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**EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)**

**COMMITTEE ON OFFENCES RELATING TO
CULTURAL PROPERTY
(PC-IBC)**

**SUMMARY REPORT
AND
CONCLUSIONS BY THE CHAIR**

1st Plenary Meeting

Strasbourg (France), 31 May – 1 June 2016

Document prepared by the Secretariat

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The Committee on Offences relating to cultural property (PC-IBC), holding its 1st meeting in Strasbourg on 31 May to 1 June 2016:

1. Opening of the meeting

- took note of the opening remarks of by Mr Philippe BOILLAT, Director General of DGI, who underlined the importance of the work and highlighted that with this long-awaited Convention the Council of Europe is working to reinforce international co-operation against the deliberate destruction of cultural heritage and illicit trafficking in cultural property;
- took note of the intervention given by Ms Claudia LUCIANI, Director of the Democratic Governance Directorate, who emphasised the legal framework that the Council of Europe has already laid down for work in this field and underlined the importance for this new Convention to be approached from both the criminal law and cultural perspectives;
- thanked the Italian delegation for its invitation to hold the opening for signature ceremony of the new Convention in Italy;

2. Adoption of the agenda

- adopted the agenda without any amendments;

3. Election of the Chair of the PC-IBC

- elected unanimously Mr Hans-Holger HERRNFELD (Germany) as its Chair, on the proposal of the delegation of Spain, supported by the delegations of Austria and Hungary;

4. Information provided by the Secretariat

- took note of the information provided by Mr CHIAROMONTE, Head of the Criminal Law Division, Secretary of the PC-IBC, on the working methods of the Committee;

5. Discussion on the main elements to be included in the draft Council of Europe Convention on Offences Relating to Cultural Property

- examined and discussed the questions / issues contained in the main working document: 'Discussion paper' (PC-IBC (2016) 01 Fin). The conclusions drawn by the Chair are as follows:

Question 1:

- that the term 'property' should be used in the title of the Convention and in its provisions. In the preamble there would be clarification that the aim of the Convention is to protect cultural heritage;

Question 2:

- that the definition should be based on the list of categories set out in the Discussion paper;
- that immoveable property should be included in the scope of the Convention, either by extending the definition of 'cultural property' to include this, or by adding a specific article on offences in respect of immovable property;
- that the possibilities of foreseeing a certain openness in the list of categories merited further consideration;

Question 2A:

- that the scope of the new Convention should be extended to include cultural objects designated by all parties to the 1970 UNESCO Convention also in the context of the discussion on Question 6;
- that the application of the new Convention to cultural heritage protected as UNESCO World Heritage in respect of certain sites merited further consideration;

Question 2B:

- that the term 'national treasure' should not be included in the definition of cultural 'property';

Question 3:

- that the experts should be invited to draft substantive criminal law provisions on the offences described in sub-paragraphs *a*, *b*, *c*, *d* and *j*; in respect of sub-paragraph *e*, that the experts should be invited to define also the offence of placing on the market (including through Internet); in respect of sub-paragraph *f* that the Convention should include a provision on falsification of documents; in respect of sub-paragraphs *g* and *h*, that the experts should be invited to further consider whether and to what extent there really is a need to include these as specific offences; in respect of sub-paragraph *i*, that the Convention should not to include this issue; in respect of sub-paragraph *k*, that the experts should be invited to draft an offence addressing the chain of the different types of conduct involved in the trafficking of cultural objects such as storage, transport etc;

Question 4:

- that the experts should be invited to provide further wording in respect of art professionals as well as officials whose function is to protect cultural heritage and to propose a definition of art professionals as well as to propose possible wording for considering terrorist intention and propaganda in the list of aggravating circumstances, in addition to the committing of an offence by an organised crime group or as a repeat offender;

Question 5:

- that the experts should be invited to consider the proposals for specific provisions made by certain delegations;

Question 6:

- that the Committee supports in principle the opening of the Convention for ratification by third States.

6. Future work and activities of the PC-IBC

- decided to hold the next plenary before the end of 2016, at a date to be confirmed, in order to examine a preliminary draft Convention to be prepared by the Secretariat with the assistance of a group of experts.