

COPENHAGEN 2008

### **Final Recommendations**

We, the EHHF, meeting together in Copenhagen on 29-30 May 2008, welcome and agree the following initiatives, statements and actions:

#### **A FUTURE OF EHHF**

The secretariat of the EHHF has been managed for the last 3 years by the UK, as agreed in 2006. It has been agreed that in the future the secretariat will be managed by 3 countries working together on a 3 year rotating basis.

The first 3 years will be:

- 2009 Austria/Slovakia
- 2010 France
- 2011 The Netherlands

At the 2009 meeting, when Austria/Slovakia retire, another country should volunteer for the secretariat and to host the 2012 meeting.

The tripartite secretariat will be responsible for the organisation of annual meetings, circulation of information to EHHF members, following-up actions agreed by the EHHF, maintaining the EHHF website and upholding the original purpose for the informal meeting of the heads of the heritage agencies of Europe to:

- Exchange experience, ideas and best practice
- Strengthen and support existing networks dealing with heritage and tourism
- Carry out specific agreed actions

#### **B The EUROPEAN HERITAGE LABEL**

We welcomed the opportunity to gain a further understanding of this initiative from France and will brief our ministers accordingly.

#### **C HEREIN**

We are deeply encouraged by the continuing developments in the HEREIN project and support the steps being taken by France to establish an independent AISBL (legal Belgian association) to continue this valuable work in partnership with the Council of Europe, and if possible, the European Commission/Union. Individual agencies will support this work as appropriate.

#### **D The EUROPEAN HERITAGE LEGAL FORUM**

We welcome the proposal for the creation of a EUROPEAN HERITAGE LEGAL FORUM (EHLF), per appended proposal and individual members will indicate to Norway whether they are willing to participate in the information-sharing process.



ENGLISH HERITAGE

COPENHAGEN 2008

**E CLIMATE CHANGE AND ENERGY EFFICIENCY**

We welcome the proposal to establish a network to share experience and expertise in addressing these key challenges and will consider the Danish report after it has been finalised in the autumn. The recommendations of this report will be looked at in detail at the next meeting (2009). We strongly support the charter for careful energy improvements of historic buildings, as appended here below, as proposed by Denmark.

**F ILLEGAL ARCHAEOLOGY**

Agree to take action to attempt to encourage ebay to adopt the German initiative across Europe adopting the following statement:

At the third annual meeting of the European Heritage Heads Forum, held in Copenhagen on 29-30 May 2008, the members present discussed with grave concern the issue of illegal archaeology. In particular it was noted that the trade in archaeological material acquired from illegal excavations was to a large extent apparently dependent on unrestricted use of Internet auction sites. Members noted the considerable progress that has been made in limiting this trade in Germany where an agreement has been reached with eBay Germany to ensure that archaeological material is only offered for sale if its legal provenance can be proved. The basic principle agreed with eBay Germany states that:

*"It is forbidden to offer archaeological finds on eBay, unless the seller is in possession of documents which comply with the regulations of the governing bodies shown here < link to administrative information >. The documents must be displayed in the offer and must be easily legible.  
The decision whether offers are in accordance with this basic principle lies entirely with eBay."*

The European Heritage Heads Forum warmly welcomes this important initiative, and calls on eBay to adopt the same principle on all its European sites, and to open discussions immediately with the relevant heritage agencies about developing appropriate mechanisms to monitor how this principle can be applied on each of its sites.



ENGLISH HERITAGE

## **European Charter for Careful Energy Improvement of Historic Buildings**

This Charter is intended to provide a set of important principles for decision making in relation to [climate change] and energy improvement of historic building in Europe

The historic environment is central to Europe's cultural heritage and sense of identity and hence a resource that should be sustained for the benefit of present and future generations.

With this Charter [EHHF] is expressing its support to political aims among European Governments to cut down on carbon and improve energy efficiency and at the same time underlining the importance of keeping exemptions from requirements of Directive 2002/91 in relation to historic buildings.

Important principles are:

1. Before considering any alteration in historic buildings there should be conducted a an in depth study of the building including external features, spaces, internal layout and internal features as well as details, such as ceiling decorations.
2. The effect of the planned energy improvement should be calculated and alternatives should be investigated in order to balance the need for building conservation and energy conservation.
3. Principles of minimum intervention should be in use in order to sustain the historic environment
4. Priority should be given to further collaboration among the European Countries in relation to careful energy improvement of historic buildings (i.e. buildings before 1950, or as defined by national legislation). Such collaboration should include exchange of best practises, case studies and research as well as exchange of information on this important issue.
5. Priority should also be given to further collaboration between heritage authorities and energy authorities, advisors, producers and research institution in order to stress the importance of the historic environment and to provide tools, products and instruments addressing the particular constructions, features and materials of historic houses.

## **EHHF meeting, Copenhagen 2008.**

### ***A proposal for how the EHHF members may increase their influence on of EU legislation to take account of cultural heritage.***

At the last meeting of the EHHF, Prague on 10-11 May 2007, the FINAL STATEMENT asked for:

#### **“SPECIFIC ACTIONS:**

- *To propose a way in which the members of EHHF can have influence on the development of EU legislation taking account of cultural heritage. (Norway) “*

The proposed solution has been discussed between specific member institutions prior to this Copenhagen meeting.

### **1 Summary**

To increase capacity for early identification of EU legislation a network of EHHF members is established. Every country appoints its member correspondent. This is the European Legal Heritage Forum EHLF.

The objective of EHLF is to deliver timely information on the development of legal acts in Brussels to the EHHF members. It will act as an early warning system for identifying potential threats posed to cultural heritage by planned European legislation.

Biannual meetings are planned to start up. A Secretariat function and an Executive Committee is appointed. All members carry their own costs for meetings etc. The EHLF cannot lobby independently.

### **2 The proposal**

**Objective:** To improve the capacity for early identification of EU legislation of the EHHF members.

**Action:** To establish a European Legal Heritage Forum (EHLF).

**Resources:** To this end, each EHHF member appoints a ‘correspondent’; i.e. a responsible person in each national organisation. Together these correspondents constitute the European Legal Heritage Forum of the competent cultural heritage authorities in Europe.

To establish a full observatory with offices and staff in Brussels will cost more. This is an ‘easy’ way to improve the situation without establishing an observatory with offices etc. in Brussels,

#### **Task:**

The task of the EHLF will be:

1. To ensure improved and timely information on the development of legal acts in Brussels to the EHHF members.
2. To work towards a permanent European-wide system that monitors all legislative bills being planned for implementation by the European Union. This will act as an early warning system for identifying potential threats posed to cultural heritage by planned European legislation

3. The EHLF as a body may not undertake lobbying action but will bring the potential negative effects to the attention of the competent authorities at national, regional or local level (as well as national and international organisations concerned with the cultural heritage), who may act.
4. The EHLF will develop its own Mission statement and agenda taking into accounts its core mission and the restrictions on its activity.

#### **Activities.**

5. To identify more directives at an early stage increased contact with ongoing activities in Brussels.
6. Every country should liaise closely with its permanent national delegation in Brussels<sup>1</sup>
7. Each member activate a 'network' in their national administrations to be included in the consultations prior to a Directive's incorporation into national legislation.
8. To have cultural heritage as an impacts assessment criteria for legislation in Brussels will improve our capacity for early identification.
9. The group sets its own agenda and elects its own executive committee.

#### **Administration**

10. We propose that the Legal Forum has an Executive Committee<sup>2</sup>.
11. Norway will take on the secretariat function of the correspondent's network for the first 2 years.
12. Meetings will take place in Brussels or in members countries who agree to host them.
13. All EHLF members may be asked to contribute to the administration of the network and the secretariat.
14. All members bear the costs of their experts and the expenses related to the meetings of the national correspondents.

#### **Operations.**

15. To come 'on -line' and establishing a functioning network,
  16. 2 symposiums with the correspondents first year. One in Brussels 22, 23 September 2008 and one in another location in February 2009.
  17. 2 more meetings will take place in 2009-2010.
  18. After this we presently see no need for a fixed schedule of meetings. The rule could be annual or bi-annual network meetings.
19. Specific tasks / responsibilities may be assigned to network members – these may be related to Brussels or to own national administration.

***The principles of this proposal endorsed at the EHLF meeting 28-30 May 2008.  
Each Head of the national competent authority appoints the most appropriate person in their organisation to receive information about legal developments in the EU. A first meeting of this group is called on the 22-23 September 2008, in Brussels. Venue: Bavarian delegation to the EU.***

./ end proposal

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<sup>1</sup> Norway has done this. To inform Norwegian experts who come to Brussels to work on Directive development we have produced a small brochure that the Permanent Delegation will hand out to them at the 1<sup>st</sup> briefing meeting given to them at the Delegation.

<sup>2</sup> For proposed members see Annex 2.

Appendix 1. This letter was sent to all members in the spring 2007.

Dear Colleagues

We are sending you this request based on an agreement reached at a meeting between the Heads of English Heritage and the Norwegian Directorate for Cultural Heritage, in London in October 2006. The topic of this London meeting was how we could use the European Heritage Heads Forum to gain better intelligence on, and response to, European Union Legislative acts (directives) which unintentionally cause major problems for sustainable heritage management in Europe.

There were two conclusions reached at this meeting:

A: European Legislation and its effects on cultural heritage management be put on the agenda of the next meeting of the EHHF in Prague

B: To request that each Head of the national competent authority appoint the most appropriate person in their organisation to receive information about legal developments in the EU.

To B: we add some background information. The "Working Group on EU Legislation and Cultural Heritage"<sup>3</sup> has, for over 3 years been active in documenting the scope of EU legislation and cultural heritage, developing legal solutions, putting the subject on the political agenda and setting up a monitoring procedure for the EU legal production process. Many, but not all, competent authorities participate in the working group. The present monitoring process is far from satisfactory. There is an urgent need to improve the information flow to and between the competent authorities.

The Working group has reviewed approximately 25 legislative acts and has identified 16 detrimental directives. Useful information on what to emphasise in the national implementation process of EU Directives has been distributed to the present network. This has been done for the EU Service Directive COM(2006) 160 final, 2004/0001 (COD); the "Water Directive"; EU Directive 2000/60/EC (October 23 2000) establishing a framework for community action in the field of water policy, and EU Directive 2002 95/EC RoHS (Risk of Hazardous Substances) and EU Directive 2002 96/EC WEEE (Waste Electrical and Electronic Equipment). But such information does not always arrive to the person who may take charge of the matter in the competent authorities' organisations. We wish to improve the information network.

That is why we are requesting that you appoint a person to be a correspondent for such information. This will allow your organisation and government to be in a better situation to act in time to assure that the Commission effectively implements "*the horizontal clause of Article 151(4) of the EC Treaty with regard to culture, considering in depth the implications of the proposed legislation for culture and the cultural heritage with a view to ensuring that measures to promote them are embodied in all European Union policies*"<sup>4</sup>.

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<sup>3</sup> The situation is documented in "European Legislation and Cultural Heritage. A growing challenge for sustainable Cultural Management", Politecnico Milan, Delewa editore, Milan, October 2006, ISBN 88-88943-05-6

<sup>4</sup> European parliament resolution of 7 September 2006 – Strasbourg, on European natural, architectural and cultural heritage in rural and island regions (2006/2050(INI)), at <http://www.europarl.europa.eu/sides/getDoc.do?Type=TA&Reference=P6-TA-2006-0355&language=EN>

We are at your disposal if you wish to have more information. We wish to set up this network as early as possible in 2007.

We would very much like to know whom your organisation wishes to appoint before 30 March 2007. The subject will be discussed at the coming meeting of the EHHF in Prague. The correspondents will be invited to participate in a working seminar on the observatory in September / October 2007 where they will also be informed about the situation regarding EU legislation and national cultural heritage management.

We look forward to receiving the requested information from you in this matter.

Simon Thurley  
Chief Executive  
English Heritage

Nils Marstein  
Director General  
Norwegian Directorate for Cultural Heritage

The following responded to this letter by appointing persons:

GERMANY	Wolfgang Goehner	Bayerisches Landesamt für Denkmalpflege, Hofgraben 4, Postfach 100203, D-80076 München	<a href="mailto:Wolfgang.goehner@blfd.bayern.de">Wolfgang.goehner@blfd.bayern.de</a>
HUNGARY	Dr. Judit Bagdány	National Office of Cultural (Kulturalis Öröksegedelmi Hivatal - KÖH)	<a href="mailto:judit.bagdany@koh.hu">judit.bagdany@koh.hu</a>
ICELAND	Kristen Huld Sigurðardóttir	The Archaeological Heritage Agency	<a href="mailto:kristinhuld@fornleifavernd.is">kristinhuld@fornleifavernd.is</a>
NORWAY	Terje Nypan	Riksantikvaren - Directorate for Cultural Heritage	<a href="mailto:terje.nypan@ra.no">terje.nypan@ra.no</a>
SLOVAK REPUBLIC	Mgr. Liana Lehocka	Monuments Board of the Slovak Republic	<a href="mailto:lehocka.liana@pamiatky.sk">lehocka.liana@pamiatky.sk</a>
SPAIN (legal)	Josefina Lopez	Ministerio de Cultura	<a href="mailto:josefina.lopez@mcu.es">josefina.lopez@mcu.es</a>
SPAIN (policy)	Elisa de Cabo	Ministerio de Cultura	<a href="mailto:elisa.decabo@mcu.es">elisa.decabo@mcu.es</a>
UK – England (policy)	Alexandra Coxen	English Heritage	<a href="mailto:Alexandra.coxen@english-heritage.org.uk">Alexandra.coxen@english-heritage.org.uk</a>
UK – England (legal)	Helena Myska	English Heritage	<a href="mailto:Helena.Myska@english-heritage.org.uk">Helena.Myska@english-heritage.org.uk</a>

## Annex 2. List of proposed members of the Executive Committee.

T. Nypan (Riksantikvaren, Directorate for Cultural Heritage, Norway), Chair.  
J.C. Akerboom (Monumentenwacht, the Netherlands),  
S. Linnanmaki (National Board of Antiquities, Finland).  
A. Coxen (English Heritage, United Kingdom),  
E. Ballu (Ministere de Culture, France) (proposed)