

EUROPEAN HERITAGE LEGAL FORUM (EHLF) _ 2016 ANNUAL REPORT

The EHLF functions in an expert advisory capacity to formulate core scripts where feasible and provide warnings to the EHHF Secretariat for communication. A core script is an invaluable document for cross-governmental work which may be freely used by each Member State. 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 action across Europe. That is why EHLF members are to initiate and facilitate impact assessment at the national level of planned and existing EU legislation and EU policy development affecting cultural heritage. They are encouraged to enhance the mutual exchange of information related to EU policies of relevance to cultural heritage and their good practices in the transposition process.

Founded in 2008, the mission of the EHLF is to ensure that relevant information on the development and consequences of proposed legislation developed by the European Union which may impact cultural heritage is circulated in a timely manner to the national competent authorities. Designated by the heads, the EHLF members have competence in cross-sectorial cooperation within their national administration and can access technical expertise.

Monitored Legislation

Due to some main developments inside the European Union, various financial aspects and the upcoming "European Year of Cultural Heritage 2018", there was no essential need for a further meeting neither of the Full Forum nor the EHLF Secretariat for the period 05/2016 to 05/2017. Although there was no need for a meeting, the EHLF Members worked on some important aspects of current European policy which might be relevant for our built and archaeological Cultural Heritage.

"The work by EHLF and its predecessor group was and is important and de facto essential. For many months, increasingly some of us see more and more the urgent need for a watchdog group within the EU, which follows national legal transformations of EU legislation and the arrangements inside the Member States."

Wolfgang Karl Göhner, EHLF Chairman

EUROPEAN YEAR OF CULTURAL HERITAGE (EYCH 2018)

Even if all (current) EU Members and a large number of Member States of the Council of Europe have expressed themselves more or less enthusiastically, EYCH 2018 appears as one of the most important projects, a "bright spot", that will enable the creation of synergies among the involved countries and stakeholders. M. Wolfgang Karl Göhner, Chairman of the EHLF and member of the German National Advisory Board for the EYCH, therefore highlighted the issue "(what) do we need (for) a modern Cultural Heritage legislation?" onto the agenda of the last and the upcoming DNK (*Deutsche Nationalkomitee für Denkmalschutz*) Working Group on legal and tax issues, to enrich about European aspects of comparative law. M. Göhner also reported to ICOMOS CSI ICLAFI (Scientific Committee on Legal, Administrative and Financial Issues) about the current legal situation of the protection of monuments and archaeological sites in Germany by enriching it with European connotations.

There is a need to consider Cultural Heritage as another pillar to the EU's sustainability approach, complementing its economic, social and environmental dimensions. Over more than ten years, the EHLF members discussed how sensible it would be to even work on the approximation of European Cultural

Heritage laws. The “European Year of Cultural Heritage 2018” will be a perfect starter option for this helpful cooperation.

OTHER EU SCREENING

In line with their main duty, the members of the EHLF are always keeping an eye on what is happening in Brussels and Strasbourg, seeking for further legal development and potential threats on European built and archeological Cultural Heritage. During the new reporting period, the EHLF therefore paid attention – among other strategical issues - to the independent evaluation of the European “Education, Youth, Culture and Sport Council” conclusions (31/05/2016); to the evolution of EU’s position towards copyrights (EU Commission’s proposal on copyright in the Digital Single Market); but also to a fresh approach to the European growth and jobs through regional research and innovation strategies (Smart Specialization).

VAT is a question often reviewed in the EHLF. The Reflection Group asked the forum to express their thoughts about possibilities for reduced VAT rates and (physical) cultural heritage in November 2016. This process is currently ongoing, f. e. with a proposal for a more efficient VAT treatment of cross-border business-to-business (B2B) supplies of goods and a simpler, fraud-proof definitive VAT system or a proposal on the Reform of VAT rates.

Communication on Health and Safety at Work. In this ongoing process, the EHLF asked and commented again about Safety requirements for workers, which may damage protected buildings with e. g. scaffolding bolted into the wall surfaces or create problems for use of traditional tools and techniques. It seems for instance, from looking at practises, that façade renovations etc. can now be done without scaffolding but using mountain security safety gear.

This year, the EHLF members also stepped up their efforts on the enforcement agenda. Even the best law is useless unless it delivers real results on the ground. Beyond the key initiatives, they also proposed a number of further REFIT revisions to current laws and, for the future, they will seek to achieve REFIT goals whenever any existing law is due to be reviewed. The EHLF members have taken particular account of the 22 opinions of the REFIT Platform and made it a priority for the coming months. They have been working in all areas covered by the opinions, with the exception of a standard VAT declaration, on which an earlier Commission proposal had to be withdrawn this year due to a lack of support from the EU Council in the legislative procedure. A majority of Member States does not seem likely to approve any kind of EU VAT-standards.

In addition to all these important issues, the forum also followed very closely the evolution of EU legislations on the import of cultural goods, as well as the renewed version of the “European Convention on offences relating to Cultural Property” (1985 Delphi-Convention). A specific communication will be introduced by Chairman Wolfgang Karl Göhner about the Delphi Convention at the 12th EHLF Annual Meeting, in Reykjavik.

EU’S 2030 AGENDA – SUSTAINABLE DEVELOPMENT GOALS

In the statement from December 20th 2016, the members of the European Alliance for Culture and the Arts call upon the European Commission to include culture, arts and heritage in the EU’s new strategy for the 2030 agenda to achieve the ambitious 17 Sustainable Development Goals adopted by the United Nations. *“The European Commission has not yet mainstreamed culture in its new sustainability plan.”* Thus, the Alliance asks to close the gap between the hints at the role of culture, arts and creative work mentioned so far in the strategic framework and encourages the Commission *“not to miss the opportunity to benefit from culture’s transformative power”*. Culture, arts and creative works should be integrated in the 2030 Agenda, including their objectives, definitions, tools and evaluation criteria.

INTERINSTITUTIONAL AGREEMENT ON BETTER LAW MAKING

The EU Commission is open about the interested representatives who seek to influence policy decisions and have invited the European Parliament and Council as co-legislators to join the EU Commission in a new Interinstitutional Agreement (IAA) on a mandatory transparency register, so that there is accountability to citizens about lobbying across all stages of European law-making.

"Today's Joint Declaration is a new milestone in the way the EU can deliver better and faster on our common challenges. It is the first time in EU history that the three European Institutions have agreed on a limited number of initiatives of major political importance that should be fast-tracked in the legislative process. We may be three different Institutions, but there is only one European project we work for, representing the interest of all EU citizens. What we have seen with the European Border and Coast Guard should become the new standard for delivering swift and meaningful solutions together. Where there is a will, there is a way in Europe."

Jean-Claude Juncker, President of the European Commission

The three Presidents of the EU institutions highlight four fundamental issues which need particular attention and further progress in 2017: (i) commitment to common European values, the rule of law and fundamental rights; (ii) tackling tax fraud, evasion and avoidance; (iii) preserving the principle of free movement of workers; and (iv) contributing to stability, security and peace. This joint effort of the European Parliament, the Council of the EU and the European Commission is part of a new shared commitment and is explicitly foreseen in paragraph 7 of the Interinstitutional Agreement on Better Law Making, enabling the Union to turn proposals into action and produce results where they are most needed. The implementation of the Joint Declaration will be monitored jointly and on a regular basis in the Interinstitutional Coordination Group, meeting at senior official level (as foreseen in point 50 of the new IAA). On March 15th, 2016, the three European Institutions agreed to improve the quality and the results of European legislation. The IIA on Better Law-Making is bringing changes across the full policy-making cycle, from consultations and impact assessment to adoption, implementation and evaluation of EU legislation. According to the new IIA, there must be joint agreements on the key topics that should be prioritized by the legislators, including simplification exercises for existing laws.