

Disclaimer

This is the English translation of the *Wet van 4 juni 2015 tot wijziging van het Burgerlijk Wetboek en enige andere wetten ter implementatie van Richtlijn 2014/60/EU betreffende teruggave van cultuurgoederen die op onrechtmatige wijze buiten het grondgebied van een lidstaat zijn gebracht en houdende wijziging van Verordening (EU) nr. 1024/2012 (herschikking)* (PbEU 2014, L 159).

Please note that this English translation is not legally binding. It is the Dutch-language text of the Act that is legally binding. The most recent version of the text of the Act can be found, in Dutch, on the website: <http://wetten.overheid.nl>.

This act is an implementation of the Directive 2014/60/EU, which can be found on the website: <http://eur-lex.europa.eu>

Further information can be obtained from the Ministry of Education, Culture and Science (<https://www.government.nl/ministries/ministry-of-education-culture-and-science>; or by using the [contact form](#)) or the Cultural Heritage Inspectorate (<http://english.erfgoedinspectie.nl/>; e-mail address: info@erfgoedinspectie.nl).

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Act of 4 June 2015 amending the Civil Code and several other laws to implement Directive 2014/60/EU on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (Recast) (OJEU 2014, L 159)

We, Willem-Alexander, by the grace of God, King of the Netherlands, Prince of Orange-Nassau, etc.

Greetings to all who shall see or hear these presents! Be it known:

Whereas We have considered that it is necessary to amend the Civil Code and several other laws in connection with Directive 2014/60/EU of the European Parliament and the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (Recast) (OJEU 2014, L 159);

We, therefore, having heard the Council of State's Advisory Division, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

SECTION I

Book 3 of the Civil Code is hereby amended as follows:

A

In Section 86a(1), the words "Article 1(1) of Directive 93/7/EEC of the Council of the European Communities of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State (OJEU L 74)" are hereby replaced by "Article 2(1) of Directive 2014/60/EU of the European Parliament and the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (OJEU 2014, L 159)".

B

Section 87a(1) is hereby replaced by:

1. In determining whether the possessor exercised due care and attention in acquiring a cultural object within the meaning of Section 86a(1) or Section 1(d) of the Act Implementing the UNESCO Convention of 1970 on the Illicit Import, Export and Transfer of Ownership of Cultural Property, consideration shall be given to all the circumstances of the acquisition, in particular:

- a. the documentation on the object's provenance;
- b. the authorisations for removal required under the law of the requesting Member State or the law of the Contracting State from which the object originates to remove the object from that Member State's or Contracting State's territory;
- c. the character of the parties;
- d. the price paid;
- e. whether the possessor consulted any reasonably accessible register of stolen cultural objects and any other relevant information and documentation which he could reasonably have obtained, and whether the possessor consulted accessible agencies;
- f. whether the possessor took any other step which a reasonable person would have taken in the circumstances.

C

Section 310a is hereby amended as follows:

1. In the first paragraph, the words "Article 1(1)" are hereby replaced by "Article 2(1)". The words "one year" are also hereby replaced by "three years". Finally, the words "to that State" are hereby replaced by "to the central authority of that State as referred to in Article 4 of the Directive".

2. In the second paragraph, the words "objects forming part of public collections within the meaning of Article 1(1) of the Directive referred to in Section 86a" are hereby replaced by "objects forming part of public collections within the meaning of Article 2(8) of the Directive".

SECTION II

Book 10 of the Civil Code is hereby amended as follows:

A

Section 126.2 is hereby replaced by:

2. This Title is without prejudice to Directive 2014/60/EU of the European Parliament and the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (OJEU 2014, L 159) or the provisions implementing this Directive in the Civil Code, Code of Civil Procedure or Cultural Heritage Preservation Act.

B

If the bill submitted with the Royal Message of 11 December 2014 to combine and amend the rules relating to cultural heritage (Heritage Act) has been or shall be enacted into law, and that act has taken effect earlier or takes effect on the same date as this Act, Section 126.2, in Part A of this Section, shall read:

2. This Title is without prejudice to Directive 2014/60/EU of the European Parliament and the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation

(EU) No 1024/2012 (OJEU 2014, L 159) or the provisions implementing this Directive in the Civil Code, Code of Civil Procedure or Heritage Act.

SECTION III

The Code of Civil Procedure is hereby amended as follows:

A

In Section 1008, the words “a movable object which is a cultural object within the meaning of Article 1(1) of Directive 93/7/EEC of the Council of the European Communities of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State (OJEU L 74)” are hereby replaced by “a movable object which is a cultural object within the meaning of Article 2(1) of Directive 2014/60/EU of the European Parliament and the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (OJEU 2014, L 159)”.

B

In Section 1010, “Article 3” is hereby replaced by “Article 4”.

C

In Section 1011, “Article 3” is hereby replaced by “Article 4”. In addition, “Article 4(4)” is hereby replaced by “Article 5(4)”.

SECTION IV

The Cultural Heritage Preservation Act is hereby amended as follows:

A

In Section 16.2, the words “within the meaning of Article 1(1) of Directive 93/7/EEC of the Council of the European Communities of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State (OJEU L 74)” are hereby replaced by “within the meaning of Article 2(1) of Directive 2014/60/EU of the European Parliament and the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (OJEU 2014, L 159)”.

B

In Section 16.3, “the Directive 93/7/EEC” is hereby replaced by “the Directive 2014/60/EU”.

C

If the bill submitted with the Royal Message of 11 December 2014 to combine and amend the rules relating to cultural heritage (Heritage Act) has been or shall be enacted into law, and that act has taken effect earlier or takes effect on the same date as this Act, the amendments in Parts A and B of this Section shall no longer apply.

SECTION V

This Act shall take effect on a date to be determined by royal decree.

We order and command that this Act shall be published in the Bulletin of Acts and Decrees and that all ministerial departments, authorities, bodies and officials whom Parliamentary Document 34 097 concerns shall diligently implement it.

Done at Wassenaar, the Netherlands, 4 June 2015.

Willem-Alexander

The Minister of Security and Justice, G. A. van der Steur

The Minister of Education, Culture and Science, M. Bussemaker

Issued the *nineteenth* of June 2015

The Minister of Security and Justice, G. A. van der Steur