

Original article

International exchange of cultural property within the EU territory in the years 2008-2015, from the legal, economic and cultural security perspective

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ABSTRACT

The objective of the article is to establish the grounds for trading in cultural property within the territory of the EU single internal market and to investigate the trading dynamics in importing and exporting such property in the years 2008-2015. The analysis is based on the EU legal acts, statistical data published by Eurostat and a critical review of the literature.

The thesis has been formulated that trading in cultural property represents an important element of taking care of the protection of cultural security and potential and demonstrates endeavours for the cultural expansion of the respective EU member states, whose share in the structure of import and export of cultural property on the European Union market is far from being even.

The share of a given state in the international exchange of cultural property presents an important aspect of creating not only economic, but also cultural security. In the years 2008-2015, a few European states were able to gain dominance in trading in cultural property in the European Union. Potentially, it poses a threat of cultural uniformity and standardisation, being the phenomenon which adversely affects the protection of unique systems of cultural security in Europe.

KEYWORDS

cultural security, cultural property, trade, EU market



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Introduction

The issues of the cultural security of a contemporary state may not be analysed in isolation from the market context in connection with the development of a free market for a part of cultural property in free-market economies [1, p. 43]. The marginalisation of the state's presence on this market may pose a threat not only to economic interests, but also to the stable confirmation of the nation's cultural strength and readiness

to share its own works and to become acquainted with those of other nations. It should be observed, however, that the international exchange of cultural property (*dobr kultury/dobr kulturalnych*)¹ is specific, especially in connection with the existence of legal restrictions imposed on the export and import of some types of such property [2, p. 102]. At the beginning of the 21st century, trading in cultural property takes place alongside the revolution in technology and it is often effected through the Internet transactions, as a consequence of which “exercising control by the state over the transfer of culture is hampered” [3, p. 143]. It also takes place alongside the progressing liberalisation of foreign trade in all its different manifestations [4, p. 576]. Under such conditions the knowledge of not only the legislation in the area of the protection of cultural property, but also of the issues concerning the conditions and dynamics of trading in cultural property gains in significance.

The objective of the paper is to establish the grounds for trading in cultural property within the territory of the EU single internal market and to describe the trading dynamics in importing and exporting such property in the years 2008-2015.

The thesis has been proposed that trading in cultural property represents an important element of taking care of the protection of cultural security and potential and demonstrates endeavours for the cultural expansion of the respective EU member states, whose share in the structure of import and export of cultural property on the European Union market is far from being even.

The methodological approach adopted in this paper makes it possible to consider the cultural property sector in not only the legal and cultural context, but also in the economic one, on the grounds that the historian’s research practice may not leave out the economic approach to certain problems, and in particular the topics that are significant while writing about cultural security in the face of challenges present at the beginning of the 21st century.

Taking into account the context of law and economic practice at the level of the European Union, the definition of cultural property formulated for the purposes of statistical reporting to Eurostat has been adopted in this paper. According to this definition cultural

¹ In the introduction to the discussed issues, a significant methodological difficulty should be mentioned, because in connection with the cultural and economic context, which is at least equivalent to the legal context, the author of this paper interchangeably uses in his considerations the terms “dobra kultury” and “dobra kulturalne” [these two terms can be translated literally as “culture property” and “cultural property”], as at the level of the EU law there is no single definition of such property, which, in addition, would be compliant with the legal regulations adopted in the member states. The research on the dynamics of trading in analysed property takes account of the definition presented in the Eurostat study of 2016, whereas in respective legal acts in the EU (at the level of both the treaty, and regulations and directives) different definition interpretations have been noticed with regard to the essence of cultural property or culture property. Transactions concerning the analysed property, effected on the EU internal market, represent a common ground for the adopted legal, and economic and cultural approach. These transactions concern the property that is significant not only for the criminal law-based protection of cultural property as such, but also for the protection of cultural heritage in general, including different categories of cultural property, mentioned in the terminology formulated at the level of both the EU legislation and the statistical reporting of European institutions, including Eurostat.

property includes products of artistic creativity conveying artistic, aesthetic and symbolic values, such as works of art, antiques, books, musical instruments, photographs, newspapers, films and music, and, in addition, their carriers in the form of CDs, DVDs and consoles, making it possible to access cultural content, excluding mass production items, such as TV sets or CD players, even if they provide access to cultural content [6, p. 98].

1. Review of the European Union law in connection with trading in cultural property

The protection of the output and efforts taken by the European Union member states in the area of the broadly understood cultural policy was confirmed pursuant to Art. 167 of the Treaty on the Functioning of the European Union (TFEU) [6]. The said article provides that the EU contributes to the development of national culture of the member states, protects their national and regional diversity and invokes the significance of the common cultural heritage. Actions of the EU legislator focus on encouraging the member states to cooperate as well as supporting and supplementing the efforts taken in the main areas that influence the strengthening of cultural security in the EU. It concerns such areas as raising the level of knowledge and disseminating the history and culture of European nations, conservation, and also protection, of cultural heritage of European significance, and promoting non-commercial cultural exchange as well as literary and artistic activity. It supports, at the EU level, the cooperation with third countries and international organisations active in the sphere of culture, in particular with the Council of Europe. The set objectives are achieved by using incentives, implemented pursuant to the legislation of the EU Council and of the European Parliament, which represents the ordinary legislative procedure, after consulting the Committee of the Regions (Art. 167.5 of TFEU), although excluding the harmonisation of statutory and secondary provisions of the EU member states. It means considerable independence of the member states in the area of adopting laws and secondary legislation aimed at protecting their cultural property and cultural heritage. The EU institutions take only supporting actions related to the protection of particularly significant European values².

In Art. 167 of TFEU there is a reference to the EU'S promotion of activities aimed at non-commercial cultural exchange, although the important role of commercial exchange in the area of cultural property should be noticed, both in the *acquis communautaire* and in the practice of the EU market. The important general standard applicable to the functioning of the EU market is the prohibition to introduce any quantity restrictions in trading between the EU member states, in connection with both import, export and also transit of different types of goods (Art. 34-35 of TFEU). Pursuant to this provision it is actually prohibited to create any discriminatory restrictions in connection with the protection of the free movement of goods on the EU market [7, p. 313].

² According to the opinions found in the literature the construction of the provision contained in Art. 167 of TFEU indicates that culture remains one of the important areas of the EU's activity. K. Zeidler. *Restytucja dobr kultury ze stanowiska filozofii prawa*. Warszawa: Wolters Kluwer Polska; 2011, p. 249-50. It is also emphasised that Art. 167 of TFEU provides the basis for the protection of cultural rights as an element of human rights in the *acquis communautaire*. J. Sozanski. *Prawa człowieka w Unii Europejskiej po Traktacie Lizbonskim*. Warszawa-Poznan: Iuris; 2010, p. 46.

However, on the basis of the analysis of the EU legislation, it can be stated that the above-mentioned provision does not exclude the possibility of imposing certain restrictions because of the specific nature of some goods or needs of the member states. As provided by Art. 36 of TFEU, Art. 34 and Art. 35 of the Treaty do not obstruct imposing bans or restrictions concerning import, export or transit of such goods, among others, which are related to the protection of the national cultural property of historical, archaeological or artistic value. However, the essence of introducing bans and restrictions is that they may not represent the methods of arbitrary discrimination or hidden restrictions affecting trade between the EU members³. The method employed for the protection of cultural property, thus understood, consists in particular in the control of exporting historic monuments outside the territory of a given member state, the grounds for which have been introduced also in the Polish legislation⁴. The interpretation of Art. 34-36 of TFEU fits into the mechanisms connected with goods trade on the EU market, whereas in the respective EU member states, including Poland, the issues concerning the export, import and transit of cultural property are covered, first of all, by the cultural heritage protection system [8, p. 169]. Undoubtedly, the significance of the analysed issues is thus strengthened in both the legal and practical context.

The Directive 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 forms an important legal basis for protecting cultural property in connection with trade within the territory of the EU internal market [9]. It forms an attempt at reconciling the protection of national cultural property in the member states and the protection of the free movement of goods, including also cultural property. The Directive establishes legal measures and procedures for returning such goods by their owners to remedy the damage inflicted to the conservation of the EU member states' cultural heritage, caused by the unlawful removal of the property of historic, archaeological or artistic value. It specifies the procedures for returning cultural property in connection with trading on the internal market [10, p. 7]. Art. 5 of the Directive contains the bases for cooperation between the member states in the area of searching for and exchanging information about the cultural property illegally exported from the territory of the EU member state, which includes also passing on the information about finding the property within the other state's own territory and establishing whether or not such property was removed from the territory of another state in a way contrary to this state's legal order.

It should be also mentioned that regulations concerning the export of cultural property outside the territory of the single internal market have been adopted at the EU level.

³ Values subject to special protection pursuant to Art. 36 of TFEU, including those related to the protection of cultural property, function as the so-called necessary requirements, providing the possibility of referring to them by a member state to justify the introduction of a ban or restriction in trading in cultural property. A. Kunkiel-Krynska. *Metody harmonizacji prawa konsumenckiego w Unii Europejskiej i ich wpływ na procesy implementacyjne w państwach członkowskich*. Warszawa: Wolters Kluwer Polska; 2013, p. 208.

⁴ M. Niedzwiedz. *Obrot dobrami kultury w Unii Europejskiej – konsekwencje dla Polski*. *Kultura Współczesna*. 2004;2, p. 129-30 in connection with Chapter 5 (Art. 51-61) of the Act on the Protection and Care of Historic Monuments of 23 July 2003 – Ustawa z dnia 23 lipca 2003 roku o ochronie zabytków i opiece nad zabytkami (tekst jedn.: Dz. U. z 2017 r. poz. 2187).

This issue is provided for in the Regulation of the EU Council on exporting cultural property of 18 December 2008 [10]. The Regulation contains the list of categories of cultural property subject to special protection within the trade relations between the EU member states and third countries. An obligation was imposed to obtain a licence from the relevant national agency to export the cultural property outside the EU customs area. The member states were instructed about the need for closer cooperation between the customs agencies to verify whether the new regulations connected with the export of cultural property outside the EU customs area are observed⁵.

In July 2017, the European Commission presented the draft Regulation of the European Parliament and of the Council on importing cultural property, significant for the issues under consideration. Its aim was to increase the effectiveness of protection of cultural property, to improve counteracting illegal trade in such property and to prevent criminals from making use of transactions effected on the EU market to finance terrorism. The proposed legal changes were meant to supplement the earlier regulations concerning the export and return of the unlawfully exported cultural property, and, concurrently, to protect the EU internal market against illegal transactions in cultural property [12].

It should be mentioned that in addition to the interpretation of the EU law provisions in connection with transactions involving cultural property the EU member states apply also the provisions of the UN convention of 1970, on prohibiting and preventing the illicit import, export and transfer of cultural property [13] and also the European UNIDROIT Convention of 24 June 1995, on Stolen or Illegally Exported Cultural Objects [See more: 14]. However, a more detailed analysis of the above-mentioned legal solutions goes beyond the subject of the issues selected herein for consideration.

2. Characteristics of the selected trading transactions in cultural property on the EU single internal market

Trading in cultural property on the EU internal market fits into the characteristic type of activity connected with legal restrictions concerning export, import and transit of some cultural property items subject to special protection pursuant to the legislation of the respective member states. Figure 1 presents the data regarding the value of trade in cultural property of all the EU member states, taking account of the most recent data published by Eurostat, for the year 2015.

⁵ The European Commission's report for the years 2000-2010 contains statistical data indicating that standard licences for exporting cultural property outside the EU area, i.e. open general export licences, were issued in only eight countries, i.e. Bulgaria, Cyprus, France, Germany, Greece, Poland, Portugal and Slovenia. Individual export licences for cultural property, connected with repetitive export operations, were issued in seven states, i.e. Cyprus, France, Great Britain, Greece, Holland, Poland and Slovenia, out of which such licence was most frequently used in Poland. The proportion of negatively considered standard applications for exporting cultural property in relation to the ones favourably considered was very low, as it totalled 0.3%. Vide: Sprawozdanie Komisji dla Parlamentu Europejskiego, Rady i Europejskiego Komitetu Ekonomiczno-Społecznego z wykonania rozporządzenia Rady (WE) nr 116/2009 z dnia 18 grudnia 2008 roku w sprawie wywozu dóbr kultury 1 stycznia 2000 roku–31 grudnia 2010 roku (Dz. Urz. UE C z 08.09.2011).

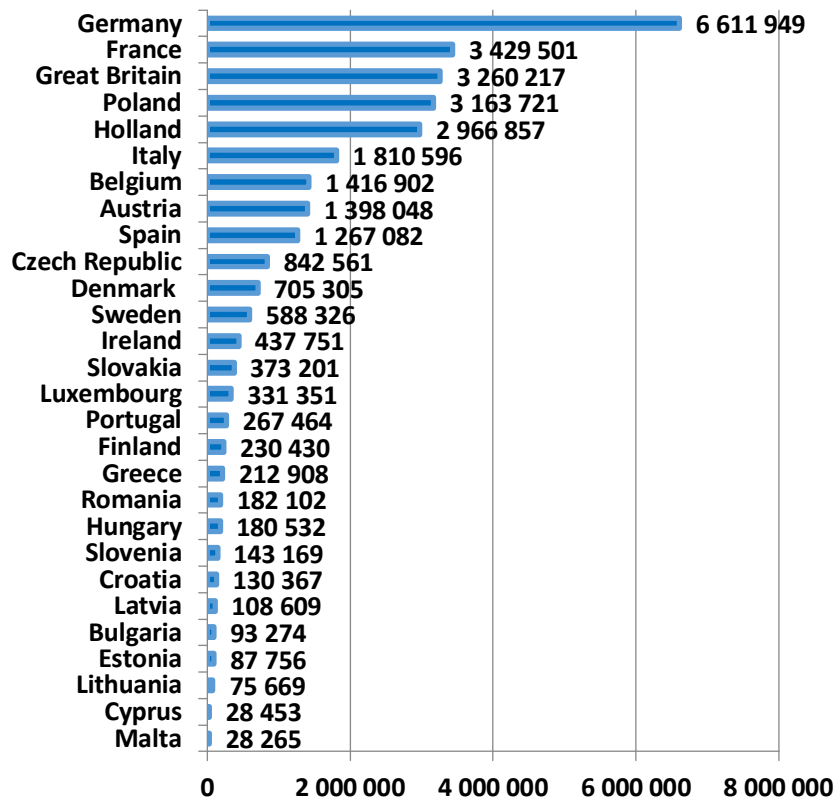


Fig. 1. Value of trade in cultural property in the EU member states in 2015 [EUR, million]

Source: Own work on the basis of [15].

The data collected in Figure 1 show that the largest value of trade in cultural property was recorded in Germany (more than EUR 6.6 billion). Germany is ahead of France, ranked second, by almost a half of its trade and ahead of Great Britain, Poland and Holland, by more than a half of the trade value. What attracts attention is the high position of Poland in this ranking, showing it as a country particularly active on the EU internal market with regard to purchase and sales transactions involving cultural property. The list includes four more countries where the value of trade exceeded EUR 1 billion – Italy (EUR 1.81 billion), Belgium (EUR 1.42 billion), Austria (EUR 1.39 billion) and Spain (EUR 1.27 billion). A high value of transactions, in excess of EUR 500 million, was achieved in such countries as the Czech Republic (EUR 842.5 million), Denmark (EUR 705.3 million) and Sweden (EUR 588.3 million). It is noticeable that all the listed countries with a high level of trade belong to the area of the Western (occidental) civilisation, also in terms of their geographic location – except for Poland and the Czech Republic – as they are situated in Western Europe or on the Scandinavian Peninsula.

Figure 2 presents the collected data regarding the value of import and export of cultural property in the EU member states, taking account of the data for the year 2015.

When the data shown in Figure 2 are interpreted, it can be observed that the structure of trade in cultural property differs significantly in the respective EU member states.

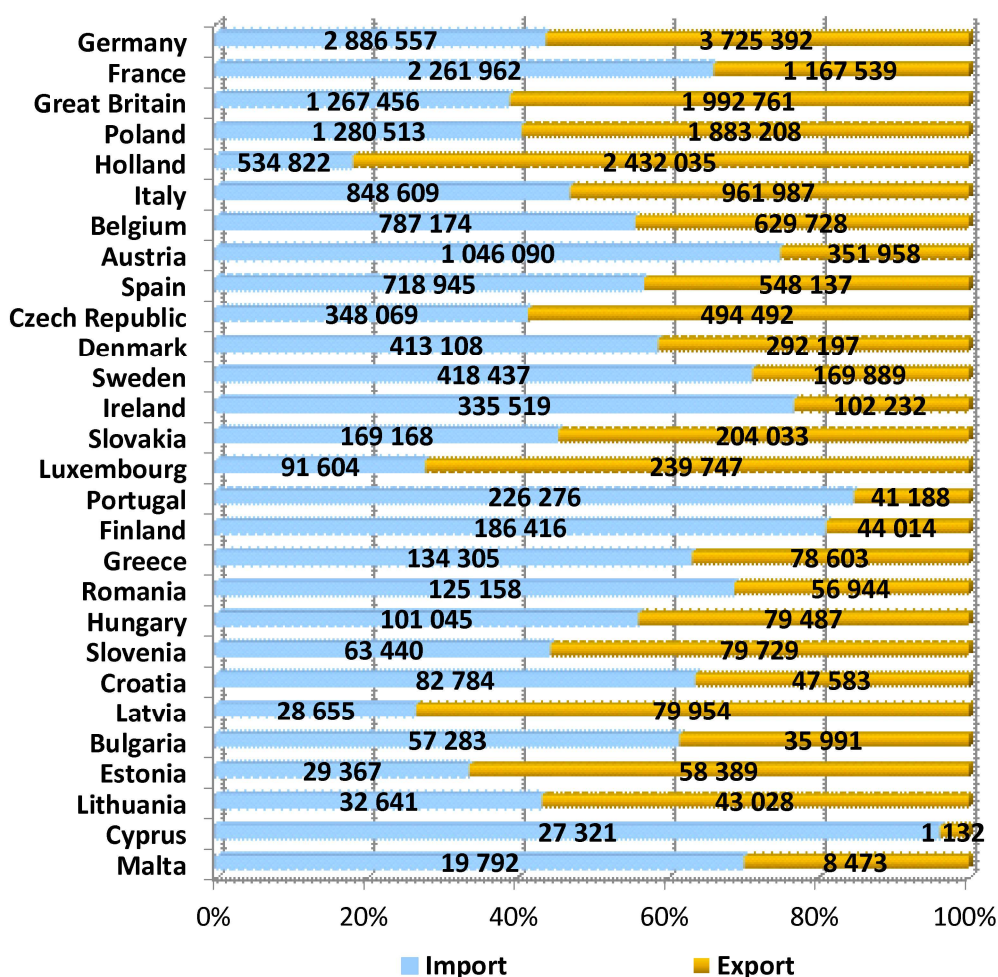


Fig. 2. Value of trade in cultural property in the EU member states in 2015
[EUR, billion, and import and export, %]
Source: Own work on the basis of [15].

Three groups of countries can be distinguished, i.e.:

- countries with the dominant export of cultural property (above 60% of trade) – Great Britain (61.1%), Estonia (66.5%), Luxembourg (72.4%), Latvia (73.6%) and Holland (81.9%),
- countries with the dominant import of cultural property (above 60% of trade) – Austria, Bulgaria, Croatia, France, Greece and Malta, and countries with the import of these goods at the level above 75%: Ireland (76.6%), Finland (80.9%), Portugal (84.6%) and Cyprus (96.1%),
- countries with the relatively balanced structure of trade or the relation of import to export at the level of 40-60% of trade – Belgium, the Czech Republic, Denmark, Spain, Lithuania, Germany, Poland, Italy, Slovakia, Slovenia and Hungary.

Table 1 shows the data regarding the share of respective goods in the import and export of cultural property in the EU in 2015.

Table 1. Share of respective goods in the import and export of cultural property in the EU in 2015 [%]

Type of cultural property	Import	Export
Works of art	23.5	42.8
Books	16.2	20.5
Antiques	10.8	11.6
CDs, DVDs and vinyl records	1.8	6.8
Magazines, daily newspapers and periodicals	1.7	5.0
Fabrics and embroideries	6.3	4.7
Musical instruments	8.5	4.0
Films, consoles and video games	30.7	3.4
Photographic plates and films	0.4	0.5
Maps	0.1	0.4
Architectural plans and drawings	0.0	0.3

Source: Own work on the basis of [15].

As the data collected in Table 1 show, the dominant position in the structure of the import of cultural property on the EU single internal market was occupied by films, consoles and video games (the share of almost 31%), whereas works of art ranked second (23.5%). The value of import exceeded the level of 10% also in the case of books (16.2%) and antiques (10.8%).

The structure of the EU export was basically similar to the structure of import, except for the marginal role of the sales of films, consoles and video games (the share below 3.5%). The dominant share – amounting to almost 43% – was attributed to the export of works of art, whereas 1/5 of export concerned the sales of books. Antiques accounted for almost 12% of the exported cultural property.

Table 2 presents the data illustrating the share of the EU member states in the import of cultural property in the analysed years.

In the EU import of cultural property three large states situated in Western Europe recorded a dominant share, i.e. Germany (15-20%), France (15-18%) and Great Britain (9-12%), being the only countries whose share in the EU import exceeded the level of 10% in almost each of the analysed years. It should be noticed, however, that while in the case of France the value of its share in the EU import remained at almost the same level when the years 2008 and 2015 are compared, in the case of Germany a considerable increase in its share was observed (by 4.75 percentage points), whereas in the case of Great Britain – a decrease in the value of cultural property purchased abroad (3.19 percentage points).

Comparing the situation in 2015 with the state of affairs in 2008, it should be noticed that ten EU member states recorded an increase in their share in the EU structure of import of cultural property (Austria, Croatia, the Czech Republic, Estonia, Lithuania, Malta, Germany, Poland, Slovakia, Slovenia), although in none of the above-mentioned

countries, except for Poland, the upward trend was statistically significant. The share of the remaining 18 countries in the EU structure of import decreased, reaching statistically significant values only in the case of Spain (decrease of 3.13 percentage points) and Holland (decrease of 2.08 percentage points).

Table 2. Share of respective countries in the import of cultural property in the EU in the years 2008-2015 [%]

Country	2008	2009	2010	2011	2012	2013	2014	2015
Austria	6.75	7.07	7.95	8.31	8.42	8.77	7.93	7.2
Belgium	6.15	6.18	6.77	6.98	7.42	7.46	6.44	5.42
Bulgaria	0.42	0.45	0.48	0.58	0.50	0.55	0.52	0.39
Croatia	0.39	0.35	0.34	0.34	0.36	0.44	0.53	0.57
Cyprus	0.30	0.31	0.31	0.26	0.23	0.16	0.16	0.19
Czech Republic	2.02	1.86	2.40	2.46	2.47	2.38	2.39	2.40
Denmark	3.02	3.14	3.13	3.01	2.93	3.05	3.17	2.84
Estonia	0.13	0.09	0.12	0.17	0.18	0.20	0.22	0.20
Finland	1.48	1.61	1.98	1.81	1.62	1.66	1.42	1.28
France	15.67	15.31	16.07	16.09	17.89	17.87	17.1	15.58
Greece	1.53	1.44	1.34	1.05	1.05	1.03	1.01	0.92
Spain	8.08	6.19	6.17	5.87	5.22	4.99	6.34	4.95
Holland	5.76	4.72	5.14	5.23	4.62	4.46	3.85	3.68
Ireland	2.99	3.11	3.20	3.20	2.43	2.47	2.37	2.31
Lithuania	0.15	0.12	0.16	0.18	0.19	0.21	0.24	0.22
Luxembourg	0.73	0.8	0.78	0.83	0.77	0.78	0.71	0.63
Latvia	0.26	0.16	0.16	0.22	0.20	0.19	0.19	0.20
Malta	0.10	0.08	0.10	0.11	0.12	0.15	0.14	0.14
Germany	15.13	18.93	14.91	14.13	14.84	15.21	17.53	19.88
Poland	1.72	1.48	1.88	2.23	2.69	2.36	5.14	8.82
Portugal	1.96	2.10	2.13	1.83	1.55	1.59	1.59	1.56
Romania	0.94	0.98	1.01	1.04	0.98	0.97	0.94	0.86
Slovakia	0.93	1.11	0.97	1.24	1.35	1.12	1.11	1.16
Slovenia	0.42	0.48	0.51	0.57	0.51	0.42	0.47	0.44
Sweden	3.26	3.12	3.66	3.64	3.36	3.29	3.59	2.88
Hungary	1.14	0.88	0.89	0.86	0.82	0.79	0.71	0.70
Great Britain	11.92	11.39	10.64	10.94	10.31	11.22	8.29	8.73
Italy	6.61	6.57	6.79	6.81	6.96	6.21	5.89	5.84

Source: Own work on the basis of [15].

The example of Poland can be of particular interest, since its share in the EU import of cultural property increased by 7.1 percentage points (to the value of almost 9% in the

structure of the whole EU import), which was an exceptional result in the whole community. On the basis of these data it can be stated that in the years 2008-2015, Poland witnessed growing interest in adopting the cultural patterns of other European states. In the literature it is emphasised that the observed state of affairs may lead to a serious dilemma in the sphere of the country's cultural development, not so much because of the inflow of foreign cultural patterns, but mainly because of the "pace and uncontrollable nature of diffusion and, thus, the capability of internalising the elements which are not in conflict with the national identity" [16, p. 29]⁶.

Table 3 presents the data regarding the share of all EU member states in the export of cultural property in the analysed years.

As shown by the data collected in Table 3, during the analysed years, Germany remained a country with the highest export potential in the sector of cultural property in the EU, although its share in the EU export was decreasing steadily – from almost 30.5% in 2008, to 23.5% in 2015. Holland with its share falling within the range of 13.2-19.6% ranked second, recording, however, a drop of 2.82 percentage points in the years under consideration. Other countries with a huge export potential regarding cultural property on the EU market include Great Britain (the share of 12.5-14.3%), France (the share of 6.2-8.6%) and Italy (the share of 6-7.3%).

Comparing the situation in 2015, with the state of affairs in 2008, it should be observed that 15 EU states recorded an increase in their share in the EU structure of export of cultural property (Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, France, Spain, Lithuania, Luxembourg, Poland, Romania, Slovakia, Slovenia, Hungary, Great Britain), although only in Poland the upward trend turned out to be statistically significant. The share of the remaining 12 EU member states decreased, reaching statistically significant values in the case of Ireland (drop of 1.94 percentage points) and Belgium (drop of 1.62 percentage points).

As in the case of import, Poland could serve as an extraordinary example also with regard to its share in export. During the relatively short timeframe subject to analysis the share of Poland in the structure of the EU export of cultural property increased from 2.35% to almost 12%. An increase of more than 9.5 percentage points was unparalleled among the other EU member states. Furthermore, except for the years 2008-2009, the upward trend was stable, which suggests that it can be maintained also in the following years. The international significance of Poland in the area of export of cultural property

⁶ It would be difficult not to agree with J. Czaja that such situation developed to a considerable extent as a result of globalisation processes, some of which may pose a threat to the cultural security of the Polish Republic. It concerns in particular the process of internalising conflicting cultural patterns as well as squeezing out the local and national values by the universal standards, obscuring high culture. An equally important threat is posed by the fragmentation of a society resulting from the reverse process, i.e. the formation of multicultural societies in the EU, mainly because of the growing problem with migration, increased ethnical awareness of some groups or nationalist attitudes in some parts of the EU. Vide: J. Czaja. *Kulturowe czynniki bezpieczeństwa*. Krakow: Krakowska Szkoła Wyższa im. AF Modrzewskiego; 2008, p. 40-1. It should be concluded that under such conditions an uncontrollable and rapid increase in the import of foreign cultural contents should be treated at least as a warning signal for the cultural security of the state.

was growing faster than its significance in the EU import, which can be regarded as a positive factor conducive to the strengthening of the state's cultural security.

Table 3. Share of respective countries in the export of cultural property in the EU in the years 2008-2015 [%]

Country	2008	2009	2010	2011	2012	2013	2014	2015
Austria	3.55	3.31	4.26	4.25	3.29	2.84	2.86	2.22
Belgium	5.59	5.55	4.88	5.01	4.86	4.67	4.05	3.97
Bulgaria	0.22	0.16	0.14	0.19	0.14	0.17	0.21	0.23
Croatia	0.13	0.15	0.13	0.14	0.17	0.18	0.25	0.30
Cyprus	0.03	0.03	0.04	0.04	0.03	0.10	0.07	0.01
Czech Republic	1.82	2.25	2.97	3.30	3.23	3.39	3.10	3.12
Denmark	1.52	1.47	1.53	1.27	1.56	1.79	1.93	1.84
Estonia	0.16	0.17	0.28	0.34	0.35	0.40	0.39	0.37
Finland	0.48	0.53	0.62	0.53	0.45	0.39	0.32	0.28
France	6.20	6.80	7.25	7.47	7.77	8.66	7.85	7.37
Greece	0.68	0.69	0.62	0.44	0.42	0.41	0.44	0.50
Spain	3.20	3.26	3.17	3.22	3.32	3.72	3.74	3.46
Holland	18.16	18.65	13.29	16.17	17.25	17.23	19.61	15.34
Ireland	2.59	2.23	3.01	1.71	1.19	0.92	0.59	0.65
Lithuania	0.12	0.12	0.18	0.20	0.22	0.26	0.26	0.27
Luxembourg	0.21	0.21	0.12	0.14	0.12	0.11	0.10	1.51
Latvia	0.10	0.11	0.18	0.24	0.33	0.42	0.40	0.05
Malta	0.05	0.04	0.03	0.03	0.03	0.05	0.05	0.05
Germany	30.48	29.70	29.30	27.59	26.78	24.15	22.75	23.5
Poland	2.35	2.27	3.19	3.47	3.75	4.04	6.64	11.88
Portugal	0.29	0.28	0.33	0.28	0.29	0.34	0.29	0.26
Romania	0.19	0.11	0.15	0.27	0.34	0.37	0.35	0.36
Slovakia	0.81	0.99	1.02	1.07	1.05	1.18	1.10	1.29
Slovenia	0.46	0.44	0.42	0.49	0.45	0.45	0.40	0.50
Sweden	1.53	1.66	1.63	1.50	1.33	1.29	1.01	1.07
Hungary	0.32	0.37	0.50	0.59	0.58	0.60	0.64	0.50
Great Britain	12.51	12.33	13.49	12.74	13.61	14.28	13.61	12.57
Italy	6.27	6.13	7.28	7.31	7.09	7.59	6.99	6.07

Source: Own work on the basis of [15].

Summary and conclusions

The presented arguments make it possible to formulate the following conclusions summarising the analysis:

1. The state's cultural security depends also on its connection with the economic system, in which the trade in cultural property has its place. However, it necessitates taking into account the specific nature of cultural property in the context of the EU principle of free movement of goods and the possibility of imposing restrictions justified by the need to protect the national heritage of the member states.
2. The legal regulations on trade including cultural property do not form any comprehensive or complex collection of regulations in the EU law since the member states are granted considerable freedom in developing their national legal systems protecting their cultural heritage.
3. The Western (occidental) cultural contents seem to be dominant in the process of forming the cultural security in the EU if both the value of trade and the share of the respective member states in the structure of the EU import and export of cultural property are taken into consideration.
4. Works of art represented the category of cultural property to which the greatest significance should be attributed in the structure of trade in cultural property in the EU in the years 2008-2015.
5. Poland was a special country in comparison with all other EU member states with regard to its considerable growth rate in the share in both the EU import and export of cultural property.

On the basis of the presented arguments it can be concluded that the thesis according to which trading in cultural property represents an important element of taking care of the protection of cultural security and potential and demonstrates endeavours for the cultural expansion of the respective EU members states, whose share in the structure of import and export of cultural property on the European Union market is far from being even, has been confirmed. It has been demonstrated that the dominant share in both import and export should be attributed to only few member states, such as Germany, France, Great Britain, and, in the case of export alone, also Holland. The well-established Western democracies are capable of creating cultural patterns which are dominant in Europe, thus securing their own national interests and the cultural security of the EU. Poland, being a country with special trade dynamics in the area of cultural property and a special geopolitical location, played an increasingly significant role in the international trade in cultural property in the years 2008-2015.

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Conflict of interests

The author declared no conflict of interests.


Author contributions

The author contributed to the interpretation of results and writing of the paper. The author read and approved the final manuscript.

Ethical statement

The research complies with all national and international ethical requirements.

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References

1. Gerecka-Zolynska A. *Restytucja dobr kultury a wolny rynek sztuki*. Ruch Prawniczy, Ekonomiczny i Socjologiczny. 1996;2.
2. Bialynicka-Birula J. *Przepływy dzieł sztuki między Polską a krajami Unii Europejskiej*. Gospodarka Narodowa. 2007;3.
3. Włodkowska A. *Bezpieczeństwo kulturowe*. In: Wojtaszczyk KA, Materska-Sosnowska A (eds.). *Bezpieczeństwo państwa*. Warszawa: ASPRA JR; 2009.
4. Disdier A-C, Tai SHT, Fontagne L, Mayer T. *Bilateral trade of cultural goods*. Review of World Economics. 2010;145(4).
5. Mercy J-L, Beck-Domzalska M (eds.). *Culture statistics*. Luxembourg: Eurostat; 2016.
6. Traktat o funkcjonowaniu Unii Europejskiej z dnia 13 grudnia 2007 roku (Dz. Urz. UE C 326 z 26.10.2012).
7. Laczy J. *Ochrona interesów finansowych Unii Europejskiej w dziedzinie polityki spójności*. Warszawa: Wolters Kluwer Polska; 2010.
8. Zalasinska K. *Wpływ zmiany przepisów dotyczących wywozu zabytków za granicę na rynek sztuki w Polsce*. In: Kowalski W, Zalasinska K (eds.). *Rynek sztuki. Aspekty prawne*. Warszawa: Wolters Kluwer Polska; 2011.
9. Dyrektywa Parlamentu Europejskiego i Rady 2014/60/UE z dnia 15 maja 2014 roku w sprawie zwrotu dóbr kultury wyprawionych niezgodnie z prawem z terytorium państwa członkowskiego (Dz. Urz. UE L 159/1 z 28.05.2014).
10. Roodt Ch. *Private International Law, Art and Cultural Heritage*. Cheltenham–Northampton: Edward Elgar Publishing; 2015.
11. Rozporządzenie Rady (WE) nr 116/2009 z dnia 18 grudnia 2008 roku w sprawie wywozu dóbr kultury (Dz. Urz. UE L 39/1 z 10.02.2009).
12. *Rozporządzenie Parlamentu Europejskiego i Rady z dnia 13 lipca 2007 roku w sprawie przywozu dóbr kultury – wniosek Komisji Europejskiej*, [online]. Available at: <http://eur-lex.europa.eu/legal-content/PL/TXT/?uri=COM%3A2017%3A375%3AFIN> [Accessed: 14 January 2018].
13. Konwencja z dnia 17 listopada 1970 roku dotycząca środków zmierzających do zakazu i zapobieganiu nielegalnemu przywozowi, wywozowi i przenoszeniu własności dóbr kultury (Dz. U. z 1974 r. Nr 20, poz. 106).
14. Nowak-Far A. *Funkcje międzynarodowych regulacji dotyczących nieregularnie przemieszczonych dóbr kultury. Przykład Konwencji UNIDROIT z 1995 roku*. Santander Art and Culture Law Review. 2015;1:49-65.
15. Eurostat. *Intra and extra-EU trade in cultural goods by product*, [online]. Available at: <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do> [Accessed: 14.01.2018].
16. Kosmider T. *Kulturowy wymiar bezpieczeństwa państwa polskiego – wyzwania i zagrożenia*. Rozprawy Społeczne. 2014;1.

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Międzynarodowa wymiana dóbr kulturalnych na obszarze UE w latach 2008-2015 w perspektywie prawnej, ekonomicznej i bezpieczeństwa kulturowego

STRESZCZENIE

Celem artykułu było określenie podstaw prawnych obrotów handlowych dobrami kulturalnymi na obszarze jednolitego rynku wewnętrznego UE oraz zbadanie dynamiki obrotów w imporcie i eksporcie tych dóbr w latach 2008-2015. Analizę oparto na: aktach prawa UE, danych statystycznych opublikowanych przez Eurostat, a także krytycznym odniesieniu się do treści piśmiennictwa.

Postawiono tezę, że obroty handlowe dobrami kulturalnymi stanowią ważny element dbałości o ochronę bezpieczeństwa i potencjału kulturowego, a także są wyrazem dążenia do ekspansji kulturalnej poszczególnych państw UE, które charakteryzuje nierównomierny udział w strukturze importu i eksportu dóbr kultury na rynku unijnym.

Udział państwa w międzynarodowej wymianie dóbr kultury to ważny aspekt kreowania nie tylko bezpieczeństwa ekonomicznego, ale także kulturowego. W latach 2008-2015 kilka państw europejskich było w stanie zdominować wymianę handlową w obszarze dóbr kulturalnych w UE. Potencjalnie grozi to zjawiskami uniformizacji i standaryzacji kulturowej, które należy rozpatrywać jako niekorzystne dla ochrony unikalnych systemów bezpieczeństwa kulturowego w Europie.

SŁOWA KLUCZOWE bezpieczeństwo kulturowe, dobra kultury, obroty handlowe, rynek UE

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