

Risk to Freeports from Illicit Trafficking of Cultural Property

Submitted on behalf of UK National Committee of the Blue Shield and Blue Shield International

22 May 2020.

1.0 Submitting organisation and personnel

1.1 **Professor Stone**, OBE FSA MifA, is the UNESCO Chair in Cultural Property Protection and Peace at Newcastle University, Vice-President of the international heritage protection NGO, the Blue Shield, and Chair of UK National Committee of the Blue Shield (UKBS). **Dr Cunliffe** is a member of the UNESCO Chair at Newcastle University, Secretariat for the Blue Shield, and Secretary of UKBS. Their work concerns national and international heritage protection. **Fionnuala Rogers** is an art and cultural property lawyer at Canvas Art Law, and member of UKBS. **Professor Gerstenblith** teaches law at DePaul University (USA), is Director of its Center for Art, Museum & Cultural Heritage Law, and is Secretary of US National Committee of the Blue Shield; Rogers and Gerstenblith are members of the Blue Shield International Working Group on Illicit Trafficking of Cultural Property, which Gerstenblith Chairs.

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2.0 Executive Summary

2.1 There are demonstrable links between Freeports and illicit trafficking of cultural property (CP) with many countries increasing Freeport regulation. The UK Government has committed to CP protection and the prevention of illicit trafficking of CP (see 3.3 **Error! Reference source not found.**); internationally, the opening of Freeports in the UK may be perceived as contradictory to those commitments. In particular, if the UK departs from the EU's more stringent measures to combat illicit trafficking of CP, the UK could be seen as a "haven" in which to store illicit CP if UK Freeports have significantly lower requirements. (EU measures include new EU Cultural Property Import Regulations 2019 (see 7.14) which create an electronic import licensing system for CP coming into the EU, require export licences for at risk CP, and import declarations otherwise).

2.2 As the UK's Freeport proposals go against the trend of other countries, the UK must ensure it can demonstrate robust measures are in place to prevent illicit trafficking of CP (including that below the £10,000 threshold, which is still a significant contributor to organised crime) and that it has learned from the mistakes of other Freeports around the world. In this Evidence and Annexes, we aim to:

- identify the risks Freeports pose to combating illicit trafficking of CP and organised crime;
- highlight additional evidence in recent reports;
- identify the relevant international commitments and legislation which the UK must comply with;
- provide a case study of the Geneva Freeport as a "Lesson Learned"; and
- conclude with Recommendations to enable the UK to mitigate these significant risks.

3.0 Introduction and reason for submitting evidence

- 3.1 We recognise the value of Freeports to global trade and investment across the UK, promoting regeneration and job creation. However, this submission highlights the globally documented use of Freeports in illicit trafficking of CP and recommends strict measures to mitigate those risks.
- 3.2 The UK has made multiple international legal commitments to combat and prevent illicit trafficking of CP (see Annex 1). In addition to legal compliance, the prevention of illicit CP trafficking also supports Defence, the FCO, and positive perceptions of the UK. NATO and the MoD have both expressed concern about illicit CP trafficking as a contributor to conflict and terrorism funding¹. It forms part of the FCO strategy relating to soft power and sustainable development goals. Further, SDG16.4 requires states to *strengthen the recovery and return of stolen assets and combat all forms of organized crime*. Evidence of illegal trade devalues trust – culture and trust are both key factors in UK soft power² and contributes to a negative perception of the UK on International Stage.
- 3.3 By analysing the links between Freeports and illicit trafficking of CP from other countries, the UK can mitigate these risks from day one and stand as a global leader in the fight against looting and illicit trafficking of CP, setting the example of good practice. Implementing robust regulation and procedures at Freeports would ensure the UK upholds its objectives and international commitments (including UN Security Council Resolutions (see 5.1), such as UNSCR 2347, condemning unlawful CP destruction), support international trust in UK markets and interdepartmental strategies, and help the UK meet its sustainable development goals without causing detriment to the economic benefits Freeports might bring to the UK.

4.0 Resources, Reports and Evidence

- 4.1 We highlight several information sources underscoring the risks posed by Freeports in illicit CP trafficking (links in endnotes). Several recommend the phasing out of Freeports, given the significant links to illicit CP and organised crime. The Government asks for evidence on mitigation of risks and does not seek to consult on whether to proceed with the opening of Freeports, so we do not address this in our submission. We instead include these reports to evidence the risks posed by Freeports and in support of our Recommendations (7.0):

- Mr Daniel Dalton, former UK Member of the European Parliament, led on the EU Regulations on the Introduction and the Import of Cultural Goods, 2019. This Regulation was extended to expressly apply to Freeports in the EU due to the risks of illicit trafficking of CP and we therefore suggest his insight would be invaluable.
- *Free Ports and risks of illicit trafficking of cultural property*³ (2016 UNESCO) written for the Intergovernmental Committee For Promoting The Return Of Cultural Property To Its Countries Of Origin Or Its Restitution In Case Of Illicit Appropriation. In coordination with the World Customs Organization, the UNESCO Secretariat researched Freeports and illicit CP trafficking, reviewed the evidence and made several proposals, (Annex 2), with which we concur, in addition to our Recommendations in this submission.

- *Money laundering and tax evasion risks in Freeports (European Parliament October 2018⁴)* was written at the request of the Special Committee on Financial Crimes, Tax Evasion and Tax Avoidance (TAX3): it argued Freeports are conducive to secrecy. From January 2020, Freeport operators were expressly included in the scope of the 5th Anti-Money Laundering Directive (5AMLD) making Freeports obliged to report suspicious transactions and conduct client due diligence. The study suggested the success of the 5AMLD framework would largely depend on the good faith of those obliged to carry out such measures and therefore we emphasise the importance of UK Freeports having robust due diligence procedures and experienced personnel qualified to identify suspicious activity.
- In 2019, the European Parliament (EP) published resolution (2018/2121(INI)⁵ on financial crimes, acknowledging Freeports are regularly used to store CP, gold, and wine, often permanently. While welcoming the inclusion of Freeports under the 5ALMD, it also calls on the European Commission to bring forward a proposal for the 'urgent phasing out of the system of Freeports in the EU'.

5.0 Negative Impact: Link between Freeports and Illicit Trafficking

- 5.1 Illicit CP trafficking is an international problem, well evidenced as a contributor to armed conflict, organised crime, and terrorism, noted in multiple UNSCRs (1373 (2001), 1483 (2003), 2199 (2015), 2253 (2015), 2347 (2017), 2368 (2017)⁶. This problem is well documented⁷, so we focus on the link between illicit trafficking of CP and Freeports, but we can provide further information on illicit trafficking more widely if required.
- 5.2 Multiple laws (Annex 1) apply to CP imported into and traded in Freeports. The interaction between these laws is confusing, with multiple definitions of CP, different date thresholds and different requirements for due diligence. The implementation guidance documents do not provide clarity and suggest a light touch approach to due diligence of CP - which would not be robust enough to mitigate the risks caused by Freeports in the UK. We express strong concern that Freeport managers will not be able to navigate the complexities of illicit trafficking legislation and obligations without significant support and expertise.
- 5.3 Traffickers know the differences, gaps and weaknesses in legislation and import procedures in different countries and exploit them. Simplified procedures at Freeports, non-expert personnel and additional pressures at customs all create opportunities for traffickers to use UK Freeports as a hub for illicit CP, both through import, storage, and tax-free transactions. This is particularly high risk in the immediate aftermath of the Brexit transition period and/or during the initial opening of Freeports.
- 5.4 The Government anticipates that Freeports will simplify/reduce import processes. We express concern that reduced documentation in relation to CP would be detrimental and make the identification of illicit CP more challenging, particularly because the information required on import into the UK is already minimal (something the new EU Cultural Property Import Regulations seeks to change).

- 5.5 We note, crucially, that CP is not always high value (over £10,000), or identified in paperwork as such, and we are aware of cases where illicit CP was intercepted and found to have been mis-declared in terms of country of origin, financial value and description⁸. Expert personnel at Freeports will be needed to inspect objects coming into the Freeport and scrutinise these objects against their import documents. These personnel will also need to be familiar with export licences from other countries, particularly those from countries in conflict, which are often subject to forgery.
- 5.6 CP is broader than ‘art and antiquities’, including manuscripts, furniture, coins, etc., (see Annex 3); nor is it age or value based. Small objects – coins, cylinder seals and small statues – are at particularly high risk of looting and illicit trafficking, due to frequently poor controls in source and transit countries and the relatively high prices they can command when they eventually come to market. We highlight the recent BBC investigation of the Gaza hoard⁹. These objects are easy to move and include in mixed shipments. Recent academic research¹⁰ demonstrates that looters destroy sites to find small items for their collective income. We emphasise the need for Freeports to have a broad definition of CP without an age-based or financial threshold and robust procedures to identify smaller, lower value objects which can easily go unnoticed.
- 5.7 The above reports (4.0) contain multiple criticisms of the regulation and procedures applicable to Freeports which have allowed illicit trafficking of CP:
- Ambiguity and lack of transparency in regulations governing free zones and the jurisdiction and powers of relevant authorities;
 - Random inspection rather than a thorough risk-based approach;
 - Lack of procedures, authority, or documentation to organise and carry out investigations;
 - Lack of expertise in identifying and recording CP or suspicious activity; and
 - Lack of knowledge of legal obligations relating to CP, risks of trafficking and the link to organised crime/ conflict.

6.0 Lessons Learned: The Geneva Freeport

- 6.1 The Geneva Freeport, opened in 1888, is run by the Ports Francs & Entrepôts de Genève SA. The Swiss Federal Audit Office (SFAO) estimated more than 1.2 million pieces of art resided in the Geneva Freeport, worth an estimated \$100bn, some of which had not left the buildings in decades.¹¹
- 6.2 The Geneva Freeport has been the location of multiple discoveries of illicit objects and significant criticism since the 1990s¹², including the following recent examples:
- 2016 - Italian Carabinieri discovered 45 crates of looted Roman and Etruscan artefacts, stored by Robin Symes (UK antiquities dealer convicted in 2005 as a key player in an international criminal network that traded in looted CP)¹³;

- 2016 - Swiss customs discovered 48 pre-Columbian artefacts from Peru, which featured on ICOM's Red List of endangered Peruvian antiques¹⁴;
- During a 2013 Federal Customs Administration audit at the Freeport¹⁵, Swiss authorities seized nine 3rd-4th century objects looted from the MENA region, shipped via Qatar and the UAE¹⁶ and deposited between 2009-2010.¹⁷ A criminal case was opened in 2016¹⁸ but few details have been made public.

6.3 Attempting to counter the illicit CP trafficking in its Freeports, Switzerland made several regulatory changes:

- a) 2005- Federal Act on the International Transfer of Cultural Property (CPTA), implementing the 1970 UNESCO Convention. It went beyond the Convention's requirements, requiring all art dealers to demand written proof of identity and ownership from anyone selling 'cultural property'. Prior to the Swiss Customs Act 2005, Freeports were considered 'extraterritorial' and treated as foreign soil. The 2005 Act brought Freeports within customs regulations and required artworks stored to be recorded in an inventory for five years.
- b) 2015- Amended Swiss Customs Act¹⁹: New measures included additional requirements on Freeport managers to identify owners in the warehouse inventory records, rather than simply the agents empowered to dispose of works of art²⁰.
- c) 2016- Swiss Anti-Money Laundering Regulations (AMLR) took effect, requiring increased transparency and due diligence in transactions for high-value art.

6.4 The examples at 6.2 occurred after national attempts to tighten legislation, but the problem remained. As a result, in 2016, Geneva Freeport introduced its own measures. David Hiler, Geneva Freeport president, said '*we cannot wait for the Swiss customs to deploy sufficient people to carry out checks on artefacts stored here. It's too risky.*'²¹

6.5 Measures include:

- engaging firms to perform stringent checks and to investigate the validity of requests and precise origins of antiques²²;
- requirements to identify the final beneficiaries, identities of subtenants and activities;
- names and ownership are cross-checked with Interpol and against other databases; and
- introduction of a biometric system to track client movement within the Freeport, although it is unclear if it is operational yet²³.

6.6 The measures taken by the Geneva Freeport operators demonstrate that the national legal obligations remained ineffective in tackling illicit CP; the Freeport proactively implemented stricter measures to mitigate the risks. Therefore, strict processes of due diligence, identification of CP, and identification of all parties involved in transactions must be implemented from the outset of Freeport opening: otherwise the administrative burden rapidly becomes too high to implement retrospectively.

7.0 Our Recommendations

7.1 We note and endorse the wider international recommendations made in Annex 2, focussing our submission on UK practice.

Regulation of Freeports

7.2 The Government aims to create up to 10 Freeports across the UK. We recognise and support the Government's position that there should not be a Freeport designated specifically for CP²⁴, but considering the complexities of the relevant legislation and the lack of experienced personnel, we recommend only a minority of Freeports be authorised to store CP, with provision made for adequate external support (noting the UK has no national art and antiquities unit²⁵

7.3 However, as other Freeports may lack robust procedures/expertise, they may be higher targets for disguised CP. We therefore recommend that all Freeports have adequate procedures in place to identify and report illicit CP and suspicious activity. The storage of CP in unauthorised Freeports should be a Customs offense.

7.4 We recommend specific checks and procedures not only on import of CP, but transactions within the Freeport. In the UK, good faith acquisition of stolen goods can extinguish the former owner's title after six years²⁶, therefore it is important to ensure that private transactions within a Freeport are not used to create the appearance of good faith transactions that would prevent the country of origin seeking return when the object re-surfaces.

7.5 When evaluating proposed Freeports, we recommend those who can demonstrate the following be given preference:

- a) Clear understanding of the risks of importing, storing and facilitating trade of CP in Freeports and the heightened risks of facilitating organised crime;
- b) Clear processes are in place to comply with the legislation listed at Annex 1, and to combat the issues identified in 5.7;
- c) Freeport operators have or can engage experienced personnel who can identify potentially illicit CP;
- d) Freeport operators will maintain inventories and make them available for inspection to UK customs; and
- e) How Freeport operators will work with law enforcement and specialist units, such as the Metropolitan Police Art and Antiques Unit and Interpol.

Training and Expertise

7.6 We recommend that specialist training be carried out at all Freeports in relation to:

- a) relevant legislation;
- b) methods of identification of illicit CP or suspicious activity;
- c) inventories, monitoring and coordination with law enforcement.

If required, the Blue Shield Working Group for Illicit Trafficking can design a training programme for Freeports.

- 7.7 Authorised Freeports must have/have access to dedicated expert personnel who can identify illicit CP and suspicious activity, in addition to those measures set out in 7.5

Import Regulations

- 7.8 Freeports should adopt the widest definition of CP possible, without financial thresholds. Blue Shield would be happy to provide a definition of CP.
- 7.9 Specific information must always be required in relation to CP, including as a minimum:
- a) identity of the owner and agent depositing the object,
 - b) identity of the exporter,
 - c) country of origin, export country and transit countries (including transit paperwork),
 - d) full description of the object with images,
 - e) full provenance.
- 7.10 This information should be made available to UK customs.

Proactive Mitigation Post Brexit

- 7.11 Procedures must be correct at the outset to avoid traffickers taking advantage of weaknesses/gaps as a result of teething problems and the post Brexit transition period, where there will inevitably be additional pressure at UK borders.
- 7.12 Procedures and checks required should be clear and publicly available, to deter those who may seek to take advantage of new or ambiguous rules.
- 7.13 If no potential Freeport is able to meet these requirements prior to opening, we recommend that Government restricts any Freeport from storing CP until such procedures are in place.
- 7.14 UK Government should confirm how the UK will treat the new EU Cultural Property Import Regulations 2019, approved by the European Commission prior to Brexit, which apply to the UK unless repealed. These Regulations expressly apply to Freeports but anticipate a complex import licensing system and database (yet to be developed). The UK must ensure that Freeports are informed at the outset whether they will be required to adhere to this. If the UK maintains the import licensing system in the Regulations (which we also recommend), this must be reflected in Freeport processes. If not, the UK must ensure that UK Freeports are not perceived and used as a “haven” to escape stricter EU import procedures. Author Rogers has been involved in discussions relating to the EU Cultural Property Import Regulations and can provide further information on how it will affect UK Freeports if required.

REFERENCES and FURTHER INFORMATION

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- ⁸ 2015 - UK Customs seizure of looted Libyan statue - A transport document described the statue as a "marble stone piece for home decoration" from Turkey, worth only \$110,000 but it was authenticated as a funerary statue from Libya worth approximately £1,500,000. <https://ial.uk.com/uk-customs-seizure-of-looted-libyan-statue/> 2019 - Old Babylonian treasure seized at Heathrow to be returned to Iraq - concerned a declaration that the cargo contained a "carved stone for home decoration" made in Turkey of low value, when in fact it the cuneiform stone dated to the reign of the Babylonian king Nebuchadnezzar I (about 1126-1103BC). <https://www.theguardian.com/culture/2019/mar/10/babylonian-treasure-seized-at-heathrow-to-be-returned-to-iraq>.
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ANNEX 1: Relevant Conventions and International Commitments by the UK

We set out the International conventions, subsequent domestic legislation and international commitments that apply to the UK, which must be adhered to:

- Revised Kyoto Convention (RKC)¹ *International Convention on the Simplification and Harmonization of Customs Procedures (as amended)*
- 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, *where state parties commit to combatting the illegal trade of cultural property and preventing their import into their territory;*
- Dealing in Cultural Objects Offences Act 2003² *creates criminal offence of dealing with cultural property (including import, export or trade) illegally exported from its country of origin*
- the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols (1954, and 1999) (implemented in the Cultural Protection (Armed Conflicts) Act 2017³ *state parties commit to preventing the import of Cultural Property illegally exported during international armed conflict involving another state party*
- Multiple UN Security Council Declarations⁴ including:
 - Resolution 1373 on Threats to International Peace and Security Caused by Terrorist Acts
 - Resolution 2199 on Threats to International Peace and Security Caused by Terrorist Acts by Al-Qaida
 - Resolution 2253 on Threats to International Peace and Security Caused by Terrorist Acts
 - Resolution 2347 on Destruction and Trafficking of Cultural Heritage by Terrorist Groups and in Situations of Armed Conflict
 - Resolution 2368 on Reviewing and Extending Sanctions Against Islamic State in Iraq and the Levant (Da'esh) and Al-Qaida

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⁴ UNSC Resolutions as referenced above.

- EU Regulation on the Introduction and the Import of Cultural Goods, 2019 (enacted shortly before BREXIT, although it has not yet come into force).⁵
- the 2003 Iraq (United Nations Sanctions) Order⁶ *prevents the import or export of cultural property illegally exported from Iraq before 6 August 1990*
- The Export Control (Syria Sanctions) (Amendment) Order 2014;⁷ *prevents import, export, transfer of Syrian cultural property, where there are reasonable grounds to suspect that the goods have been removed from Syria before 9 May 2011*
- The Fifth Anti-Money Laundering Directive and subsequent UK implementation through The Money Laundering and Terrorist Financing (Amendment) Regulations 2019.⁸ *Expressly applies to Freeports and requires Freeports to identify the owners of objects and to exercise due diligence in high risk transactions, in particular works of art.*
- Proceeds of Crime Act 2002.⁹ *criminalises all forms of money laundering and creates offences in relation to the acquisition, use, conversion and transfer of "Criminal Property". Criminal Property is defined as any benefit derived from conduct which would be unlawful under UK law if the conduct occurred in the UK, which would therefore include theft and illegal export of cultural property*

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⁸ European Parliament and Council. (2018). Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 Amending Directive (EU) 2015/849 on the Prevention of the Use of the Financial System for the Purposes of Money Laundering or Terrorist Financing, and Amending Directives 2009/138/EC and 2013/36/EU (Text with EEA relevance. Available here: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018L0843>. Last accessed: 19 May 2020; UK Statutory Instruments. (2019). The Money Laundering and Terrorist Financing (Amendment) Regulations No.1511. Available here: <http://www.legislation.gov.uk/uksi/2019/1511/contents/made>. Last accessed: 19 May 2020.

⁹ UK Public General Acts, Proceeds of Crime Act c.29, 2002. Available here: <http://www.legislation.gov.uk/ukpga/2002/29/contents>. Last accessed: 19 May 2020.

ANNEX2: Recommendations from UNESCO Report *Free Ports and risks of illicit trafficking of cultural property* (2016 UNESCO) written for the Intergovernmental Committee For Promoting The Return Of Cultural Property To Its Countries Of Origin Or Its Restitution In Case Of Illicit Appropriation

DRAFT RECOMMENDATION 20.COM/12

The Committee

1. Having examined document 20.COM/12,
2. Thanks the Secretariat for the presentation of this research, and takes note of its analysis;
3. Requests the Secretariat to update the document in accordance with the most recent developments when needed and present these updates to the Committee;
4. Invites Member States to review their national legislation in order to improve the protection of cultural property located in free ports and avoid the risk of its illicit trafficking;
5. Encourages Member States to create or strengthen Customs and police units dedicated to the protection of cultural heritage and the fight against the illicit trafficking of cultural property;
6. Invites Member States to consider becoming contracting Party of the International Convention on the Simplification and Harmonization of Customs Procedures (the Revised Kyoto Convention) and its Annexes.

UNESCO. (2016). *Free Ports and risks of illicit trafficking of cultural property*. Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation. Available here:

http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/2_FC_free_port_working_document_Final_EN_revclean.pdf Last accessed: 19 May 2020

ANNEX 3 Definitions of Cultural Property

Cultural property (CP) is defined in various ways in the relevant laws and guidance listed below, causing confusion. However, in general, it encompasses a much broader remit than the generally considered art and antiquities, encompassing manuscripts, furniture, coins, and so on.

Freeport guidance in what constitutes CP should be explicit and clear. We recommend the broadest possible definition. We advise against an age-based definition or financial values (see definitions in EU Cultural Property Import Regulations below, which have been subject to criticism for ambiguity). Looting damages archaeological sites irrespective of age of object; we also note recent modern art thefts of extremely high value. For example, the so-called “spiderman” thefts totalled over 100million Euro¹⁰, all of art made in the last 100 years.

The 1954 Hague Convention (ratified in the UK under the Cultural Property (Armed Conflicts) Act 2017)

Both define (moveable) cultural property as:

Article 1. Definition of cultural property

For the purposes of the present Convention, the term ‘cultural property’ shall cover, irrespective of origin or ownership:

(a) movable or immovable property of great importance to the cultural heritage of every people, such as ... works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;...

The 1970 UNESCO Convention (ratified in the UK in the Dealing in Cultural Objects (Offences) Act 2003) defines it as

Article 1

For the purposes of this Convention, the term ‘cultural property’ means property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science and which belongs to the following categories:

- (a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;
- (b) property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artist and to events of national importance;
- (c) products of archaeological excavations (including regular and clandestine) or of archaeological discoveries ;
- (d) elements of artistic or historical monuments or archaeological sites which have been dismembered;
- (e) antiquities more than one hundred years old, such as inscriptions, coins and engraved seals;

¹⁰ The Guardian, 2017, [‘Spider-Man’ burglar on trial over €100m Paris art theft](#)

- (f) objects of ethnological interest;
- (g) property of artistic interest, such as:
 - (i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand);
 - (ii) original works of statuary art and sculpture in any material;
 - (iii) original engravings, prints and lithographs ;
 - (iv) original artistic assemblages and montages in any material;
- (h) rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections ;
- (i) postage, revenue and similar stamps, singly or in collections;
- (j) archives, including sound, photographic and cinematographic archives;
- (k) articles of furniture more than one hundred years old and old musical instruments.

The Dealing in Cultural Objects (Offences) Act 2003

defines it as

- (1) “Cultural object” means an object of historical, architectural or archaeological interest.

EU Regulation on the Introduction and the Import of Cultural Goods, 2019,

Article 2: Definitions

1. For the purposes of this Regulation, the following definitions shall apply:

- (a) 'cultural goods' means any object which is of importance for archaeology, prehistory, history, literature, art or science and which belongs to the categories listed in the table in Annex and meets the minimum age threshold specified therein;

ANNEX: Cultural goods covered by Article 2(1)

Categories of cultural goods	Combined Nomenclature (CN) Chapter, Heading or Subheading	Minimum age threshold	Supplementary units
(a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;	ex 9705	More than 250 years old	number of items (p/st)
(b) objects relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance;	ex 9705	More than 250 years old	number of items (p/st)
(c) products of archaeological excavations, including regular or	ex 9705; ex 9706	More than 250 years old	number of items (p/st)

clandestine, or of archaeological discoveries on land or underwater;			
(d) elements of artistic or historical monuments or archaeological sites which have been dismembered;	ex 9705; ex 9706	More than 250 years old	number of items (p/st)
(e) antiquities, such as inscriptions, coins and engraved seals;	ex 9706	More than 250 years old	number of items (p/st)
(f) objects of ethnological interest;	ex 9705	More than 250 years old	number of items (p/st)
(g) objects of artistic interest, such as:	/	/	/
(i) pictures, paintings and drawings produced entirely by hand on any support and in any material, excluding industrial designs and manufactured articles decorated by hand;	ex 9701	More than 250 years old	number of items (p/st)
(ii) original works of statuary art and sculpture in any material;	ex 9703	More than 250 years old	number of items (p/st)
(iii) original engravings, prints and lithographs;	ex Chapter 49; ex 9702;	More than 250 years old	number of items (p/st)
(iv) original artistic assemblages and montages in any material;	ex 9701	More than 250 years old	number of items (p/st)
(h) rare manuscripts and incunabula,	ex 9702; ex 9706; ex 4901 10 and ex 4901 99; ex 4904; ex 4905 91 and ex 4905 99; ex 4906	More than 250 years old	number of items (p/st)
(i) old books, documents and publications of special interest, singly or in collections;	ex 9705; ex 9706	More than 250 years old	number of items (p/st)
(j) postage, revenue and similar stamps, singly or in collections;	ex 9704	More than 250 years old	number of items (p/st)
(k) archives, including sound, photographic and cinematographic archives;	ex 3704; ex 3705; ex 3706; ex 4901; ex 4906; ex 9705; ex 9706	More than 250 years old	number of items (p/st)
(l) articles of furniture and old musical instruments.	ex 9706	More than 250 years old	number of items (p/st)

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