

# Annual report

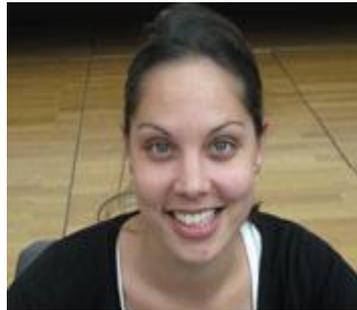
# European Heritage Legal Forum (EHLF)

10th Session of the European  
Heritage Heads Forum (EHHF)

May 20th to 22th, 2015 in Dublin / Ireland

# EHLF Secretariat

(as of May 20th, 2015)



Alexandra Warr  
United Kingdom (England)



Jacek Brudnicki  
Poland



Wolfgang Karl Göhner  
Germany  
Chairman



Dr. Terje Nypan  
Norway

## The EHHF recognises further

- ...
- *As such “the EHHF member is requested to ensure that the EHLF member(s) have a strong understanding and competence in cross-sectoral working within their national administrations (i.e. national lobbying) and is able to access the necessary technical expertise in their country.”*
- *Therefore, the Heads are asked to check, whether this current Member list is still ok:*

# Members:

1.  Austria  
**Mag. Evelyn Schmidt**
2.  Belgium (Flanders)  
**Griet DeSchepper**
3.  Belgium (Wallonie)  
**Gislaine Devillers**
4.  Bulgaria  
*Dr. Petar Miladinov ?*
5.  Croatia  
*Vesna Bradamante ?*  
*Maja Pleskalt ?*
6.  Cyprus  
**Irene Hadjisavva ?**  
**Dr. Marina Solomidou-Ieronymidou ?**
7.  Czech Republic  
**JUDr. Martin Zídek ?**
8.  Denmark  
**Susanne Thuesen Simonsen**
9.  Estonia  
**Carolin Pihlap**
10.  Finland  
**N. N.**
11.  France  
**Orane Proisy**
12.  Germany  
**Wolfgang Karl Göhner**      Chair, MoS
13.  Greece  
*Dr. Sofia Chatzidi ?*  
*Maria-Xeni Gareizou ?*
14.  Hungary  
**Réka Virágos**  
*Dr. Andrea Bajusz ?*
15.  Iceland  
**Dr. Kristin Huld Sigurôardottir**
16.  Ireland  
**Dr. Frederick O'Dwyer**

# Members:

- |     |   |                          |  |     |
|-----|---|--------------------------|--|-----|
| 17. |      | Italy                    | <b>Giuliana De Francesco</b>   |     |
| 18. |      | Latvia                   | <b>Dace Mikelsona</b>  |     |
| 19. |      | Lithuania                | <b>Rasa Šimkūnaitė</b>   |     |
| 20. |      | Luxemburg                | <b>Patrick Sanavia</b>   |     |
| 21. |      | Malta                    | <b>Perit Norbert Gatt BE.&amp;A.(Hons), Spec. Rest. (Rome), A&amp;CE</b> |     |
| 22. |      | The Netherlands          | <b>Gerda de Bruijn</b>   |     |
| 23. |      | Norway                   | <b>Dr. Terje Nypan</b>   | MoS |
| 24. |      | Poland                   | <b>Jacek Brudnicki</b>   | MoS |
|     |   |                          | <i>Prof. Wojciech Kowalski ?</i>   |     |
| 25. |      | Romania                  | <i>Victor Dan Kisilewicz ?</i>   |     |
| 26. |      | Slovakia                 | <b>Eva Majchráková ?</b>   |     |
| 27. |      | Slovenia                 | <b>Borut Šantej JD LL. M.</b>  |     |
| 28. |     | Spain                    | <b>Pilar Barraca de Ramos</b>  |     |
| 29. |    | Sweden                   | <b>Anita Bergensträhle-Lind</b>  |     |
| 30. |    | Switzerland              | <b>Dr. Oliver Martin</b>   |     |
| 31. |  + | United Kingdom (England) | <b>Alexandra D. Warr</b>   | MoS |

# Missing Members:

1.  Liechtenstein *lic. phil. Patrik Birrer* *(at present only eMail-contact)*
2.  Portugal *N. N.* *(at present no contact)*

- The newly appointed EHHF secretariat
- the single point of contact for both the EHHF and the EHLF members
- take responsibility for the administrative activities of both networks: f. e.
  - organisation of the meetings,
  - circulation of information,
  - maintenance of updated contact lists,
  - editing of reports and newsletters



Thank you by heart, **Benjamine Dobbelaere!**

## Core tasks:

- to ensure that relevant information on the development and consequences of proposed legislation developed by the European Union which may pose a potential threat to cultural heritage is circulated in a timely manner to the national competent authorities!
- to function in an expert advisory capacity
- to formulate “core scripts” (*invaluable documents for cross-governmental work which may be freely used by each Member State*) where feasible and provide warnings to the EHHF secretariat for the purpose of communication. It brings the inputs of several members into one consolidated draft. The “core script” does not bear any official character and its only purpose is to coordinate and foster joint action across Europe.

## Need to improve:

- **The EHLF, as the Standing Committee of the EHHF, is a platform for cooperation and consultations.**
- **What “is relevant” for each member will differ from case to case and between the Member States.**
- **A “filtering-action” is required at national level to ascertain if the (planned) regulative actions of the EU Commission will have consequences and to decide on a course of action.**
- **The EHLF has experienced that early and informed action greatly increases the chance to influence the work of the EU Commission effectively.**
- **Therefore, the privileged communication with the DG EAC (EU-Commission), allows for possible influence also during Commission Inter Service Consultations.**

## Need to improve:

- **For the EHLF to function each delegated member has the obligation to check the EU-legal activities. It is their task to fulfill the “watchdog” role and make the relevant national conclusions.**
- **Improve the description and specification for the members delegated to the EHLF to give a clearer picture of their tasks and duties as national responsible Members of the EHLF.**
- **All Member States have different laws and have to decide by themselves if it is in their interest to check and to develop an opinion about what mainly the EU Commission is still planning.**
- **Offer some assistance to your EHLF-Member in this so-called “filtering-action”.**
- **Improve the production of consolidation, summarising the inputs of several Members into one “core script” and ensure that the EHLF Secretariat then will be able to communicate this to all EHLF-Members.**

## EHLF: Screening the annual EU legislation and develop the following observations:

### 1. Meetings:

- Extended Secretariat meeting on September 25<sup>th</sup>, 2014 in Torino / Italy on the occasion of the Italian EU Presidency and the Conference “Heritage Commons”.
- Open Secretariat meeting on December 10<sup>th</sup>, 2014 in Brussels / Belgium in the offices of the EHHF Secretariat. Ms. Sonja Vanblaere, Head of Flanders Heritage Agency, had invited the EHLF, welcomed us and offered to gather in Brussels in the future too. Thank you by heart!
- Open secretariat meeting on February 13<sup>th</sup>, 2015 in Brussels / Belgium in the offices of the EHHF Secretariat.
- **Save-the-date: 8<sup>th</sup>/ 9<sup>th</sup> annual EHLF Assembly 2015 on October 5<sup>th</sup>-6<sup>th</sup>, 2015 in Brussels, Belgium, in the offices of the EHHF Secretariat, Phoenixgebouw, Kon. Albert II-laan 19 bus 5, 1210 Bruxelles**

## **EHLF: Screening the annual EU legislation and develop the following observations:**

### **2. Monitored legislation:**

- EHLF report inside the EHHF Activity report 2014, see f. e.
  - State Aid Modernisation: The Commission has adopted the revised General Block Exemption Regulation (GBER) in July 2014 which includes “Aid for culture and heritage conservation” as a new category of exempted state aid (Fine!)
  - State Aid Modernisation: EU law manifests the fact that “Aid for culture and heritage conservation” is not categorically excluded from the notion of State aid despite Article 107(3) (d) TFEU *“The following may be considered to be compatible with the internal market: aid to promote culture and heritage conservation where such aid does not affect trading conditions and competition in the Union to an extent that is contrary to the common interest”*. The notion of State aid is extensive because it does not only cover de iure but also de facto economic activities. **Consequently, aid measures for cultural heritage will still have to be addressed with care.**

## EHLF: Screening the annual EU legislation and develop the following observations:

### 2. Monitored legislation:

- EHLF report inside the EHLF Activity report 2014, see f. e.
  - The European standardisation system: European standards are being formulated in the Cultural Heritage sector with CEN/TC 346 - Conservation of Cultural Heritage since 2004. The main objective of CEN/TC 346 is to develop, on a need-based approach, specific normative documents in the field of conservation of cultural heritage. We would like to emphasize in particular the project European Norm (prEN) 16883 “Guidelines for improving the energy performance of historic buildings” from April 21<sup>st</sup>, 2015, which is now in the CEN Enquiry. **There is a need for the Heads of the competent authorities to engage more actively with the CEN-, esp. the CEN/ TC 346 work and use this mechanism to their benefit!**

## **EHLF: Screening the annual EU legislation and develop the following observations:**

### **2. Monitored legislation:**

- Scrutiny of the new European Commission's Roadmap 2015:
  - This work programme seems to differ from those of the previous EU-Commissions ([http://ec.europa.eu/priorities/work-programme/index\\_en.htm](http://ec.europa.eu/priorities/work-programme/index_en.htm)). The impression is that the new EU-Commission wishes to concentrate on new efforts which will have a positive effect on jobs, growth and investment in 2015. [New Initiatives](#) will be formulated:
    - ❖ [€ 315 billion Investment Offensive](#)
    - ❖ [An ambitious Digital Single Market package](#)
    - ❖ [Creating a European Energy Union](#)
    - ❖ [A New Policy on Migration](#)
    - ❖ [A Fair Taxation Environment](#)

## EHLF: Screening the annual EU legislation and develop the following observations:

### 2. Monitored legislation:

- Scrutiny of the new European Commission's Roadmap 2015:
  - Further, in 79 areas [the Commission will take action](#) to ensure existing EU legislation is fit for purpose (so-called "[Cutting red-tape](#)"), including:
    - ❖ Simplification measures to reduce regulatory burden
    - ❖ Repeals of legislation no longer needed
    - ❖ Evaluations and fitness checks to assess the added value of EU legislation
    - ❖ One important example: The Evaluation of Directive 2007/2/EC establishing an Infrastructure for Spatial Information in the European Community (**INSPIRE**), which touches the architectural Cultural Heritage as well as the archaeological sites.

## EHLF: Screening the annual EU legislation and develop the following observations:

### 2. Monitored legislation:

- Scrutiny of the new European Commission's Roadmap 2015:
  - Then, the EU-Commission suggests the elimination of 80 pending legislative proposals for 3 main reasons:
    - ❖ Don't match the political priorities of the EU Commission, f. e.
      - Anti-Counterfeiting Trade Agreement (ACTA)
      - Regulation on ground handling services at Union airports
    - ❖ Have been sitting on a negotiation table for too long, f. e.
      - Financing of Nuclear Power Stations
      - Directive on passenger car related taxes
    - ❖ Won't deliver the results that we need in their current form ("[Clearing the decks](#)") , f. e.
      - Circular Economy Package
      - Energy Taxation Directive

**Thank you for your attention!**

**Assessor iuris Wolfgang Karl Göhner**  
Chief Legal Officer (CLO)

Chairman of the European Heritage Legal Forum (EHLF),  
President of the Working Group on Law and Taxes and Member of the Executive Committee  
of the German National Committee on the Protection of Monuments (DNK),  
Member of the German Mirror Committee “Protection of Cultural Heritage” (CEN/TC 346)  
of CEN,  
Member of the CEN/TC 346 Working Group 8 “Energy efficiency of historic buildings”  
Chief Legal Officer (CLO), Data Protection Officer & Coordinator for International Affairs  
of the Bavarian State Conservation Office (BLfD),  
Lecturer of the Otto-Friedrich-University Bamberg, Bavaria,  
Member of the International Council of Museums (ICOM),  
Member of the International Council on Monuments and Sites (ICOMOS),  
Member of the ICOMOS Scientific Committee on Legal, Administrative and Financial  
Issues (CSI ICLAFI)  
Member of the Member of the Union of Higher Civil Servants in Bavaria (VHBB),  
Honorary Judge of the Munich Administration Court and the Munich Fiscal Court,  
Lecturer of national and international legislation and law

Homepage: <http://w-goehner.de> (Jurisprudence, Monument Protection Laws, Publications)



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