EUROPEAN
COMMISSION

Brussels, 8.9.2026
COM(2026) 456 final

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

on the implementation of Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods

1 January 2021 to 31 December 2023

1. INTRODUCTION

Council Regulation (EC) No 116/2009 [1] on the export of cultural goods (the Regulation) makes the export of certain cultural goods outside the European Union's customs territory dependent on the presentation of an export licence. It also ensures that exports of those goods undergo uniform controls at the EU's external borders. Annex I of the Regulation defines the material scope of the Regulation by listing the categories of cultural goods to which it applies, as well as by setting age and/or value thresholds for most of the categories listed.

The objective of the Regulation is to reconcile the fundamental principle of free movement of goods with the principle of protecting national treasures within the historical framework of the creation in 1993 of the Internal Market, which abolished all internal borders between Member States.

To complement the framework set up by the Regulation, an implementing regulation [2] provides for three types of export licences (standard licence, specific open licence and general open licence) and sets out the rules for their application. In addition to EU legislation, certain Member States' laws impose additional restrictions, such as a requirement to obtain a national licence – followed by an EU export licence – for the lawful movement of objects designated as 'national treasures' out of their national territory.

In accordance with Article 10 of the Regulation, the Commission is required to periodically present a report on the implementation of the Regulation. The present report covers the period from 1 January 2021 to 31 December 2023. It draws on information provided by Member States in response to a questionnaire [3] covering all aspects of implementation of the export licencing system. It also draws on discussions at the Cultural Goods Committee and at the expert group of customs issues related to cultural goods (the Expert Group).

2. IMPLEMENTATION OF THE REGULATION

2.1 Objective and performance

All but one of the Member States [4] consider that the Regulation is performing well in achieving its objective.

[1] Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods (OJ L 39, 10.2.2009, p. 1, ELI: http://data.europa.eu/eli/reg/2009/116/oj).
[2] Commission Implementing Regulation (EU) No 1081/2012 of 9 November 2012 for the purposes of Council Regulation (EC) No 116/2009 on the export of cultural goods (OJ L 324, 22.11.2012, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2012/1081/oj). Latest consolidated text available here: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02012R1081-20121212.
[3] Survey of the Member States in the form of a questionnaire, conducted between 15 July 2024 and 1 October 2024.
[4] The only Member State that considers that the Regulation was not performing sufficiently well based its opinion on the fact that its own national legislation is stricter. However, there are no barriers to free movement of goods between the EU's Member States, so even the strictest national provisions cannot prevent the illegal transfer of a protected cultural good from one Member State's national territory to that of another different Member State – where it is not protected by the first Member State's national provisions – and from there to a non-EU country.

14 Member States consider that the Regulation is making a significant contribution to preventing illegal trade, because it creates awareness in heritage institutions, the legitimate art trade, collectors and even tourists of the importance of exercising due diligence before acquiring or putting on the market a cultural good.

A few Member States nevertheless identified points where the Regulation's performance could be improved:

(a) increased administrative cooperation [5], in particular for the purpose of handling cases where the cultural good for which a licence is requested originates in a different Member State;

(b) digitalisation of the export licence system [6] in order to provide the same level of protection for EU cultural goods as for goods of non-EU countries under Regulation (EU) 2019/880 [7];

(c) harmonisation of the various EU instruments for the protection of cultural heritage (e.g. the Import Regulation and its electronic system [8], and the Return Directive [9]) as well as alignment with international conventions for the protection of cultural property [10];

(d) greater use of modern electronic tools (e.g. image recognition technologies and better cooperation with art handlers for exports of cultural goods) [11].

2.2 Material scope of the Regulation

[5] Two Member States suggested this improvement.

[6] Two Member States reiterated this request, which was already present in the previous implementation report from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the implementation of Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods 1 January 2018 to 31 December 2020, COM (2022) 424, p. 6.

[7] Regulation (EU) 2019/880 of the European Parliament and of the Council of 17 April 2019 on the introduction and the import of cultural goods (OJ L 151 of 7.6.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/880/oj).

[8] The Import Regulation cannot be merged with the Export Regulations because their scopes, procedures and certification differ. However, the corresponding electronic systems for their implementation will be very similar in terms of user interface and system functionalities.

[9] Directive 2014/60/EU of the European Parliament and of 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) (OJ L 159 of 28.5.2014, p. 1, ELI: http://data.europa.eu/eli/dir/2014/60/oj). Following its recast in 2014, the scope of the Return Directive now differs from the scope of the Regulation, precluding the full alignment of the instruments. The Return Directive applies to cultural objects as defined in Article 2(1): 'an object which is classified or defined by a Member State, before or after its unlawful removal from the territory of that Member State, as being among the 'national treasures possessing artistic, historic or archaeological value' under national legislation or administrative procedures within the meaning of Article 36 TFEU'. By contrast, cultural goods are the items listed in Annex I to Regulation (EC) No 116/2009.

[10] One Member State suggested this harmonisation. However, the EU cannot accede to the 1970 UNESCO (United Nations Educational, Scientific and Cultural Organisation) Convention on the Means of Prohibiting and Preventing the Illegal Import, Export and Transfer of Ownership of Cultural Property because only individual countries can accede.

[11] Four Member States suggested such improvements while also highlighting that more resources should be made available for additional tools and cooperation to be effective (particularly in terms of officers with expertise in cultural property).

The Regulation defines its material scope (i.e. the term ‘cultural goods’) by referring to 15 **categories** of goods listed in its Annex I. A large majority of Member States (21) consider those categories topical and representative. However, 6 Member States report that they occasionally face interpretation issues, and 4 Member States suggest updating the list in Annex I. More specifically, those 4 Member States recommend creating a separate category for liturgical icons in order to better protect this type of cultural goods [12].

Regarding the set **age thresholds**, all but 2 of the Member States (25) consider the thresholds adequate. The other 2 Member States suggest lowering the current thresholds in order to capture more cultural goods by aligning EU-level protection with their own national-level protection. One of those 2 Member States focuses its recommendation on goods in categories 11 and 14 (printed maps to 100 years and means of transport to 50 years).

Regarding the **value thresholds**, almost half of the Member States (13) consider that the thresholds are no longer representative and need revision.

2.3 Cultural goods valuation

Due to the nature of cultural goods and to the fact that, sometimes, certain items have never been the object of a transaction, just over half of the Member States (14) report that they face occasional difficulties in determining their exact (or even approximate) monetary value. Member States’ valuation methods differ significantly, so a large majority of Member States (21) suggest developing a common valuation method.

2.4 Export licences

Export licences under this Regulation are issued by the competent authority of the last Member State in the territory of which the object was ‘definitively and lawfully located’. An export licence is granted on the basis of that Member State’s laws and regulations. Customs controls then ensure that cultural goods can only leave the EU’s customs territory if they are accompanied by a valid export licence.

2.4.1 Standard export licences

Standard licences are by default [13] to be used for each export subject to the Regulation. 35 114 standard licences were issued during the reporting period (for detailed figures, see Table 1 in the annex). The main categories for which licence applications were received during the reporting period are (in descending order):

- collections of historical, palaeontological, ethnographic or numismatic interest;
- antiques;
- archaeological objects;
- original sculptures or statuary and copies;

[12] Icons are currently classified in the paintings category. The very high value threshold of that category (above EUR 150 000) leaves most icons outside the scope of the Regulation.

[13] Article 2 of the Implementing Regulation states that ‘each individual Member State concerned may decide whether or not it wishes to issue any specific or general open licences which may be used instead’ of a standard licence.

- incunabula and manuscripts.

2.4.2 Specific open licences

Specific open licences may be issued for a cultural good that is temporarily exported on a regular basis by a private person. 3 507 specific open licences were issued during the reporting period (for detailed figures, see Table 2 in the annex). These mostly related to antiques (category 15.b). 13 Member States reported that they do not issue this type of licence.

The majority of Member States issuing such a licence (12 out of 14) apply a validity period ranging from one to five years [14]. The other two explained that the period granted depends on the duration of the exhibitions.

2.4.3 General open licences

General open licences allow the temporary export on a regular basis of cultural goods owned by museums and similar institutions. 1 207 general open licences were issued during the reporting period (for detailed figures, see Table 3 in the annex). The majority of the Member States (13) which issue such licences reported that they apply a validity period ranging from six months to five years [15].

2.4.4 Export licences implementation issues

The **inclusion of photographs** in a licence application is important because it enables customs authorities to identify the object when checking the licence. All but 3 Member States systematically require photographs for definitive export licence applications.

Exemption from the export licence requirement. This exemption is based on Article 2(2) of the Regulation. It allows Member States not to require an export licence for items of category 1, first and second indents (i.e. when such items are considered of limited archaeological or scientific interest) [16]. Only two Member States used this exemption during the reporting period.

Reasons for rejecting a licence application. 9 Member States rejected 505 applications for standard export licences during the reporting period. They did so for one of the following reasons: illicit origin of the object; existing national legislation protecting national treasures of artistic, historical or archaeological value; age and/or value thresholds not met; export licence to be issued by another Member State's competent authority. 2 Member States refused the export of a cultural good to the Russian Federation due to EU trade sanctions [17].

Revocation of licences. 10 Member States have legislation providing for revocation of licences after they have been issued. However, only 1 Member State revoked licences (2 licences) during the reporting period.

[14] Five years is the maximum period set by the Implementing Regulation (Article 10(3)).
[15] Five years is the maximum period set by the Implementing Regulation (Article 13(3)).
[16] This exemption mostly concerns ancient objects that are produced in large quantities and are quasi-identical (e.g. coins) or are objects that are not direct products of excavations.
[17] Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014, p. 1, ELI: http://data.europa.eu/eli/reg/2014/833/oj).

2.5 Electronic system – digitalisation

A very large majority of Member States (25) support the effort to digitalise the export licences system by developing an EU centralised electronic system. Such a system should facilitate administrative cooperation between Member States' authorities, better trace the provenance of cultural goods across the EU and improve the monitoring of export licences.

At the time of drafting the present report, the Commission was in the process of adopting new implementing provisions for this purpose. According to these draft provisions, the Export of Cultural Goods (ECG) system is scheduled to become operational on 2 October 2031.

3. CONCLUSIONS AND OUTSTANDING ISSUES

As was the case in previous reports and based on feedback received from the Member States, the Regulation is considered (1) as performing well in terms of achieving its objectives and (2) to be an important instrument for combating illegal trade.

The Commission will follow up the following recommended improvements that were identified by most of the Member States:

- regarding digitalisation: the Commission is in the process of preparing for the development of the ECG system, borrowing many features and functionalities from the Import of Cultural Goods system while also catering to the specific needs stemming from the Regulation;
- regarding the suggested update of the material scope of the Regulation: the Commission will use an upcoming Expert Group meeting to reflect as a priority on the potential revision of the value thresholds[18];
- regarding the possibility of designing a common valuation method: the Commission will invite the Member States to contribute their thoughts and suggestions at an upcoming Expert Group meeting.

[18] A reflection on the potential update of the categories of goods as well as of the age threshold (supported by only a few Member States) might take place during an Expert Group meeting at a later stage.

4. ANNEX

Table 1. Standard Licences issued by Member States

Member States	Year			2021-2023	Share of total in %
	2021	2022	2023		
BE	432	533	599	1,564	5.60%
BG	0	1	1	2	0.01%
CZ	6	12	28	46	0.13%
DK	68	48	74	190	0.53%
DE	1,590	1,343	1,390	4,323	12.15%
EE	22	14	23	59	0.17%
IE	110	69	49	228	0.64%
EL	1	1	3	5	0.01%
ES	3,151	3,445	2,958	9,554	26.85%
FR	3,628	4,142	4,026	11,796	33.15%
HR	42	36	38	116	0.33%
IT	434	551	591	1,576	4.43%
CY	2	5	6	13	0.04%
LV	1	1	0	2	0.01%
LT	2	3	3	8	0.13%
LU	0	8	23	31	0.09%
HU	31	17	5	53	0.15%
MT	22	25	29	76	0.21%
NL	345	361	450	1,156	3.25%
AT	670	697	625	1,992	5.67%
PL	16	16	15	47	0.13%
PT	573	728	559	1,860	5.23%
RO	1	0	1	2	0.01%
SI	4	1	10	15	0.04%
SK	3	6	2	11	0.03%
FI	1	0	1	2	0.01%
SE	131	121	135	387	1.09%
Total	11,286	12,184	11,644	35,114	100.00%

Table 2. Specific Open Licences in circulation

Member States	Year			2021-2023	Share of total in %
	2021	2022	2023		
BE	0	0	0	0	0.00%
BG	0	0	0	0	0.00%
CZ	0	0	0	0	0.00%
DK	0	0	0	0	0.00%
DE	619	797	882	2298	65.53%
EE	0	0	0	0	0.00%
IE	0	0	0	0	0.00%
EL	1	2	4	7	0.20%
ES	0	0	0	0	0.00%
FR	0	1	1	2	0.06%
HR	0	0	0	0	0.00%
IT	0	0	0	0	0.00%
CY	0	0	0	0	0.00%
LV	0	0	0	0	0.00%
LT	0	0	0	0	0.00%
LU	0	0	0	0	0.00%
HU	0	0	0	0	0.00%
MT	0	0	0	0	0.00%
NL	324	348	461	1133	32.31%
AT	15	17	25	57	1.63%
PL	0	8	2	10	0.29%
PT	0	0	0	0	0.00%
RO	0	0	0	0	0.00%
SI	0	0	0	0	0.00%
SK	0	0	0	0	0.00%
FI	0	0	0	0	0.00%
SE	0	0	0	0	0.00%
Total	959	1173	1375	3507	100%

Table 3. General Open Licences in circulation

Member States	Year			2021-2023	Share of total in %
	2021	2022	2023		
BE	0	0	0	0	0.00%
BG	0	1	5	6	0.50%
CZ	0	0	0	0	0.00%
DK	0	0	0	0	0.00%
DE	199	189	176	564	46.73%
EE	0	0	0	0	0.00%
IE	0	0	0	0	0.00%
EL	1	2	5	8	0.66%
ES	149	187	170	506	41.92%
FR	0	0	0	0	0.00%
HR	1	2	0	3	0.25%
IT	0	0	0	0	0.00%
CY	0	0	0	0	0.00%
LV	0	0	0	0	0.00%
LT	0	0	0	0	0.00%
LU	0	0	0	0	0.00%
HU	0	4	9	13	1.08%
MT	0	0	0	0	0.00%
NL	0	0	0	0	0.00%
AT	0	0	0	0	0.00%
PL	6	3	4	13	1.08%
PT	0	0	0	0	0.00%
RO	0	0	0	0	0.00%
SI	16	22	31	69	5.72%
SK	0	0	0	0	0.00%
FI	0	0	0	0	0.00%
SE	9	9	7	25	2.07%
Total	381	419	407	1207	100.00%

Table 4. Applications for Standard Licences rejected

Member States	Year			2021-2023	Share of total in %
	2021	2022	2023		
BE	1	2	2	5	0.99%
BG	0	0	0	0	0.00%
CZ	0	0	0	0	0.00%
DK	0	0	0	0	0.00%
DE	3	1	1	5	0.99%
EE	0	1	1	2	0.40%
IE	0	0	0	0	0.00%
EL	0	0	0	0	0.00%
ES	136	170	171	477	94.46%
FR	0	0	0	0	0.00%
HR	1	1	2	4	0.79%
IT	0	0	0	0	0.00%
CY	0	0	0	0	0.00%
LV	0	0	0	0	0.00%
LT	0	0	0	0	0.00%
LU	0	0	0	0	0.00%
HU	0	4	1	5	0.99%
MT	1	2	1	4	0.79%
NL	1	0	1	2	0.40%
AT	0	0	0	0	0.00%
PL	0	0	0	0	0.00%
PT	0	0	0	0	0.00%
RO	0	0	0	0	0.00%
SI	0	0	0	0	0.00%
SK	0	0	0	0	0.00%
FI	0	1	0	1	0.20%
SE	0	0	0	0	0.00%
Total	143	182	180	505	100.00%

Table 5. Infringement/non-compliance cases

Year	Total infringement cases
2021	67
2022	96
2023	58
Total	221