



EUROPEAN  
HERITAGE  
HEADS  
FORUM

# Report on the activities of the EHLF 2008-2009.

To the 4rth. EHLF meeting, Vienna /  
Bratislava, May 2009.

T. Nypan, Chairman EHLF.












## Member countries

	Nr. members		Nr. members
1. Iceland	1	10. Poland	2
2. Sweden	1	11. Latvia	1
3. Finland	2	12. Belgium	1
4. Denmark	1	13. Luxembourg	1
5. Norway	2	14. Austria	2
6. Germany	1	15. Hungary	2
7. The Netherlands	2	16. Spain	1
8. United Kingdom	2	17. Slovakia	1
9. Ireland	1	18. Greece	1
		19. Croatia	2







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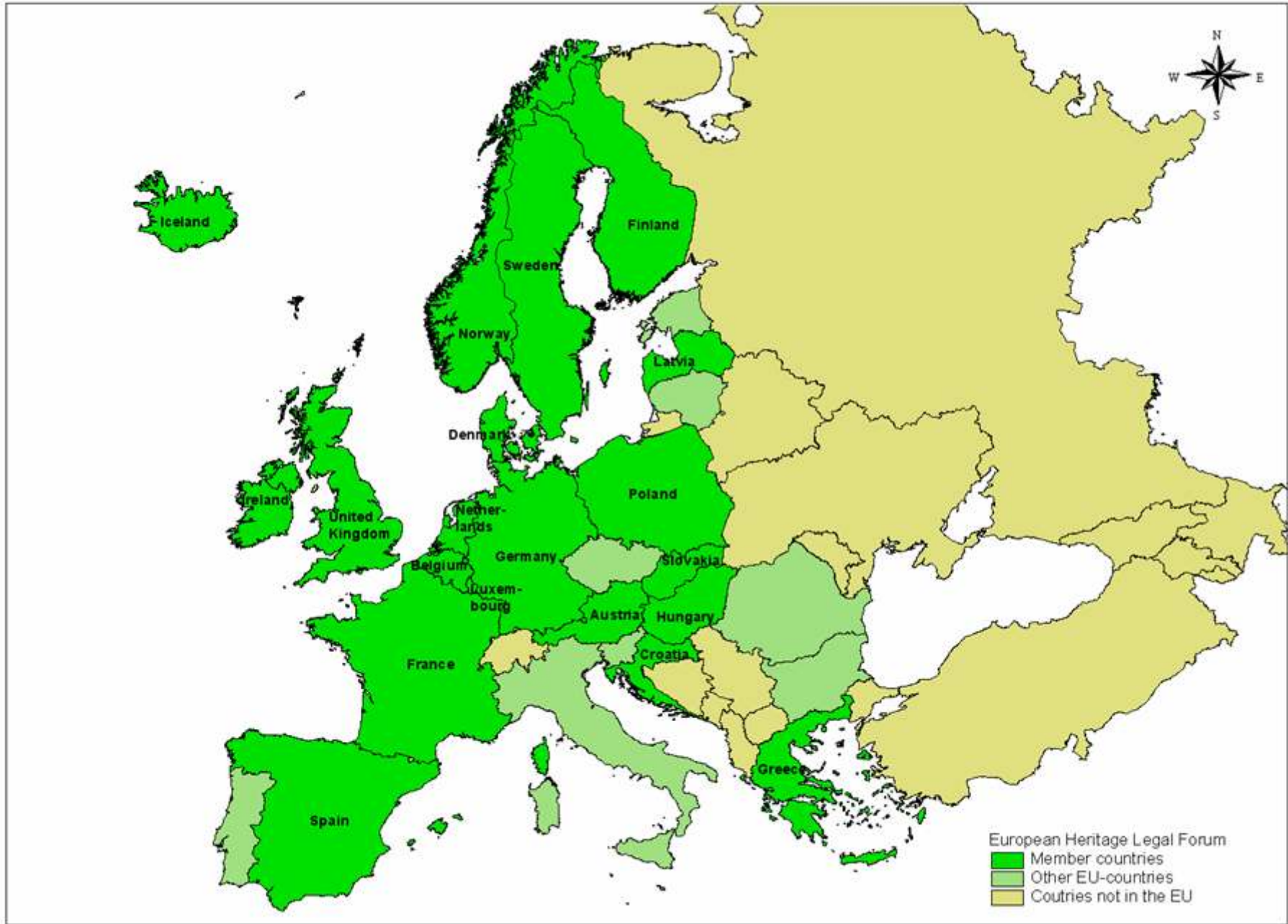
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- CZECH REPUBLIC (CA)
- ESTONIA (EE)
- ITALY (IT)
- LICHTENSTEIN (LI)
- LITUANIA (LT)
- MALTA (MT)
- PORTUGAL (PT)
- ROMANIA (RO)
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- NETHERLANDS (NL); Jacques Akerboom
- ENGLAND (UK); Alexandra Coxen
- NORWAY (NO); Terje Nypan





Meeting 1; Brussels, September 2008.

- **Operating Guidelines for the European Heritage Legal Forum (EHLF):**
  - **2.3 The EHLF may not, as a body, undertake political lobby activities. Such activity remains the prerogative of the national competent authority and their national governments.**
  - **2.2 Individual EHLF members may, as representatives of their national administrations, undertake independent or joint political lobby activities when these are part of their national authority competencies.**



Monumentenwacht  
Noord-Brabant



Co-organiser: BLDf, Bavaria  
and The Representation of the  
Free State of Bavaria to the EU,





## First meeting EHLF Brussels, September 2008





Web site: [www.ra.no/ehlf](http://www.ra.no/ehlf)

News & Agenda - Windows Internet Explorer

http://www.ra.no/Norsk/Prosjekter/European\_Heritage\_Legal\_Forum/News\_+\_Agenda/

European Heritage Legal Forum

Tilbake til Riksantikvaren

Forside > Prosjekter > European Heritage Legal Forum > News & Agenda [Skriv ut]

Publisert 20. oktober 08 © Riksantikvaren

### News & Agenda

**Next meeting of the EHLF 23-24 April 2009, Croatia:**

[Draft Agenda Meeting \(pdf\) >](#)

**Secretariat meeting, London, January 19th: [Minutes \(pdf\) >](#)**

**Meeting schedule 2009:**  
23.-24. April 2009, 2nd. Full Meeting of the EHLF, Zagreb  
11. September 2009, Secretariat Meeting, Paris  
8.-9. October 2009, Full Meeting of the EHLF, Brussels

**Directives presently in work - [read the full version \(pdf\) >](#)**  
Last update, February 4th 2009.

1. Building Construction Harmonising. Open for late amendments until April 1st.  
[Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL LAYING DOWN HARMONISED CONDITIONS FOR THE MARKETING OF THE CONSTRUCTION PRODUCTS, COM\(2008\) 311 final, 2008/0098 \(COD\) \(pdf\) >](#)
2. Dichloromethane. Paint remover.  
Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations.  
[http://ec.europa.eu/enterprise/chemicals/legislation/markrestr/index\\_en.htm](http://ec.europa.eu/enterprise/chemicals/legislation/markrestr/index_en.htm)
3. Electrical bulbs.  
Implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps, and repealing Directive 2000/55/EC of the European Parliament and of the Council.  
Preparatory Studies for Eco-design Requirements for EuPs, Lot B: Office Lighting (April 2007) Lot 9: Public Street Lighting (January 2007). Both by VITO and subcontractors. Available from the EUROPA website:  
[http://ec.europa.eu/energy/demand/legislation/eco\\_design\\_en.htm](http://ec.europa.eu/energy/demand/legislation/eco_design_en.htm)

European Heritage Legal Forum

http://www.ra.no/filstore/drage.jpg

Internet 100%





## Meeting 2. Zagreb; April 2009.

- The focus of the 2nd. Meeting was:
  - Country reports on activities
  - Legal work; discussions, follow up, action plans
  - Network building at national level
  - How to follow the development, using databases, identifying problems and using the network.
  - The process of developing legal acts in Brussels, how and when to influence.





## 2nd meeting Zagreb, April 2009



EHHF Report 2009.

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## Directives worked

- Energy Efficiency 93/76/EEC revised 2002/91/EC \*
- Impact Assessment Procedures (IAP) in the Commission. \*
- Harmonising Building Construction Products Certification.
  - [Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL LAYING DOWN HARMONISED CONDITIONS FOR THE MARKETING OF THE CONSTRUCTION PRODUCTS, COM\(2008\) 311 final, 2008/0098 \(COD\)](#)
  - No certification = not allowed public purchase.
- Dichlormethane – paint stripper.
  - Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations.  
[http://ec.europa.eu/enterprise/chemicals/legislation/markrestr/index\\_en.htm](http://ec.europa.eu/enterprise/chemicals/legislation/markrestr/index_en.htm)
  - Have achieved exemption for cultural heritage.
- REACH: Exemption for lead-white paints will expire in June 2009. Foreseeing the many changes / revisions to come!
- Reduced VAT for specific activities. Including cultural heritage.
- Rules on state aid interfere with transfer of cultural heritage properties to non-profit organisations / foundations.



## Directive 2002/91/EC. Energy Efficiency 93/76/EEC

As an example of complexity,  
inconsistency and unclarity.

Text has been to 1st reading in Parliament, the second  
reading can hardly be expected before November,  
December.



## Directive 2002/91/EC. Energy Efficiency 93/76/EEC. Conditional exemption for Cultural Heritage.

- 2002/91/EG. Art 4.3 Article 4 - paragraph 2 **Amendment 50**
- 2. Member States may decide not to set or apply the requirements referred to in paragraph 1 for the following categories of buildings:
  - (a) buildings officially protected as part of a designated environment or because of their special architectural or historic merit, *in so far as* compliance with *a specific* minimum energy performance *requirement* would unacceptably alter their character or appearance;
  - (b) buildings used as places of worship and for religious activities;



## Directive 2002/91/EC. Energy Efficiency 93/76/EEC

- Had a clause in revised version stating that no state funding can be made for buildings that do not conform to demands of the Energy Efficiency directive as of 2014.
  - 3. As from 30 June **2014** Member States shall **not provide** incentives for the construction or renovation of buildings or parts thereof which **do not** comply with minimum energy performance requirements achieving the results of the calculation referred to in Article 5(2).
- Parliament has wished to change this:
  - 3. As from 30 June **2012** Member States shall **only provide** incentives for the construction or **major** renovation of buildings or parts thereof, **including building components, the results of which** comply **at least** with minimum energy performance requirements achieving the results of the calculation referred to in Article 5(2)
- Article 3 also contains a passage that states that in case of "major renovation" the [energy] demands shall be applied in full.



Directive 2002/91/EC. Energy Efficiency 93/76/EEC  
Draft report/Opinion on the proposal for a directive of the European  
Parliament and of the Council on the energy performance of buildings  
(recast) 17.02.09

- *Amendments by Parliament*
- *5 . Member states need to provide subsidies and technical advice for buildings or historic centres that want to make specific programmes for adaptation to energy efficiency.*
- *6. The instruments and devices for the production of energy or for insulation measures when located in historic centres need to be subject to visual impact*





Directive 2002/91/EC. Energy Efficiency 93/76/EEC  
European parliament on the proposal for a directive of the  
European Parliament and of the Council on the energy  
performance of buildings (recast)(COM(2008)0780 – C6-0413/2008 –  
2008/0223(COD))A6-0254/2009 06.4.2009

- ***Amendment 30. Proposal for a directive. Article 1 – point g b (new) (gb) national plans for eliminating obstacles under building, tenancy and heritage protection laws and for creating financial incentives. The Member States should be encouraged to create additional financial incentives, e.g. under tax law, and to eliminate existing obstacles under building, rental and heritage protection***





## Directive 2002/91/EC. Energy Efficiency 93/76/EEC

In case of "major renovation" demands shall be applied in full.

- Article 3
- (6) "major renovation": means the renovation of a building where
  - (a) the total cost of the renovation related to the building envelope or the technical building systems is higher than 20 % of the value of the building, *in which case the value shall be based on current construction costs in the Member State concerned*, excluding the value of the land upon which the building is situated, or
  - (b) more than 25 % of the surface of the building envelope, *which has a direct effect on the energy performance of the building*, undergoes renovation;
- Article 4 - paragraph 1
- When setting requirements, Member States *shall consult public authorities and other relevant stakeholders and* may differentiate between new and existing buildings and between different categories of buildings.





## Directive 2002/91/EC. Energy Efficiency 93/76/EEC

- Proposal for a directive Article 10.
- *3a. Member States shall ensure that public authorities and other institutions which provide financing for the purchase or renovation of buildings take the indicated energy performance and the recommendations from energy performance certificates into account in determining the level and conditions of financial incentives, fiscal measures and loans.*



## SUMMARY

### Directive 2002/91/EC. Energy Efficiency 93/76/EEC

- OK
  - Exemptions CH. Maybe a bit narrow.
  - Possibility for differentiated demands for new and different types of existing; a national issue?
- UNCLEAR
  - The final text from the Commission.
  - Major renovation and other definitions of new houses; what are the consequences for historic buildings in general?
  - Formulation on removing obstacles in Heritage Legislation?
  - Reviewing public subsidies funding when demands not satisfied – What about historic houses etc.?



## IMPACT ASSESSMENT GUIDELINES. I

European Commission. SEC(2009) 92. 15 January 2009

- **SOCIAL IMPACTS KEY QUESTIONS**

- **Culture**

- Does the proposal have an impact on the **preservation of cultural heritage?**
- Does the proposal have an impact on cultural diversity?
- Does the proposal have an impact on citizens' participation in cultural manifestations, or their access to cultural resources?



## IMPACT ASSESSMENT GUIDELINES. II

European Commission. SEC(2009) 92 15. January 2009

- **ENVIRONMENTAL IMPACTS**
- **Biodiversity, flora, fauna and landscapes**
  - Does the option affect the scenic value of protected landscape?
- **SOCIAL IMPACTS**
- **Employment and labour markets**
  - Does it have specific negative consequences for particular professions, groups of workers, or self-employed persons?
- **Governance, participation, good administration, access to justice, media and ethics**
  - Are all actors and stakeholders treated on an equal footing, with due respect for their diversity? Does the option impact on cultural and linguistic diversity?



## SUMMARY

### IMPACT ASSESSMENT GUIDELINES. II

European Commission. SEC(2009) 92 15. January 2009

- Obliges the Commission to take Cultural Heritage into consideration.
- The challenge is that there is no competencies / know-how in the Commission on how to make an impact assessment relative to effects on cultural heritage.
- Our possibility is to assist / help the Commission acquire this know-how.
- How do we do that?



## Educational and training initiatives

- **International seminar on CULTURAL HERITAGE AND LEGAL ASPECTS IN EUROPE**
- 20 – 27 September 2009, Piran, Slovenia.
- <http://www.dediscina-heritage.si/seminar.html>



Zavod RS za varstvo  
kulturne dediščine

- Developing a 'hands-on' training course with EIPA, Legal Division, Luxemburg.
- Theme: how to work and communicate with Brussels. Startup 2010.





## Challenges ahead.



- Not achieved special treatment or procedures for certification of traditional building materials.
- Not sufficient clarity in Energy Efficiency regulations to be assured that it does not create major problems.
- No experience in the EU Commission in impacts assessment for consequences on cultural heritage.
- Cannot cope with the volume of legislative changes on chemicals through revision of legislation incorporated into the REACH directive.
- Not yet capable of following all initiatives from Brussels.
- Takes time and internal resources to build networks with competent authorities at national level and establish a position where cultural heritage is considered in other sector Ministries etc. Maybe not the responsibility of legal department alone?
- Missing Countries.

- **CONCLUSIONS:**

- **A GOOD START, BUT FAR FROM REACHING THE GOAL.**

