

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 it's 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 Brussels¹
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 Committee².
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

¹ 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 1st briefing meeting given to them at the Delegation.

² 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"³ 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*"⁴.

³ 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

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

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)