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*L. da Vinci
+ MATAGNE/32.*

Art thieves and shady dealers in the European Community are becoming more ambitious and brazen.

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**** A EUROPEAN COMMUNITY OF THIEVES AND SHADY DEALERS?**

Mr Jean Chatelain, former Director of the Museums of France, has been examining at the request of the European Commission ways of combating theft and illegal traffic in works of art in the Europe of the Nine.

In ANNEX 1, Euroforum presents some of the main points in the study.

**** GENERALIZED TARIFF PREFERENCES: WHAT ARE THEY?**

111 countries throughout the world benefit from the European Community's scheme of generalized tariff preferences. But what are these exactly?

In ANNEX 2, Euroforum explains.

EUROPEAN PARLIAMENT: THE COUNTDOWN HAS BEGUN

At its last part-session, the European Parliament adopted a resolution marking its agreement to the total number of seats and their distribution, as decided by the European Council on 12 July 1976. In the same text, it also urged that the elections should be held in May or June 1978 as promised.

A few days later, the Council of Ministers of the European Community approved the texts providing for election of the European Parliament by direct universal suffrage. At the signing ceremony, Mr Van der Stoel, Dutch Foreign Minister and President-in-office of the Community's Council of Ministers pointed out that, for the first time, the peoples of Europe will be called upon to elect their representatives, and stimulate the growth of Community action by making their choice from among the various patterns of society put forward. He also made an urgent appeal to all governments to actually hold the elections on the date agreed.

Mr Ortoli, President of the European Commission, commented that signature of the document was a clear sign of the Community's vitality, on which, a couple of years earlier, doubts had been nourished. These direct election, he said, showed that the peoples of Europe wanted to live together.

Mr Spénale, President of the European Parliament, felt that the way was now open for a Europe of citizens to take its place alongside a Europe of States. A major degree of sovereignty had thus been restored to the people.

The text signed by the Ministers of Foreign Affairs fixes the term of office for members of the European Parliament at five years. They can have dual mandates as members of both the European Parliament and national Parliament. Voting will take place in Europe, over one day, in the same period, between a Thursday morning and the following Sunday evening. Ballot boxes will not be opened until the Sunday evening, when voting has been completed. The election traditions of the different Community countries are thus being preserved.

**** COMBATING UNEMPLOYMENT AMONG YOUNG PEOPLE**

By mid-June 1976, the European Commission had received a total of 30 applications for assistance from the European Social Fund to help young unemployed people. This represent over 200 million units of account (1 u.a. = approx. US \$1.2). The funds

available for Social Fund activities in 1976 amount to 66 105 000 u.a. One immediate result of this budgetary situation is the need to limit European Social Fund assistance to young people seeking their first job, in accordance with the priorities established by the Community's Council of Ministers.

The European Commission has already increased the amount reserved for young unemployed people in the budget of the European Social Fund, by adding to the initially reserved 37.78 million u.a., a transfer of 28.325 million u.a., originally reserved for assistance to industries and regions hit by the crisis. The Commission has also just proposed, in the Community's preliminary draft budget for 1977, that a sum of 150 million u.a. be made available next year, via the European Social Fund, to help young unemployed people.

**** STOCKINGS AND TIGHTS: FIGHTING THE RECESSION**

In 1975, over the Community as a whole, the ladies' hosiery industry (stockings and tights) suffered from 45% excess production capacity, even though the number of people employed in the industry had fallen appreciably, with only 53 000 workers in 1975, as against 78 000 in 1971.

The industry is suffering from excess capacity partly because there are so many small family firms, which, in Italy for example, have now to compete with big German importers. Moreover, an "outward processing" system organized with non-member countries meant that hosiery tubes manufactured in Germany were sent to Greece, Yugoslavia or Tunisia to be finished, and then reimported duty-free.

The European Commission has just proposed various rationalization measures to restore equilibrium in this troubled market by discouraging any increase in production, while controlling "consignments for processing", which will be more closely supervised. This is only the first step. Member States have been asked by the Commission to send by the 10th of each month monthly statistics on the intra-Community trade in tights for the previous month; the Commission will thus be able to follow developments.

**** FORECASTING CHANGES IN CLIMATE**

The European Commission has decided to take an interest in climatology. In view of this year's drought, with its serious effects on the farming and economy of some Community countries, such action would undoubtedly serve a useful purpose. Climate does of course partially depend on factors we cannot influence, but human activities, such as discharging CO₂ into the atmosphere, the loss of heat from power stations, changes in vegetation, etc. do play their part, to a certain extent at least. By improving our knowledge of how these factors affect climate, we will be able not only to predict trends, and forestall their harmful results, but also to influence them.

With this in mind, the European Commission will soon be bringing together experts from this branch of science. Their main task will be to determine the factors which caused the recent climatic disturbances, and to find ways of monitoring and controlling them.

Forecasting changes in climate is a relatively recent subject for research. Scientists started working on it only in the sixties. Though the climate had been stable since about 1920, it then began to change. Community action in this area would definitely improve coordination between the various activities now under way, and the whole Community would benefit.

**** NO MORE MIRACULOUS DRAUGHTS OF FISHES**

If the Council of Ministers of the Community accept the European Commission's argument, Community fishing limits will be extended to 200 miles in the North Sea and the North Atlantic, as from 1 January 1977. The Council of Ministers of the Community stated that this step would only be taken if it accorded with the findings of the Third United Nations

Conference on the Law of the Sea. However, the Community's vital interests are threatened, inasmuch as other countries have extended, or are about to extend, their limits in the North Atlantic without waiting for the conclusions of the Conference. There is a danger therefore that outside countries will be coming to dip into the European Community's fish reserves, thus threatening a delicate economic and ecological balance.

Adoption of the Commission proposal by the Community would make it clear to outside countries which habitually fish in Community waters that in future this would have to be negotiated beforehand. The Community will take a flexible attitude at such negotiations, depending on whether mutual arrangements are practicable.

**** DANGEROUS SUBSTANCES: CONTROLLING THE NEWCOMERS**

Rapid growth in the number of synthetic chemical compounds is giving rise to more and more serious problems of control. The European Commission has therefore proposed to the Council of Ministers of the Community that systematic control of new chemical products be introduced.

To monitor the effects on people, and on the environment, the European Commission proposes that before any new substance is placed on the market, it be subjected to study by the manufacturer, and the competent authorities notified whenever a product is first placed on the market in a Community Member State. To follow closely the development and use of the substances marketed a scheme must be set up whereby every new substance offered for use or consumption can be indexed. In this way, the competent authority in a Community State will be in a position to appraise the effects of distributing a new substance, and may, where necessary, intervene immediately, by altering the classification proposed or restricting or prohibiting marketing of the substance in question.

**** A COMMUNITY DRIVING LICENCE**

The European Parliament has given a favourable reception to the Commission proposal for a Community driving licence. No replacement of national licence arrangements is involved: but anyone holding a national driving licence from a Community Member State would be able to request a Community licence, entitling him, in the course of his work or privately, to drive a vehicle in any other Community country. So a new test whenever there is any change of country would no longer be necessary.

**** THE BUTTER MOUNTAIN**

According to European Commission predictions, butter stocks in public and private warehouses will grow to some 350 000 tonnes by the end of 1976. The normal level for end-of-year butter stocks is around 150 000 tonnes. The annual cost of storing surplus butter is about 400 units of account a tonne (1 u.a. = approx. US \$1.2). Storing 200 000 tonnes of butter will therefore cost something like 80 million u.a.

**** FOOD AID TO DEVELOPING COUNTRIES**

In June 1976, the European Commission decided to make medium-term plans (i.e., for a period of three years ahead) for its food aid policy to developing countries. The Commission has just proposed its first programme for the period 1977-79. Future programmes will be drawn up every three years, well before they are to be implemented, so that the developing countries can be notified in good time of the European Community's intentions for the three years following.

3 year indicative food aid programme 1977-79

Product	Annual targets (tonnes)		1976 figure
	Minimum	Maximum	
Cereals	1 650 000	2 500 000	1 287 000
Skimmed-milk powder	150 000	175 000	150 000
Butteroil	45 000	65 000	45 000

**** SCIENTIFIC AND TECHNICAL PUBLISHING**

Scientific and technical publishing in a multilingual society is the theme of the European Seminar being organized by the European Commission for 11 and 12 November, in Luxembourg.

The range of languages employed in disseminating scientific and technical information in the European Community has been tending in most fields to become restricted to two or three, and sometimes only one, to the detriment of the others. Among the factors contributing to this state of affairs, the most obvious, perhaps, are market forces, and a desire for a single common language in information exchanges. Nevertheless it would be useful to give closer study to this trend. Attempts should be made to find out just when it makes for better dissemination of information, and so should be encouraged, and when the opposite is true, and corrective measures should be considered.

Information and enrolment: European Commission, DG XIII, Bâtiment Jean Monnet, Plateau de Kirchberg, Luxembourg.

A EUROPEAN COMMUNITY OF THIEVES AND SHADY DEALERS?

The figures are frightening: 44 000 works of art stolen in Italy since the end of the Second World War, more and more each year: 2 466 in 1970, 5 927 in 1971, 5 843 in 1972, 8 520 in 1973 and 10 952 in 1974. The thieves are put off by neither sanctity, nor size. In December 1971 the altarpiece by Giorgione, "The Castelfranco Madonna", measuring two metres by one metre forty, was stolen from the Cathedral of Castelfranco Veneto. Nor are private collections exempt, with seventeen modern pictures stolen from the Guggenheim collection in December 1971, and a Rubens, a Van Dyck, and gold and silver objects from the Borroméo collection, in 1974. Nor do museums and official galleries escape: three outstanding masterpieces (one Raphael and two Piero della Francescas) were stolen from the Ducal Palace in Urbino on 6 February 1975, and ten days later, 28 pictures from the Modern Art Gallery in Milan. The latter were soon found and replaced in the gallery, only to be stolen again immediately. This time the thieves took a few more pictures, probably to cover the expenses of their second trip.

Nor are these reported thefts the whole story. An astonishingly large number of archaeological objects are being dug up illegally. Between 1970 and 1974 the police recovered 41 592 of these, out of a total of 81 929. This type of "theft" alone is probably commoner than all the others - pictures, sculptures, old coins and so on - put together.

Yet impressive as the figures are, they fall far short of the facts, for a great many thefts are not even reported! Between 1970 and 1974, 8 440 pictures were declared missing, and 9 336 recovered, while an Italian specialist estimated the actual number of pictures stolen during the period to be about 18 000.

Elsewhere in Europe

France has suffered too, of course. In 1970, 1 261 works of art were stolen; in 1971, 1 824; in 1972, 2 712; in 1973, 3 300; in 1975, 5 190. The figures keep going up. And the thieves are not put off by renown or size here either; Martin Schongauer's "Madonna in a Rose Garden", stolen from St. Martin's Church, Colmar, is not marketable; a Claude Vignon painting stolen from St. Gervais Church measures two metres by three, while the Maillol statue, carried off from the Tuileries Gardens, weighs 80 kg.

Theft is gradually being transformed from a craft to an industry, with sixty pictures, statuettes and objets d'art stolen from the Musée du Vieux Logis in Nice (February 1973), 40 canvasses from the Galerie Hervé (November 1973), several hundred statuettes, porcelains and old coins from the Musée de Bailleul (April 1974), and 119 Picassos in one go, from the Palace of the Popes in Avignon (January 1976).

Things do not seem to be quite so bad in the other Community countries, but they are not perfect, and petty larceny exists side by side with notable thefts.

Between 1970 and 1973, more than 300 such crimes were committed in Belgium. Luxembourg reports 140 thefts since 1965. In Great Britain, after the Coronation Stone disappeared, Goya's portrait of Wellington, painted before Wellington became a national hero, disappeared too; not to mention the Vermeer, from Kenwood House. One of Holland's finest Vermeers vanished during an exhibition in Brussels, and Holland also lost four Brueghels at once, in December 1975. In Germany, a Franz Hals and a Rubens were stolen at the same time from Dusseldorf Museum. The list ends with Ireland, where masterpieces from the Beit collection were carried off in an armed robbery, including pictures by Vermeer, Franz Hals, Goya, Rubens, and Velasquez, worth altogether, at the time of the theft, some 20 million dollars.

We have purposely mentioned the most spectacular thefts to underline the seriousness of the problem. These are naturally the ones that give rise to the most energetic searches, and have the best chance of leading to recovery. Nonetheless, the bulk of stolen works cannot be returned to their owners, either because they have been destroyed, or because they simply cannot be identified when they finally do turn up, after long, secret and roundabout journeys.

Who are the thieves?

Between the big-time professional thieves and the amateurs seizing an unlooked-for opportunity, comes a whole range of intermediate cases. Nor must we forget the tourists, those who "pinch" a tassel here, a piece of wood-carving there, or a little bit of stone from a mosaic somewhere else, at archaeological sites, in churches and even in museums - just as they "pinch" ashtrays from hotel rooms. A visitor to the Louvre - thief or madman? - announced one afternoon to the other visitors in the main gallery: "I would love to have one of those little pictures at home; which one would you recommend?", and then ran off with the one that was recommended.

Real thieves, of course, know they are and why. But even they are not all of the same kidney. First, there are burglars "on spec", who carry off all they can lay their hands on: silver, jewels and, if there is nothing better around, works of art and collector's items. Those who burgle churches or museums are not very different. They are not specialists, but have noticed how easy it is to get in (or stay in) and help themselves. They do not really know the value of what they steal, but hope to make something out of it.

Then come the professionals who do know the value of the works they steal, "case the joint", set up a plan, and prepare their getaway. They are the ones who make the big hauls, and they have no hesitation about using such techniques as drilling through walls, putting security guards out of action, and so on.

The large-scale thefts of the past few years indicate that organized gangs, and "rings" exist for stolen works of art, like those for peddling drugs. There are also dealers' rings, and specialized underground sales organizations; one in Italy specializes in archaeological objects, and the series of thefts in France and Germany give reason to think there must be another gang, specializing in antique tapestry.

"Political" thieves

A new sort of thief has recently appeared; the impassioned defender of political justice as he sees it. His idea is to draw public attention to some cause, or to procure a ransom, or some measure he thinks fair. To take the most recent examples, the stealer of Vermeer's "Letter", in Brussels, hoped to receive a ransom, to aid Bengali refugees; the man who stole the Kenwood Vermeer meant to help the population of the West Indian island of Grenada; the armed gang that carried off the Beit collection in Ireland, with cries of "capitalist pigs", demanded the transfer to Ulster of four Irish prisoners held in Great Britain, plus a ransom of £500 000.

Such fanatics are all the more dangerous in not being professionals; their only thefts are spectacular ones that will capture the public imagination. They care very little for the actual works of art. Vermeer's admirable "Letter", for example, traced in Brussels thirteen months after its disappearance, suffered irreparable damage, despite the competence and skill of the international experts called upon to restore it.

The European Parliament has several times expressed its concern over the theft of, and illegal traffic in works of art in the European Community. Its first resolution, adopted in May 1974, requested the Commission "to propose to the Member States that they should take all possible measures to fight more effectively against the theft of, and traffic in works of art and archaeological treasures". It returned to the subject in a resolution of 8 March 1976, in which it approved the working document submitted by the European Commission on Community action in the cultural sector, which, in point 8, deals with the fight against art theft.

Illegal traffic

To prevent theft, security arrangements have become more and more complicated - and expensive. Over the years, we have gone from metal-plated doors and barred windows to modern, sophisticated alarm systems. The extremely rapid advance of electronics has been useful in the surveillance of museums. But the most sophisticated systems remain useless if a guard or a policeman fails to react immediately at the first warning.

Extensive studies are still needed to solve problems that seem simple at first sight; how do you reconcile protection against theft and protection against fire for example? Many doors, difficult to get through, are needed for the first, while for the second salvage-officers have to be able to move all over freely, and carry away threatened objects, without any difficulty. The importance attached to these twin dangers has itself changed: thieves are now regarded as more dangerous than flames, which was not the case a few decades ago.

After the theft, comes the traffic. A work changes hands several times before turning up in a showcase, or on a wall which does not belong to the proper owner. The fight against such traffic is becoming almost as important today as the fight against theft itself.

Illegal traffic may also occur, unconnected with theft: this happens in countries where exports come under regulation. A legitimate owner who tries to export a work of art, without declaring it beforehand, is making the national heritage that much poorer.

The question becomes more complicated still as soon as a stolen work crosses a frontier. The law is not the same in the various countries of the European Community, and merely to put a stop to such traffic means applying the penal law, administrative law, civil law and international private law provisions of each affected State, provisions which may have been amended by international treaties ...

Possible ways of effectively discouraging theft and trafficking are to identify the articles being sought, and to supervise archaeological sites and excavations.

Identification

The chances of recovering a stolen article are far better if a photograph or a precise description is available. Even here the negligence of owners reaches surprising levels. A fair number of victims of thefts are unable to give any sort of precise information about the stolen objects: "A landscape ... with some cows ...", "An old chest of drawers", "An African statuette ...".

In practice a common terminology already exists throughout the European Community for the description of works of art, even if it has not been officially standardized. So it is possible to conceive of an inventory of cultural property. Not an exhaustive inventory of all such objects (what is a piece of cultural property?) but at least an inventory of the art works held by public authorities. Data-processing has made such an aim at least conceivable, if not exactly feasible.

An inventory of this type would have saved the curator of a museum in West Berlin from making the unfortunate mistake of buying an altar-piece stolen in November 1973 from the church at Fresles in France, for over 100 000 DM.

Excavations

Throughout the world public opinion is extremely sensitive to the looting of archaeological sites. This explains the abundance and accuracy of the international documentation in this area, prepared in the last 20 years. The very basis of national regulations on the subject is more or less the same, wherever accurate documentation exists. But this is not enough. Italy has the strictest of legislation and at the same time the most extensive amount of looting.

Guards and police have a difficult job: the boundaries of archaeological sites are badly defined, sites are often far away from populated centres, and then there is the psychological element. A landowner excavating his own land thinks he has a legitimate right to do so.

European Community action

The study from which the above information is taken, prepared at the request of the European Commission by Mr Jean Chatelain, former Director of the Museums of France, is headed "Ways of combating the theft of and illegal traffic in works of art in the Europe of the Nine". It concludes by considering possible action by the European Communities.

Mr Chatelain hopes that the European Convention of 1969 on Protection of the Archaeological Heritage will be ratified by the nine States of the Community. Ratification would not seem to raise any insurmountable difficulties technically, and would be a first decisive step towards prohibiting clandestine excavation, and providing for the scientific supervision of archaeological property. Nevertheless, if the convention is to be fully effective, the various national laws on the subject will have to be harmonized; here the European Commission could take the initiative by submitting a recommendation to the Member States, or, better still, by preparing a proposal for a directive for transmission to the Council of Ministers of the Community.

The 1970 UNESCO Convention to stop the importation, exportation and transfer of illegally-owned cultural property raises other problems, since it could conflict with the Treaty of Rome, if each text were taken to the extreme. Professor Chatelain believes however that every country in the Community can be recommended to sign that Convention, without ruling out the possibility of including in the instrument of ratification reservations on certain points.

Professor Chatelain also mentions a possible Community instrument for the protection of cultural property, publicly owned or of public interest, against theft. Its main provisions would contain a common definition of theft and of the property protected, the possibility of demanding the return of stolen goods from the existing holder, even if he bought them in good faith, and a maximum time limit of 30 years for making such a demand.

The laws in force in the different countries will have to be harmonized, as regards both the supervision of domestic trade in works of art, and control of the export of cultural property. One basic point would be to make it illegal in any state to import an article fraudulently exported from the state of origin. Finally, a European index of stolen property would be a great help to Interpol.

GENERALIZED TARIFF PREFERENCES: WHAT ARE THEY?

111 countries throughout the world benefit from the European Community's scheme of generalized tariff preferences. All well and good. But what are these, exactly?

Background

At the GATT (General Agreement on Tariffs and Trade) session in Geneva in 1963, European Community representatives suggested that the trade and economies of the developing countries should be promoted by means of a preferential tariff (i.e., customs) scheme, applied to their exports of industrial products (manufactured and semi-finished), plus certain textiles and processed agricultural products. Basic agricultural produce and industrial raw materials are thus excluded.

The idea put forward by the European Community made headway, and in 1968 at the Second UNCTAD session in New Delhi, an agreement was reached in principle on the establishment of a scheme of generalized preferences. It took UNCTAD two years after that to secure agreement on how a scheme of generalized preferences should be constituted. Now, a single scheme of generalized preferences exists, plus different schemes for its application by the various countries, which answered UNCTAD's appeal.

The European Communities were the first, on 1 July 1971, to apply these schemes followed by Japan, Norway, Finland, Sweden, New Zealand, Switzerland, Austria, Canada and finally, on 1 January 1976 the United States. Australia must be considered separately, for it introduced a special preference scheme in July 1963, replacing it on 1 January 1974 by a new and much wider scheme.

Foundations

The preferences are "generalized", i.e., they are granted in principle by all industrialized countries. They are "non-discriminatory", i.e., granted to all developing countries without distinction. They are also "independent", i.e., not the result of negotiation with the beneficiary countries.

Moreover, they are not reciprocal. The beneficiary countries are not required to make equivalent reductions in customs duties.

How these preferences operate can be illustrated by an example: a European Community importer of electronic calculating machines (i.e., pocket electronic calculators from the United States or Japan) will have to pay the 14% import duty laid down in the European Community's Common Customs Tariff. If, however, he imports the same product from a developing country, he will not have to pay any customs duties for quantities imported up to the fixed ceiling. It is this customs exemption which is the preference accorded to an exporter of calculating machines from a developing country, over an exporter of the same product from an industrialized country.

Under the generalized preference scheme goods are imported duty-free into the European Community up to certain limits (ceilings or quotas). When these have been reached, duty may once more be levied as laid down in the European Community's Common Customs Tariff.

Ceilings or quotas are calculated on the basis of a fixed amount, corresponding to the value of imports from beneficiary countries in a specific reference year. They are raised annually by 5% of the value of imports into the industrialized countries. This increase is known as the "additional amount".

The year 1971 was used as a basis for calculating the tariff quotas and ceilings for 1974, 1975 and 1976. In 1977, the reference year, for the purposes of determining the basic amount and the additional amount in calculating the maximum, will be 1974.

A strict system of tariff quotas is applied to sensitive products, i.e., cases where Community industries are in an unfavourable position. The volume of preferential imports is then allocated by quota between the EEC Member States.

"Cut-off" levels, or maximum amounts have been fixed for each beneficiary country, to prevent the most advanced and competitive developing countries from using up all the potential preferences for their own individual benefit. Each individual country may use up to a certain maximum percentage of the ceilings or quotas.

Development

The Community's scheme of generalized preferences is designed mainly to encourage duty-free imports of industrial products. From 1971 up to the present, a considerable increase has taken place in the scale of the preferential offer on industrial goods. This has risen from 500 million units of account (1 u.a. = approx. US \$1.2) to 3 250 million u.a. in 1974 and 4 600 million u.a. in 1976 (approx. US \$5 750 million). Under the proposals put forward by the European Commission to the Community's Council of Ministers, the offer for 1977 will amount to 6 470 million u.a., or approx. US \$8 000 million.

The European Community has therefore improved its offer each year, in spite of the poor economic situation. It takes the view that the economic difficulties of the developing countries are even more serious than those of Community countries.

The number of sensitive products, however, has dropped considerably, from 51 in 1974 to 13 in 1975, 1976 and 1977.

The number of processed agricultural products included in the European Community's generalized preferences scheme went up from 147 in 1971 to 241 in 1976. The main agricultural products are: fish flour, certain varieties of shrimps, coconut oil for industrial use, dried coconut, cocoa butter, soluble coffee, certain categories of canned pineapple and, on a temporary basis, Virginia flue-cured tobacco.

Greater fairness

The generalized preferences mark a turning point in international relations: they have brought in a new type of relationship based on consultation between developed and developing countries and are rightly considered an important contribution towards the prosperity of the least-favoured nations.