA



What is a National Treasures under Domestic UK Law?

An object is a UK national treasure if it fills one of the 'Waverley Criteria':

- closely connected with history and national life, meaning that its departure would be a misfortune
 - it is of outstanding aesthetic importance
 - it is of outstanding significance for the study of some particular branch of art, learning or history
- Ø Deferral of export licence

Application of Directive 2014/60 in the UK

Return of Cultural Objects (Amendment) Regulations 2015





The end of the cooperation?

Directive 2014/60/EU introduced the use of the [Internal Market Information System](#) (IMI) for the return of cultural objects:

- search for a specified cultural object that has been unlawfully removed, as well as the identity of its possessor
- notify the discovery of a cultural object
- enable a check on the cultural object
- act as an intermediary with regards to its return

The Current UK Position



The European Union (Withdrawal Bill) 2017-19

All EU laws and regulations continue to apply until they (or parts of them) have been scrapped or amended through secondary legislation.



Directive 2014/60/EU requires co-operation and reciprocity among all its States Parties

Ø UK may declare its wish to remain a party to the system of return established by the Directive
BUT this cannot be done unilaterally: the EU will have to agree to this!

The Future...?



1. Leave the single market and enter into a bilateral relationship with the EU, like Switzerland
2. Stay in the single market (or rejoin the EEA) and have the same status as Norway to which Directive 2014/60 applies

Does Brexit mean Br(EEA)xit?

