

European Group
on
EU Directives and
Cultural Heritage

EUROPEAN LEGISLATION AND CULTURAL HERITAGE

A growing challenge for sustainable Cultural Heritage management and use

*Edited by
Alfredo M. Ronchi*



In conjunction with
XIth edition of
Cultural Heritage
Networks Hypermedia

EUROPEAN LEGISLATION AND CULTURAL HERITAGE

Edited by Alfredo M. Ronchi and Terje Nypan

**A GROWING CHALLENGE FOR SUSTAINABLE CULTURAL HERITAGE
MANAGEMENT AND USE**

European Working Group on EU Directives and Cultural Heritage



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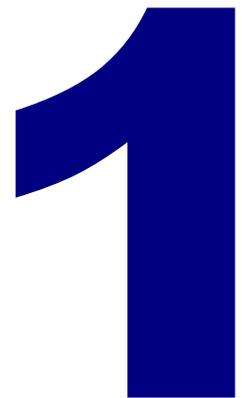
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Alfredo M. Ronchi

**The European Working Group on EU Directives
and Cultural Heritage**



“Cultural Heritage Networks Hypermedia” has reached the IX edition. As usual this event gives the opportunity to meet each other and share ideas, knowledge, information and research results. Experts coming from various European countries will offer an overview on several research studies and projects carried out recently.

The 2004 edition hosts the meeting of "working group on the consequences of EU directives for the protected European Cultural Heritage". It aims to gain an overall picture, per country, of legislative procedures which are proving to be an impediment to the responsible preservation of cultural heritage.

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1.1

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Certo della brillante riuscita di questa iniziativa alla quale avete avuto la cordialità di invitarmi, Vi saluto con affetto e rimango a Vostra disposizione per qualsiasi altro tipo di collaborazione futura.

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1.2. Introduction to the EU directives working group

Alfredo M. Ronchi
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1.2

Abstract

The European Working Group on EU Directives and Cultural Heritage was born in the spring of 2003 around the common kernel of different working groups related to monument conservation and management, some of them in the framework of Eurocare some just cooperating on voluntary basis.

The activity in the field of planned conservation and risk evaluation carried out at extended Europe basis outlined the potential relevant impact due to EU directives on cultural heritage preservation and management. Of course negative impact is not due to the will of legislators but sometimes it is real and may jeopardise the preservation of cultural assets.

The number of directives creating problems for the sector are increasing. It is therefore important for the cultural heritage sector to be able to influence the Directives process at an early stage. Only in this manner can we influence and counter negative effect of such directives. It is true that cultural heritage is the responsibility of the individual member nations. But Directives related to other sectors increasingly impact on the management of the European Cultural Heritage. In many cases such Directives have consequences that are in contradiction to the obligations the members countries have as signatories of the Granada Convention .

This is the reason for the need to establish some kind of observatory function to monitor the creation and revision of Directives. The meeting in Milan has as focus the needs for such an observatory and how this can be done.

Prologue

Cultural heritage has always been an interdisciplinary sector, a wide range of application involved from investigation to restoration, conservation, exploitation, education and communication each of them enjoying a different mix of expertises: art history, anthropology, social science, science of materials, chemistry, art, structural engineering, etc and more recently economy and marketing plus more and more high technology from lasers, to ICT and bio-tech.

Such an articulated scenario with intrinsic richness of links and relations is potentially generating new skills and professional profiles often as a result of a "crossover" of already existing professional profiles. As a follow up of such a scenario both basic and applied research and educational strategies as to be duly tuned.

European cultural heritage



Picture 1: Detail of the 3D model of the Bizantine Crypt of S. Cristina in Carpignano Salentino (LE), by Coordinamento SIBA, Università di Lecce

The state of art of cultural heritage in Europe is very well known and evident, the wealth of artworks and goods expression of every kind of art from graffiti to frescos and architecture, issued along the centuries care of different people that inhabited the continent from Greeks to Renaissance and over, characterises uniquely the European cultural heritage. It sounds strange but it is this cultural wealth that causes problems that trouble the European Art.

Technological advances have provided ever-improving information processing and communication infrastructures. European research and development is needed to ensure that future technologies and tools enable content, together with its creation and use, properly reflect the European cultural diversity and many languages, in order that the full potential of the European creativity can be realised in both social and industrial contexts.

Our diverse and rich cultural heritage is one of Europe's greatest assets in the emerging global information society. Europe has over 5000 major museums and art galleries: They attract over 500 million visits every year.

Europe's Cultural Heritage is currently very poorly exploited; in terms of its accessibility to the public, schools/universities and the media/publishing industry. Most museums and galleries are only open about 30 of the 168 hours each week and only about 20% of collections are on display. Up to now Cultural heritage

has not contributed effectively either to create new jobs or in the economic activity.

Employment in the museum/gallery sector has declined in the 1990s, as a result of public expenditure cuts. New opportunities are emerging in information and communications developments to offer much easier public access, and for new commercial exploitation of heritage information. Over 50% of new jobs created in the USA since 1995 have been in the media, IT and Internet-related areas.

Europe has the best digital communication infrastructures in the world, with common standards for digital communications on telephone network (ISDN, XDSL - VoIP), on mobile communications (GSM, GPRS, EDGE) and in TV/video broadcasting (IDTV, DVB, DTT).

Europe has a strong publishing industry, with more newspapers read than anywhere else does in the world together with a great variety of special interest magazines (weekly and monthly) and a dynamic music-publishing sector.

OECD estimates the current turnover of Europe's content industries 178 billion Euros approx.. Digital information products (both on-line and off-line) are growing at an exponential pace, for example the number of registered World Wide Web sites increased from fifty in 1992 to seventy thousand at the end of 1995 and 650,000 in Autumn 1997, today there are some 650.000 registered domains in Italy.

G8 has in this decade pointed out the problem related to cultural heritage information services and the European Commission has promoted several actions in the field of cultural wealth such as IST, Trans European Network Telecom (sect. Cultural Heritage), eContent Plus and Culture 200X programmes.

The Cultural Heritage Committee of the Council of Europe plays an active role in this scenario with "The European Foundation for Heritage Skills". The European Foundation for Heritage Skills is a non-profit-making non-governmental organisation, set up in 1996 on the initiative of the Council of Europe. Since 1999 it has run its programmes through an association of partners with a secretariat in Strasbourg.

The association's ex officio members include representatives of the Council of Europe, Unesco, the European Parliament and the International Council on Monuments and Sites (ICOMOS). The purpose of the Foundation is "to foster progress in cultural heritage conservation skills and their transmission", in other words to enable European professionals to improve their ways of preserving the existing heritage and therefore handing it down to future generations. "Heritage" is now taken to mean

not only prestigious monuments but also major rural or industrial buildings and sites, as well as the "less" tangible heritage of popular traditions.

In addition there are several initiatives carried out by national institutions and private enterprises. Some European Regions are developing common projects and initiatives to co-ordinate their action all over Europe (both Western and Eastern countries) trying to offer to European "content holders" an open, inter-operable management of cultural wealth.

The extension of the concept of cultural heritage of various nature, including "intangible" heritage, the relationship between their conservation and the relative fruition issues new challenges for technology such as the combined utilisation of various online resources, the creation of supranational and multilingual dictionaries and thesauri, the creation and tuning of a new generation of communication "objects" and tools designed in order to better fit with different cultural models and content. The rapid obsolescence of technologies furthermore imposes the attention to data storage. However, the aspects, which most involve the online user, are both interface and easy access to different subjects and contents.

Digital tangible and intangible heritage

Before looking in depth at synergies and links between cultural heritage and technology we will try to define to which class of objects we link the words 'cultural heritage'. Referring to 'cultural heritage' the mind immediately moves towards works of art such as paintings, frescoes, sculptures and sometimes monuments. In so doing we neglect the major part of cultural heritage¹. Cultural heritage should be considered as the 'integral' of experiences who shaped the actual society, from this point of view our heritage includes both art, history even food. Considering world cultural heritage with a limited vision to arts, western arts are mainly visual art, eastern arts are mainly performing arts and southern arts are based on oral traditions. UNESCO named such kind of content "intangible heritage" and launched a task force aimed to draw guidelines in order to preserve intangible heritage all over the world.

If we estimate the pure legal point of view we may consider potentially protected, anything realised by human being more than fifty years ago. Therefore, many objects can be enlisted for protection, such as the first issued bakelite radio-set, the post-war period cars together with the first electronic

¹ Many are in fact the types of 'minor' cultural and artistic objects such as: medals, coins, plasters, silver, furniture, musical instruments, knick-knack, ethnographic collections etc.

equipment². Generalising the approach, the 'heritage' to look after, nowadays ranges from the archaeological excavations to blue jeans passing via frescoes, fashion and Industrial Design products. Furthermore if we address ourselves to the ethnographic collections, not only pictures, already protected since almost 50 years, together with movies and TV registrations constitute a non-replaceable font of information to protect and to hand down to posterity. Let us get prepared ourselves to face new types of collections and consequently let us consider, in addition to the traditional ones, new types of maintenance and presentation³. Once the new borders of cultural heritage to be protected are traced we move the 'focus' back to subjects traditionally held in museums and collections.

The Special Interest Group

There is a group of experts across Europe sharing the will to preserve historical buildings, monuments and archaeological sites. Some of them joined the in 1995 the Special interest group "Monuments and archaeological sites" within the MEDICI Framework, some of them come later on thanks to a cooperation with Eureka – Eurocare group, others just joined the group due to their interests in built heritage. In ten years of activity on voluntary basis this group, some times called "task force", developed a number of projects, detailed studies, educational activity and best practice guidelines. Working on the core topic of heritage the interests met the European directives and their impact on heritage and its preservation.

Starting from the year 2000 a number of aimed initiatives was launched starting from a couple of meetings held in Denmark and Holland. On the occasion of the first one, held in Copenhagen on 19, 20 January, the idea to provide a better and consistent structure to the group of people sharing the same goals arose, the "Cultural Heritage Task Force" was one of the denominations proposed. The mission of the new organisation is:

- Develop benchmarks to provide clear information to analyse suggested projects and to monitor running projects;
- Provide permanent control to running projects;
- To provide training facilities to support projects when needed.

An additional topic discussed on the occasion of the meeting in Copenhagen was the self sustainability of Unesco world

2 Particularly those considerations are useful during the activation phase of a true communication market and the fruition of the cultural heritage, market up to now widely based on the simple assignment of images copyright.

3 The European Commission, during the preparation of the 'Memorandum of Understanding', identified seven different museum's typologies classified on the basis of the content: Fine Arts; Natural History; Archaeology; Modern Art; Sciences; Maritime; Ethnographic, etc

heritage sites, just few of them have already find out and implemented a real mechanism in order to become independent from the financial point of view. One of the success stories in this field is no doubt "Schloss Schoenbrunn" in Vienna⁴.

One of the most appealing proposals, in order to support and promote activities, was the creation of a so called "Brain Trust" involving cultural and research Institution plus Universities and key player all over the world.

Anyhow one of the main follow ups was the establishment of a technical secretariat and reference point for the task force following the offer care of MEDICI Framework. One of the tasks of the secretariat is to collect information, news and all the relevant documents and reports from the meetings and manage an information sharing mechanism mainly based on a set of web based services.

The first activity supported care of MEDICI Secretariat and coordinated by Terje Nypan was the so called "EU directives working group⁵". In a number of cases, legislation drawn up by the EU has - unwittingly - had a reverse effect on the safeguarding of Europe's cultural heritage. The WG started to explore the legal position of cultural heritage in relation to the Treaty of the European Union. It is the aim of the working group to get all member states, candidate states and EU-affiliated countries involved in this initiative. The ultimate goal is to establish a permanent European-wide system which monitors all legislative bills being planned for implementation by the European Union.

This will act as an early warning system for identifying any potential threats posed to cultural heritage by planned European legislation, and enable the monitoring agency to put forward proposals for legislative amendments or alternatives.

4 Schoenbrunn Kulturbetrieb has 200 employees in a state owned private company. More than 300.000 artefacts are run by the company in three different museum sites. It is a company with limited responsibility. The owner (state) is not guarantee. The company does not own the Palace but they have the usus fructus so any income goes to the company but every expense is covered by the company as well. This means that it is possible to make profit from cultural heritage without breaking the rules of culture.

Schoenbrunn invests 7.5 millions dollars per year out the income, without any additional help from the state. The strategic goals are to create a new model for museums, to create an archive of all the contents (Archive of Imperial Residences) and to develop an "Academy" in order to train the staff, offer the Know-How on the market and to develop new Know-How.

5 EUROPEAN WORKING GROUP ON EU DIRECTIVES AND CULTURAL HERITAGE

**1.3. Missions statement of the European Working Group
on EU Directives and Cultural Heritage**

1.3

1.3.1 European Working Group on EU Directives and Cultural Heritage (En)

An important job of the European Union is the protection of cultural heritage. Cultural heritage, after all, is a reflection on the identity of the different European nations. What's more, cultural heritage plays a significant role in the tourism and economic sectors.

The European Union, likewise, has an important part to play in drawing up legislation, for example, with respect to the protection of the environment and the improvement of working conditions. Nevertheless, in a number of cases, legislation drawn up by the EU has - unwittingly - had a reverse effect on the safeguarding of Europe's cultural heritage.

In mid-2002, an initiative was started in which representatives of government ministries, educational establishments, research institutes and NGOs in current and future member states, as well as in EU-affiliated states, would work together.

The aim of this initiative, entitled the "working group on the consequences of EU directives for the protected European Cultural Heritage", is to gain an overall picture, per country, of legislative procedures which are proving to be an impediment to the responsible preservation of cultural heritage.

In addition, the working group is also tasked with collecting statistical data from each country in order to establish the significance of cultural heritage to other sectors within the European Union, such as tourism and the economy in general.

It is the aim of the working group to get all member states, candidate states and EU-affiliated countries involved in this initiative. The ultimate goal is to establish a permanent European-wide system which monitors all legislative bills being planned for implementation by the European Union.

This will act as an early warning system for identifying any potential threats posed to cultural heritage by planned European legislation, and enable the monitoring agency to put forward proposals for legislative amendments or alternatives.

The secretariat of the working group consists of representatives from Norway (Riksantikvaren, Directorate of Cultural Heritage), the Czech Republic (Academy of Science of the Czech Republic), Finland (Department of Monuments and Sites National Board of Antiquities) and the Netherlands (Monumentenwacht Nederland).

The MEDICI Framework of Politecnico di Milano will be responsible for the publication of any relevant documents.

1.3.2 Mission du Groupe de Travail Européen sur les Directives Européennes et le Patrimoine (F)

L'une des missions premières de l'Union Européenne est la protection du patrimoine. Le patrimoine est, tout compte fait, une réflexion sur l'identité des différentes nations européennes. Qui plus est, le patrimoine joue un rôle essentiel dans les secteurs du tourisme et de l'économie. L'Union Européenne, de son côté, se doit de dresser les grandes lignes de la législation, par exemple en ce qui concerne le respect de la protection de l'environnement ainsi que de l'amélioration des conditions de travail. Cependant, dans un grand nombre de cas, la législation telle que définie par l'Union Européenne a - involontairement - eu des effets néfastes sur la protection du patrimoine de l'Europe.

Au cours de l'année 2002, une initiative a été lancée au sein de laquelle des représentants de ministères, d'institutions pédagogiques, d'instituts de recherche et d'ONG issus des états membres, des pays candidats à l'accession et des pays de l'Espace Economique Européen, entendent collaborer. L'objectif de ce projet, intitulé " Groupe de travail sur les conséquences des directives européennes pour le patrimoine de l'Europe " est de faire état, pays par pays, des procédures législatives qui s'avèrent négatives à l'égard de la préservation du patrimoine.

De plus, le groupe de travail se donne pour mission de rassembler des données statistiques de chaque pays afin d'établir le lien important entre le patrimoine et les autres secteurs tels que le tourisme et l'économie en général.

L'objectif du groupe de travail est d'impliquer dans cette initiative tous les états membres, les pays candidats à l'accession et les pays de l'EEE.

Le but final est de mettre en place un système à l'échelle européenne qui permettra d'effectuer une veille sur tous les projets de législation en vue de leur application dans l'Union Européenne. En réalité ce système fera office de sonnette d'alarme permettant d'identifier toute menace potentielle que la législation européenne pourrait constituer pour le patrimoine, et permettra à l'observatoire de porter à l'attention des autorités compétentes au niveau national

Le secrétariat du groupe de travail est constitué de représentants originaires de Norvège (Riksantikvaren, Direction Nationale du Patrimoine), de la République Tchèque (Académie des Sciences), de Finlande (Service des Monuments et Sites au Conseil National pour le Patrimoine), et de Hollande (Monumentenwacht Nederland). Le MEDICI Framework du Politecnico di Milano est responsable de la publication sur le web de tous les documents relevant de ce thème.

1.3.3 Europäische Arbeitsgruppe für EU-Richtlinien und Kulturerbe

Der Schutz des Kulturerbes ist eine wichtige Aufgabe der Europäischen Union. Das Kulturerbe spiegelt die Identität der europäischen Völker wider und spielt auch in anderen Sektoren wie dem Tourismus und der Wirtschaft eine wichtige Rolle.

Eine weitere wichtige Aufgabe der Europäischen Union ist die Entwicklung von Gesetzen, zum Beispiel im Bereich des Umweltschutzes und der Verbesserung der Arbeitsbedingungen.

In einer Reihe von Fällen schaden die von der Europäischen Union entwickelten Gesetze – unbeabsichtigt – dem Erhalt des Kulturerbes in Europa.

Mitte 2002 entstand eine Initiative, in der Vertreter aus Ministerien, dem Bildungswesen, Forschungsinstituten und Verbindungsausschüssen der Nichtregierungsorganisationen verschiedener Mitgliedstaaten, künftiger Mitgliedstaaten und der mit der Europäischen Union verbundenen Ländern zusammenarbeiten.

Diese Initiative (die Working Group on the Consequences of EU Directives for the Protected European Cultural Heritage) will für jedes Land inventarisieren, welche Gesetze einer vernünftigen Pflege und Erhaltung von Kulturerbe im Wege stehen.

Ferner inventarisiert die Arbeitsgruppe anhand statischer Daten für jedes Land die wichtige Rolle von Kulturerbe für andere Sektoren innerhalb der Europäischen Union, wie zum Beispiel für die Wirtschaft und den Tourismus.

Die Arbeitsgruppe will alle Mitgliedstaaten, künftige Mitgliedstaaten und mit der EU verbundene Länder in die Initiative einbeziehen. Das Endziel auf europäischer Ebene ist die ständige Überwachung sämtlicher Gesetze, deren Implementierung von der Europäischen Union vorgesehen ist. Bei rechtzeitiger Signalisierung drohender Beschädigung von Kulturerbe durch europäische Gesetze könnte die Überwachungsinstanz Gesetzesänderungen oder Alternativen empfehlen.

Das Sekretariat der Arbeitsgruppe besteht aus Vertretern aus Norwegen (Riksantikvaren, Directorate of Cultural Heritage), der Tschechischen Republik (Academy of Science of the Czech Republic), Finnland (Department of Monuments and Sites National Board of Antiquities), den Niederlanden (Monumentenwacht Nederland) und Italien (MEDICI Framework - Politecnico di Milano) und sorgt auch für die Veröffentlichung aller relevanten Dokumente.

1.3.4 Gruppo di Lavoro sulle conseguenze delle Direttive Europee applicate al Patrimonio Culturale

Una delle missioni di maggior rilievo della Comunità Europea è la protezione del patrimonio culturale. Il patrimonio culturale è, in ultima analisi, il riflesso dell'identità delle diverse nazioni europee. Inoltre, il patrimonio culturale gioca un ruolo rilevante nei settori del turismo e dell'economia. La comunità europea, dal canto suo, riveste un ruolo importante nella stesura della legislazione, ad esempio per quanto concerne la protezione dell'ambiente ed il miglioramento delle condizioni di lavoro. Malgrado ciò, in alcuni casi, la legislazione redatta dalla Comunità Europea ha - involontariamente - prodotto effetti negativi sulla salvaguardia del patrimonio culturale europeo.

A metà del 2002, si è costituito spontaneamente un gruppo di lavoro in seno al quale: rappresentanti ministeriali, strutture universitarie, istituti di ricerca ed organizzazioni non governative dei paesi membri, dei paesi candidati insieme ai paesi affiliati alla Comunità Europea, intendono collaborare. Lo scopo di questa iniziativa definita "Gruppo di Lavoro sulle conseguenze delle direttive europee applicate al patrimonio culturale europeo protetto" è di identificare uno scenario complessivo, nazione per nazione, di procedure legislative che costituiscono un'ostacolo alla conservazione responsabile del patrimonio culturale.

In aggiunta, il gruppo di lavoro è impegnato nella raccolta di dati statistici da ciascun paese per poter stabilire l'importanza del patrimonio culturale nei confronti di altri settori della Comunità Europea quali il turismo e l'economia in generale.

Obiettivo attuale del gruppo di lavoro è coinvolgere direttamente in questa iniziativa tutti i paesi membri, i paesi candidati ed i paesi affiliati alla Comunità Europea.

L'obiettivo finale del gruppo di lavoro consiste nell'istituire un'osservatorio europeo permanente che possa monitorare tutti i progetti legislativi in vista della loro applicazione all'interno della Comunità Europea. Tale osservatorio fungerà da campanello d'allarme facilitando l'identificazione di qualsiasi pericolo potenziale che la legislazione europea potrà costituire nei confronti del patrimonio culturale, e permetterà di promuovere proposte per emendamenti legislativi o alternative.

La segreteria del gruppo di lavoro è composta da rappresentanti della Norvegia (Riksantikvaren, Directorate of Cultural Heritage), della Repubblica Ceca (Academy of Science of the Czech Republic), della Finlandia (Department of Monuments and Sites National Board of Antiquities), dell'Italia (MEDICI Framework - Politecnico di Milano) e dei Paesi Bassi (Monumentenwacht, Holland). MEDICI Framework è responsabile della pubblicazione on line della documentazione di rilievo.

1.3.5 European Working Group on EU Directives and Cultural Heritage (NI)

Bescherming van het culturele erfgoed is een belangrijke taak van de Europese Unie. Het culturele erfgoed is een weerspiegeling van de identiteit van de Europese volkeren. Het speelt ook in andere sectoren een majeure rol, zoals in toeristisch en economisch opzicht.

Een andere belangrijke taak van het Europese Unie is het ontwikkelen van wetgeving, bijvoorbeeld op het gebied van de bescherming van het milieu en de verbetering van arbeidsvoorwaarden.

In een aantal gevallen is de door de Europese Unie ontwikkelde wetgeving -onbedoeld- schadelijk voor het behoud van het culturele erfgoed in Europa.

Medio 2002 is er een initiatief ontstaan waarin vertegenwoordigers van ministeries, opleidingsinstituten, researchinstituten en NGO's van verschillende lidstaten, toekomstige lidstaten en aan de Europese Unie gelieerde landen samenwerken. Dit initiatief (the working group on the consequences of EU directives for the protected European Cultural Heritage) beoogt het per land in kaart brengen van wetgeving die een verantwoord onderhoud en behoud van cultureel erfgoed in de weg staat.

Daarnaast brengt de werkgroep door middel van statistische gegevens per land het grote belang in kaart van cultureel erfgoed voor andere sectoren binnen de Europese Unie, zoals de economie en het toerisme.

De werkgroep wil alle lidstaten, toekomstige lidstaten en de aan de EU gelieerde landen bij het initiatief betrekken. Het uiteindelijke doel is om op Europees niveau te komen tot een permanente monitoring van alle wetgeving welke de Europese Unie voornemens is te implementeren. Bij een vroegtijdige signalering van dreigende schade aan het culturele erfgoed als gevolg van Europese wetgeving, zouden door de monitorende instantie wetwijzigingen of alternatieven kunnen worden aanbevolen.

Het secretariaat van de werkgroep wordt gevormd door vertegenwoordigers van Noorwegen (Riksantikvaren, Directorate of Cultural Heritage), Czech Republic (Academy of Science of the Czech Republic), Finland (Department of Monuments en Sites National Board of Antiquities), Nederland (Monumentenwacht Nederland) en Italië (MEDICI Framework - Politecnico di Milano), die tevens de publicatie van alle relevante documenten verzorgt.

1.3.6 Grupo De Trabajo Europeo en el ambito de las Directivas UE y el Patrimonio Cultural

La protección del patrimonio cultural es una tarea importante de la Unión Europea. El patrimonio cultural refleja la identidad de los pueblos europeos, a la vez de jugar un papel mayor en otros sectores, como el turístico y económico.

Otra tarea importante de la Unión Europea es el desarrollo de legislación, como en el ámbito de la protección del medio ambiente y de la mejora de las condiciones de trabajo. En algunos casos, la legislación desarrollada por la Unión Europea es, si bien indeliberadamente, nociva para la conservación del patrimonio cultural en Europa.

A mediados de 2002 surgió una iniciativa en la que colaboran representantes de ministerios, centros de enseñanza, institutos de investigación y ONGs de diversos Estados miembros, futuros Estados miembros y países vinculados a la Unión Europea.

Esta iniciativa (el grupo de trabajo sobre las consecuencias de las Directivas UE para el Patrimonio Cultural Europeo protegido) pretende hacer para cada país el inventario de la legislación que impide que se mantenga y conserve de forma responsable el patrimonio cultural.

Por otra parte, el grupo de trabajo realiza, mediante datos estadísticos para cada país, un estudio detallado de la gran importancia del patrimonio cultural para otros sectores dentro de la Unión Europea, como la economía y el turismo.

El grupo de trabajo quiere implicar a todos los Estados miembros, futuros Estados miembros y países vinculados a la UE en la iniciativa. El objetivo final consiste en llegar en el ámbito europeo a un control permanente de toda la legislación que la Unión Europea pretende implementar.

En el caso de que se adviertan a tiempo daños amenazantes en el patrimonio cultural como consecuencia de la legislación europea, la instancia controladora podría recomendar reformas de ley o alternativas.

El secretariado del grupo de trabajo está formado por representantes de Noruega (Riksantikvaren, Directorate of Cultural Heritage), la República Checa (Academy of Science of the Czech Republic), Finlandia (Department of Monuments en Sites National Board of Antiquities), los Países Bajos (Monumentenwacht Nederland) e Italia (MEDICI Framework - Politecnico di Milano), que se encarga también de la publicación de todos los documentos relevantes.

1.3.7 Prohlášení o Poslání Evropské Pracovní Skupiny pro Direktivy Evropské komise a Kulturní Dědictví

Milano), Polsko (Akademie věd – IPPT), Řecko (Technická Universita v Athénách).

Ochrana kulturního dědictví je jedním z důležitých úkolů Evropské unie. Kulturní dědictví je odrazem identity rozdílných evropských národů a hraje velmi důležitou roli v oblasti hospodářské i v sektoru cestovního ruchu.

Další důležitou rolí Evropské unie je vydávání zákonů, například pro oblast životního prostředí nebo zlepšování podmínek práce. Nicméně, tyto zákony v některých případech a neúmyslně škodí zachování evropského kulturního dědictví.

V polovině roku 2002 vznikla iniciativa, ve které spolupracují zástupci ministerstev, vzdělávacích zařízení, výzkumných institucí a nevládních organizací z členských a nových zemí EU i zemí přidružených. Cílem této iniciativy, nazvané „Pracovní skupina zabývající se důsledky direktiv EU na chráněné evropské kulturní dědictví“, je pořízení národního soupisu zákonů a nařízení, které brání odpovědně vykonávat památkovou péči. Dále je úkolem pracovní skupiny shromáždit v každé zemi takové statistické údaje, které ozřejmí význam kulturního dědictví pro důležité sektory EU, jakými jsou evropské hospodářství a cestovní ruch.

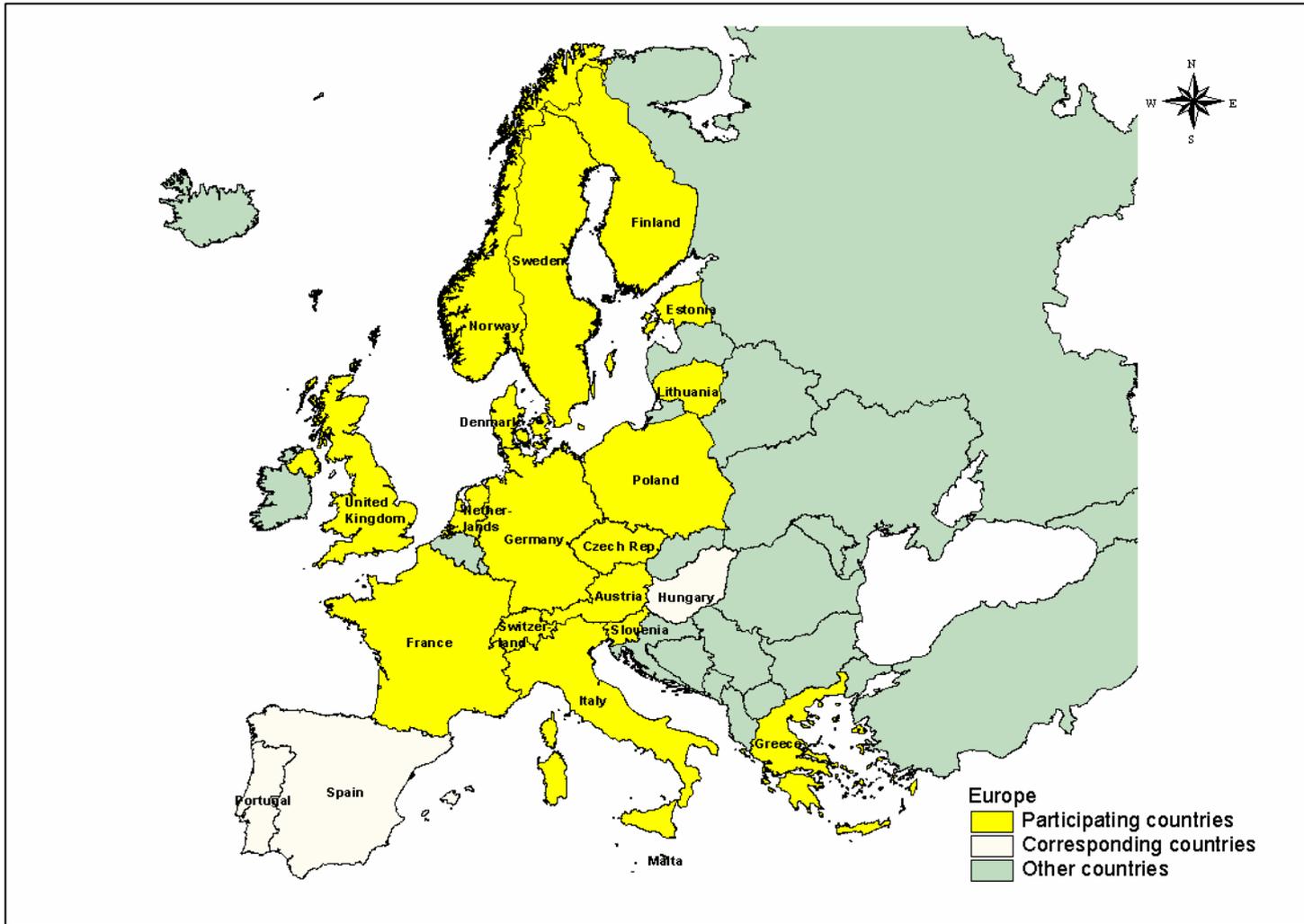
Snahou pracovní skupiny je získat zastoupení všech členských zemí EU, kandidátských zemí a přidružených států pro práci ve zmíněné iniciativě.

Konečným cílem je vytvoření stálého celoevropského systému monitorování všech legislativních opatření plánovaných k zavedení v EU. To by mělo zajistit fungování systému včasné výstrahy, odhalujícího veškeré možné hrozby pro zachování kulturního dědictví ze strany plánované evropské legislativy a umožnit monitorovací agentuře navrhnout změny nebo zlepšení přijímaných zákonů.

Sekretariát pracovní skupiny tvoří představitelé Norska (Riksantikvaren, Direktorát kulturního dědictví), České republiky (Akademie věd ČR - ÚTAM), Finska (Oddělení památek Národní rady pro kulturní dědictví) a Holandska (Monumentenwacht). Technická universita v Miláně (Itálie) je odpovědná za webové zveřejnění všech relevantních dokumentů. Zakládajícími členy pracovní skupiny jsou dále:

Velká Británie (English Heritage), ICOMOS, Slovinsko (Technická Universita v Lublani), Švédsko (Riksantikvarieambetet), Francie (Ministerstvo kultury a komunikace), Itálie (MEDICI Framework – Politecnico di

1.3.8 Member Countries



Picture 1: Members working group on EU Directives and Cultural Heritage, November 2005

1.4 A short history of the European Working Group on EU Directives and Cultural Heritage

Terje Nypan (Dr.), Chairman

1.4

The (growing) problem for the cultural heritage sector from international regulations and especially EU Directives, were seen by many (ICCOMOS, English Heritage, Norway, Finland, et. Al.) In 2003 an initiative was taken in co-operation with the EU financed ARCHIP / ARIADNE project run by the Czech Academy of Science, Institute of Applied and Theoretical Mechanics.

1st meeting, Prague February 2003.

The group that assembled to discuss these questions presented experienced problems related to national legislation derived from EU legislation. The group decided it was necessary to continue the work and therefore to make the working group a more permanent forum for this topic. The group was tasked with collecting and compiling information on both legal issues and, as far as resources permitted the economic potential of the built cultural heritage in the post-industrial economy. The Group would also act as a vehicle to achieve permanent improvements to counter this increasing problem for the cultural heritage sector.

A secretariat was elected, consisting of:

Czech Republic; Academy of Sciences,
Finland; National Board of Antiquities, Department of Monuments and Sites,
The Netherlands; Monumentenwacht NI,
Norway; Directorate for Cultural Heritage (Chair).

The WG has no funds and functions on a voluntary basis with all members financing their own participations costs. The work of compiling a list of problematic Directives was started.

2nd meeting, Prague September 2003.

A list of problematic Directives was compiled based on input from members. Some case studies were compiled. The work on a document describing the socio-economic effect of cultural heritage in Europe was started.

A Mission statement was drafted. A web site was established: <http://www.hmq.polimi.it/coop>.

3rd meeting, Amsterdam April 2004.

The Mission Statement was adopted by the members. New members joined the group.

It became clear that the main objective of the Working Group was to promote the establishment of a permanent observatory function to monitor the legal processes in Brussels. The observatory should be a cooperation project between as many European partners as possible and should assist and

communicate with all the players (governments and private bodies and associations) in the cultural heritage field. A Culture 2000 proposal – ECHO European Cultural Heritage Observatory - was submitted in October 2004.

4rth meeting; Milan November 2004.

The meeting was part of a larger event: The Cultural Heritage Networks Hypermedia Conference. The main part of the meeting was devoted to the findings of the Working Group with presentations of illustrative case studies from Finland, France and the United Kingdom. The conference and meeting was:

Organized by



Sponsored by



Regione Lombardia

*Culture, Identità e Autonomie
della Lombardia*

Supported by



**Provincia
di Milano**



**EUROPA
NOSTRA**



OCCAM

Observatoire pour la Communication
Culturelle et Audiovisuelle dans
la Méditerranée et dans le Monde



BEST

*Alto patronato del
Presidente della Repubblica*

The Working Group also had a one day internal meeting. New members joined the Group.

The WG started to explore the legal position of cultural heritage in relation to the Treaty of the European Union. According to a formalistic approach the EU has no competencies to promulgate legislations that in any manner

restrict the freedom of its members to conduct an independent cultural policy. This is also valid for the field of cultural heritage. But in reality the issue is not so clear cut.

The WG discussed the question of exemptions vs 'special considerations' for cultural heritage in a given Directive. In light of the legal situation the groups decided that 'special considerations' was the best and legally correct approach. This is the case as the EU does not have competencies to make exemptions in the field of culture, while a 'special considerations' clause refers the questions of exemptions to the competent national authority. The formula for a 'special consideration' is found in the Directive on Limitation of Volatile Organic Compounds 99/13/EC:

"For the purposes of restoration and maintenance of buildings⁶designated by competent authorities as being of particular historical and cultural value, Member States may grant individual licences for the sale and purchase in strictly limited quantities of products which do not meet the VOC limit values laid down in Annex II".⁷

5th meeting; Oslo May 2005

New members joined the group.

The issue of the Treaty of the European Union and cultural policies was further explored. A presentation on the subject was given by Professor F. Arnesen, Institute of EU Law⁸, The Department of Public and International Law, University of Oslo. From his lecture it became even clearer that to establish a joint European observatory function is the most important step to make in the present situation.

The Mission statement was revised so as to fit better with the legal realities of the EU Treaty and the autonomy of national government administrations in the field of culture. The changes were in line with the changes wanted by the French Ministry of Culture and Communication.

The ECHO application to the Culture 2000 programme was not accepted. But the WG decided to go ahead and start a small scale observatory function alone. But first some more research was needed to locate the genesis point of the legal process in Brussels.

The mining directive COM (2003) 319 was checked out of the Directives list. The WG was informed about the Nordic initiative

to remove traditionally produced wood-tar from the list of restricted substances in the Directive on Biocide Products 98/8/EC. The challenges, the research needs as well as the costs related to trying alter the list of substances in the Directive is a good example of the scope of work related to changing an EU Directive after it has come into force.

⁶ The generic term for buildings would be cultural heritage buildings, sites, landscapes and other objects As designated by...

⁷ Directive COM (2002) 750, amending Directive 1999/13/EC, on the limitation of emissions of volatile organic compounds due to the use of organic solvents in decorative paints and varnishes and vehicle refinishing products

⁸ A short article summarising his main points are included in chapter 2.3.1

1.5 Members of the European Working Group on EU Directives and Cultural Heritage

1.5

List of Members

Akerboom Jacques, Director, Monumentenwacht Holland, Netherlands

Ballu Elisabeth, Head of section, Ministry of Culture and Communication, France

Skłodowski Marek, Dr, Polish Academy of sciences; PPT PAN, Poland

Drdácký Miloš, Director, Institute of Applied Mechanics of the Czech Academy of Science, Czech Republic

Linnanmäki Seija, Conservation officer, National Board of Antiquities, Finland

Mattinen Maire, Director, Department of Monuments and Sites, National Board of Antiquities, Finland

Moropoulou Antonia, Professor, Technical University of Athens, Secretary General of TEE, Greece

Aggelakoulou Eleni, Technical University of Athens, Greece

Wolfgang Karl Göhner, Deutsches Nationalkomitee für Denkmalschutz, Germany

Höhnes, Professor Dr. Chair of sub-committee for taxes and law, National Komitee für Denkmalschutz, German

Pollack Anita, Head of European Liaison, English Heritage, United Kingdom

Heath David, Chief Architect, English Heritage, United Kingdom

Ronchi Alfredo M., Professor, Building and Environment Sciences and Technology Dept., Politecnico di Milano, Italy

Erenmalm Thomas, Advisor, Riksantikvarieämbetet (National Heritage Board), Conservation Department, Sweden

Westerlund Kerstin, Senior Adviser Cultural Heritage Issues, National Property Board, Sweden

Rosvall Jan, Professor Chalmers University of Technology and Gothenburg University, GMV Centre for Environment and Sustainability, Sweden

Wohlkinger Bernd, Eutema Technologie Management, on behalf of the Ministry of Culture, Austria

Nypan Terje, Senior Advisor, Directorate for Cultural Heritage, Norway

Sobola Jiri, Director of the National Testing Institute, Czech Republic

Sijanec Zavrl Marjana, ZRMK, Building and Civil Engineering Institute, University of Lubliana, Slovenia

Zarnic Roko, Professor, University of Lubliana, member COST Scientific Committee, Slovenia

Denyer Susan, Secretary, ICOMOS-UK, United Kingdom

Amsterdam, 06.2003

Member institutions:

United Kingdom; English Heritage. Finland; National Board of Antiquities, Department of Monuments and Sites
Slovenia; Institute for the Protection of Cultural Heritage of Slovenia, University of Ljubljana and Building, and Civil Engineering Institute
Czech Republic; Academy of Sciences, Ministry of Culture, Department of Movable Cultural Heritage, Preservation Museums and Galleries
Norway; Directorate for Cultural Heritage
The Netherlands; Monumentenwacht NI
Sweden; Riksantikvarieämbetet (National Heritage Board). National Property Board and Chalmers Technical University
Italy; Politecnico Milan
France; Ministry of Culture and Communication
Poland, General Conservators Office, Academy of Sciences
Greece, Technical University of Athens
Austria; Eutema Technologie Management (for the Ministry of Culture)
Germany, Deutsche National Komitee für Denkmalschutz
Denmark; The National Cultural Heritage Agency
Malta, Heritage Malta
Lithuania; State Commission for Cultural Heritage

Estonia, Ministry of Culture
Switzerland; , Swiss Commission for the Preservation of Monuments in Switzerland
ICOMOS; ICOMOS, UK,
Europa Nostra

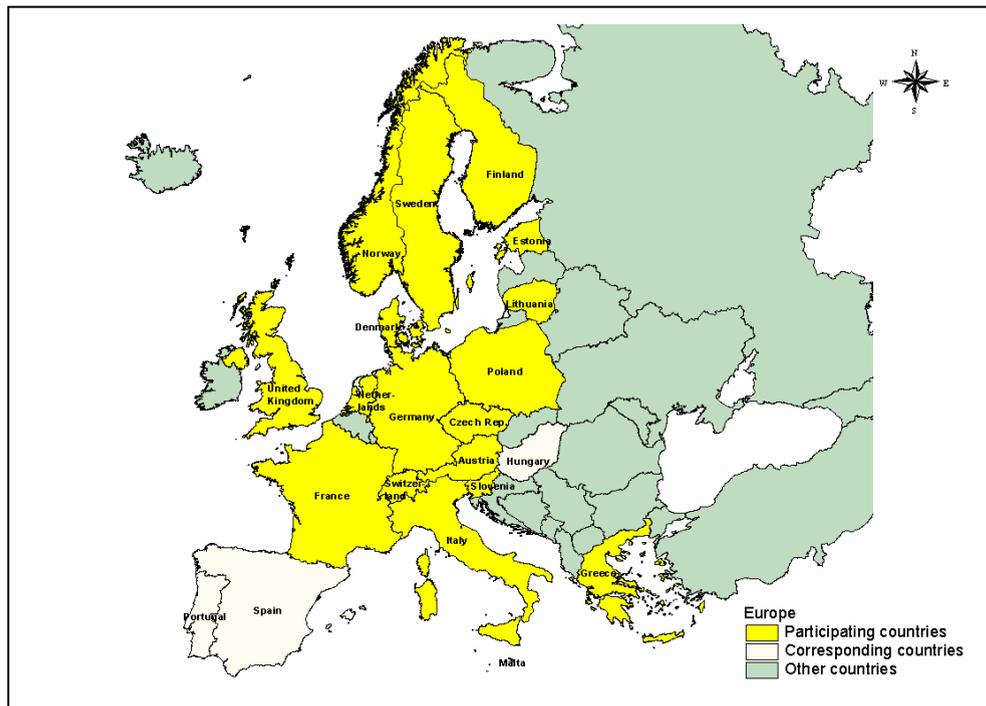
Correspondents:

Austria; The Office of the Austrian Conservator General.
Hungary; Ministry of Culture, European affairs in the field of culture and National Cultural Heritage Board of Hungary.
Portugal; Instituto Portugues do Patrimonio Arquitectonico
Spain; Junta de Analucia, PC Monumental de la Alhambra y Generalife
Council of Europe
EEA. European Environment Agency

Cooperation & support

Cultural Heritage Division of the Council of Europe, Mr Daniel Therond
The European Environment Agency EEA has applied for membership
We co-operate with the EU supported Herein Project
European Commission MEDICI Framework of Cooperation

1.12.2005



1.6 Cooperative working internet site

1.6

Introduction

HMG Coop Working Site (HMGCoop) is a fully DB Driven internet site provided to support workflow and hosted at URL: <http://www.hmg.polimi.it/coop>

The site is under development (sept '03), please let us know of existing bugs or suggested features. For any site issue please send an email clicking on the 'contact webmaster' link provided in the right menu (or send email to claudio.benghi@polimi.it)

Page layout is organized in four different areas.

Top menu (dark blue background)

Provides links to a wider number of sections of the whole HMG Web Site.

Left menu (light orange background)

Lists sections activated within HMGCoop

Right menu (light blue background)

Provides links to user specific contents on the site

Central area (white background)

Displays specific page contents.

Sections

In the left menu you can access six different site sections:

Events	Directives
Files	Workgroups
Forum	People

Site structure allows each item to be related to any other in any section in a relational database.

All of these links bring you to the respective section listing page. When required the lists are spanned across different pages and a page navigation bar appears (eg. click on 'Directives' link and see pages listing as in this image).

Clicking on the bold part of each listed item displays detailed available in formations.

91/493/EEC Health Conditions on Fishery Products	Jul, 22 1991
laying down the health conditions for the production and the placing on the market of fishery products	
13 directives found. Pages: 1 2 3 >>	
+ Directive search	

Listing pages also allow you to search the database for desired items. Search forms are usually placed at bottom of lists and need to be unveiled by clicking (like in previous image) on the 'plus' sign or the text (in this case 'File search'). Forms can be hidden again pressing on the 'minus' sign.

+ File search

specify search criteria:	
Title or filename:	<input type="text"/>
Uploaded by:	<input type="text"/>
Author:	<input type="text"/>
<input type="button" value="Search"/>	

Events

Event listing is provided to help our interest group keep record of meetings and related in formations.

At the bottom of event list a box is provided to add a new event to the database.

3 events found.

+ New Event
Click to add a new event to the database.

Events management will be strongly improved soon including program details and speakers. At the moment event detail page (see next image) will display a minimum set of in formations including a short description, place and start and end dates.

The 'Related' box placed at the bottom of the page displays other items related to the event. In the next example four files are available for download related to this event.

The 'modify' blue link above the title is only available to user that has first published the event and to site administrators.

The 'start new discussion' thread on this topic' link available on the bottom of the page allows you to start a new thread in the forum. Thread will be visible both in the 'Forum / Topics' section of the site and in the 'related' box. The 'Related' box appears on each detail page of the site. To establish a new relation between two different items in the site you need to use the 'Item Relations' submenu in the right menu (see paragraph 'Establishing relations').

HMG Lab | [Activities](#) | [Events](#) | [Education](#) | [About us](#) | [Demos](#) | [user menu](#)

Coop home
 Events
 Files
 Forum/Topics
 Directives
 Workgroups
 People

event [modify](#)

EU Directives – Consequences for the protected European Cultural Heritage

description:
 Problems unintentionally caused for the Cultural Heritage sector; maintenance and conservation of protected cultural heritage objects, by different EU Commission Directives.

Place: Prague

from: Feb, 25 2003
 to: Mar, 1 2003

Related:
 File: [Conference programme](#)
 File: [Short list of all directives](#)
 File: [Selection of EU Directives with detrimental effect on protected Norwegian Cultural Heritage](#)
 File: [Minutes from meeting on Friday concerning continuation](#)
 -> [start new discussion thread on this topic](#)

Logout
 my profile
 my files
 my workgroups

Item relations
 Prepare a reference to this item

This site is in progress;
contact webmaster for any question or suggestion.

mailing list and more powerful event management: functions are under development.

Files

The files section is useful to search for a specific file or document by author, title or uploader. But if, for instance, you're searching for files related to a specific event the 'related' box of the event will be the right place where to search.

A new and more powerful version of the 'Related' box in item details will be soon be available with an internal search engine. The relations between files and Events will also be changed to provide easy access to events acts. Every idea or function request you send us on document management will be appreciated.

Files

Title	Info	Upl. date
 Conference programme	88576	May, 15 2003
 Short list of all directives	53760	May, 15 2003
 Selection of EU Directives with detrimental effect on protected Norwegian Cultural Heritage	472064	May, 15 2003
 Minutes from meeting on Friday concerning continuation	679424	May, 15 2003

4 files found.

File search

specify search criteria:

Title or filename:

Uploaded by:

Author:

Files are initially displayed in upload date descending order, so you can look at new uploads just clicking on the 'files' link in sections.

The file search table can help to find specific documents; the 'info' column contents change accordingly to search conditions.

Forum groups

Discussion forum is provided to allow users to cooperate on an open board. So that discussion results and progress will be available to the whole community.

Forum groups

Select a discussion group	
Discussion groups:	Site tuning/help forum 1 messages - last May, 14 2003
	Cultural Heritage general board 0 messages - last N/D
	<input type="button" value="Create New Group"/>
Other items:	Directives 13 messages - last May, 22 2003

The first forum page is divided in two sections:
 Discussion groups

This section follows the classical forum/thread/article internet structure to provide thread and articles grouping. Discussion groups can freely be nested hierarchically to let any user read only items of his interest.

Other items

As written in the 'Events' section every item in the Site can be commented by a forum thread clicking on the "-> start new discussion thread on this topic" command of the 'Related' Box.

Forum threads related to this items are listed in this section of the forum by type (eg: directives, people, files, events)

Once you've chosen one of the discussion groups you can:

Group

All groups	
-> Site tuning/help forum	
Subgroups:	New functions requests 0 messages - last N/D
	<input type="button" value="Create New Group"/>
Threads:	Welcome - Use this forum to post your questions - Click to read more - 1 articles Started by Claudio Benghi on May, 14 2003 Last by Claudio Benghi on May, 14 2003 1 threads.
	<input type="button" value="Start New Thread"/>

See the list of available subgroups (in this case the "New function requests" subgroup of "Site tuning/help forum"); Create a new Subgroup (clicking on "Create new Group") unveils a form where you can specify the name of a new subgroup to be created under the current group (in this

example it would be a child of "Site tuning/Help forum" and shown near to "New functions requests");
 Forum group deletion is not yet supported by web client but it will be soon (only for empty forum groups);
 See a list of existing threads. Every thread is boxed in orange and information on number of articles and update dates are displayed; To show the articles of one thread just click on the bold part of its' title.
 Start a new thread in the active group (in this example "Site tuning/help forum")

Thread

[go back](#)

:-) Welcome - Use this forum to post your questions - Click to read more May, 14 2003 - Reply

This forum group is provided to support the site startup by helping you to learn how to use site functions.

Forum articles can only be posted by registered users.
 To login click on the login anchor in the left menu.
 If you're a new user and still need to register follow the link in the login page.

Any question can be posted clicking [HERE](#) or on the "Start New Thread" link in the previous page.

You can also send an e-mail by clicking on the "Contact webmaster" link in the right menu.

Claudio Benghi

Re: Welcome - Use this forum to post your questions - Click to read more Sep, 9 2003 - Reply

This article has been posted just to provide an example of threads structure.

Alfredo Ronchi

Related:
 Forum group/topic: [Site tuning/help forum](#) -> [start new discussion thread on this topic](#)

When a single thread is displayed you can reply to other articles just clicking on the "Reply" icon or text in the header of every article.

The site displays the articles in a graphical form that lets you understand articles succession.

Directives

This section is provided initially to produce a database of EU Directives with detrimental effects on cultural heritage. Each of them has a forum thread started with some initial notes.

A keyword based search form is provided.

This section is not yet fully implemented and has been prepared only to evaluate the opportunity of producing several other analogous sections.

WorkGroups

Workgroups are structured in a hierarchical tree and, at the moment, are only provided to support the mailing list functions (under development) and allow messages broadcasting to a specific group of interest.

WGs are only created by webmaster account, please send an email or start a new thread in the forum to ask for a new one or to change properties of existing ones.

Users can freely join or leave any number of Workgroups by clicking on the 'my workgroups' link on the right menu.

Workgroups

Cultural Heritage	Role: Temp
	Leave WG
Economic issues	Role: Temp
	Leave WG

join a workgroup

Workgroup:

role: Specify your role in the workgroup (optional)

The list of joined workgroups for the logged user is displayed. You can join a new WG selecting it from the appropriate list and optionally specifying a role. You can leave a joined WG just clicking on the Leave WG command of the undesired WG.

When the mailing list will be activated three different level of subscription will be provided.

- receive no email
- receive only emailed of subscribed workgroups
- receive every email

People

People section lets you find your contacts information. Search form can filter people by name or by workgroup. Subscribing to HMG Coop Site does not force you to appear in people list. A privacy setting is provided to avoid personal information listing.

Email form

Please insert your email address in the textbox below.

If you're a new user you will shortly receive an automatic email with a link to continue site registration.

If you're already registered you will receive an email with username and password.

request type:

e-mail:

New users

To preserve site and service integrity a valid email address must be provided to log in to this site. On the "login" page a link is provided to specify your email. (note: for testing purposes we have already configured a few users, if the system doesn't send a new password change request type to "Send password" if prompted)

The system will send you an email with temporary username and password:

Dear User,

Here you are Username and Password to access HMG Cooperative Working Site.

Username: TBM2IP50
password: 68T6TFW7

You may now login using this link:

<http://www.hmg.polimi.it/coop/users/login.asp>

And change username and password according to your wishes.

HMGC Webmaster

Go to login page and insert provided username and password. Once logged you can change username and password as any other personal detail you wish clicking on "click here to change" link in user information page.

To avoid mistyping problems password must be typed twice to allow change.

User file management

A core part of this site is the ability of managing uploaded files.

Clicking on the "my files" command on the right menu you can access the "my files" page.

With this page you can upload and manage remote folders and files.

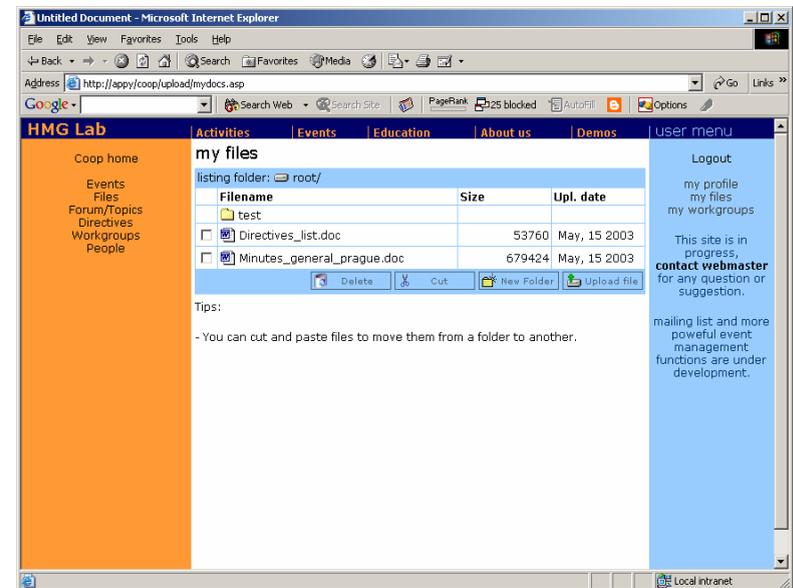
Usage should be intuitive except for one task: since remote folders are created only when filled with files the operation of moving existing files to new folders must be done in four steps:

select files you wish to move

press the cut button

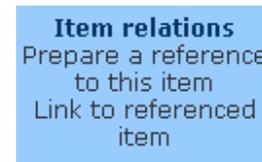
press the new folder button

press the paste button



Establishing relations

To establish a new relation between two different items in the site you need to use the 'Item Relations' submenu in the right menu (available only after successful login) and complete some steps:



Search the detail page of the **first item** you want to link (eg: for one of your uploaded files click on the 'my files' anchor on the right menu and browse for one of your files).

Once you are displaying details (eg : "file specifications" page) a "Prepare a reference to this item" command will appear in the right menu. Click on it.

Text in the menu will change to "Reference prepared".

Browse for the **second item** you wish to link (eg one of the events) and click on the "Link to referenced item" command in the right menu.

In the 'related' box you will see the name of the file to appear to show the newly established relation.

Restricted areas

Parts of the site are available without registration but you'll need registration to:

Insert events notifications;

Upload and share files and documents;

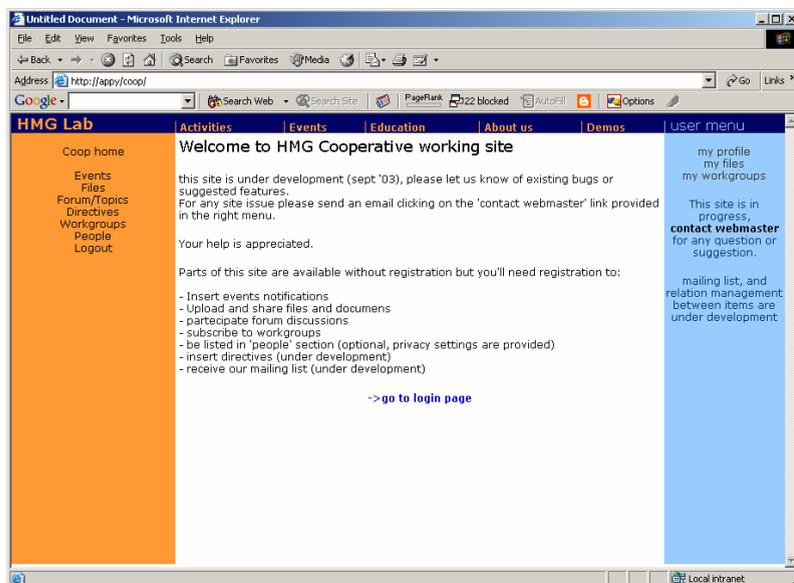
Participate forum discussions;

Subscribe to workgroups;

Be listed in 'people' section (optional, privacy settings are provided);

Insert directives (under development);

Receive our mailing list (under development).



**EU Directives, legal background and potential
negative effect on Cultural Heritage**

2

Chapter 2 concerns the legal acts of the EU (directives) that have been found problematic for the cultural heritage sector and detrimental to a sound conservation strategy. The first article concerns the global legal perspective; what is and what is not part of the EU competencies and what § are relevant to this question. The second article is the list of problematic directives compiled by the Working Group on EU Directives and Cultural Heritage. The list also contains information on directives checked out by the working group as well as those under consideration. The 3rd part discusses the solutions to be adopted to counter such directive related problems in the future and what needs to be done to make the proposed solutions work in practice. This part also discusses some of the European cooperation challenges facing cultural heritage players in general, and competent cultural heritage authorities specifically.

2.1 Some elements of the EU treaty with relevance to cultural heritage and EU Directives

Prof. Finn Arnesen, Faculty of Law, University of Oslo

2.1

The organs of the EU have only those competencies which have been attributed to them (the principle of attributed powers). This is important for the EU competencies to regulate culture related questions, and article 151 gives the EU the right to initiate supportive measures, but not restricting measures.

The rules concerning the 4 freedoms have a wide scope and may have indirect repercussions on the cultural sector. But cultural considerations are recognised in the EC Treaty and in the practice of the EU-court as legitimate reasons for trade restrictive measures in areas not regulated by directives.

Article 95 opens for member states to have other rules than those that follow from a directive, where this is necessary to preserve for example national treasures of (amongst others) historic values. But there is a definite advantage to incorporate cultural specific rules already in the directives. But where this is not sufficient, exemption through the application of article 95 is a feasible solution.

A comment on who should be responsible for an observatory function in regards to cultural heritage. I do not see this as an EU task. Rather on the contrary; it is the organs and other parties who are involved in the decision process who must ensure that the directive texts are formulated so that cultural needs are given due consideration. Article 95 is in this respect only a 'security valve'.

As far as I know the directive on Biocides only restricts the marketing of traditional wood-tar. If this is correct the directive is not contrary to the continued use and production of such wood-tar. But the users, museums, etc. must therefore produce this tar themselves⁹.

All exemptions or exclusions constitute threats to the uniformity which is sought established through directives or similar acts. This indicates that there is a limit to how far one may get acceptance for national cultural specific needs in both the process leading up to the wording of the directive as well as in connection with an application for exemption(s) or special considerations.

The comments related to the EEA treaty (between Norway, Iceland, Lichtenstein and the EU) were related to the fact that

this treaty gives the EEA countries a very limited influence in the legal process of the EU. When a directive arrives to the EEA treaty it is too late to make any changes in it. What the EEA countries may hope for, at the most, are statements and precisions in the EEA Committee in connection with the incorporation of the directive into the EEA agreement. The EEA agreement contains no clauses comparable to the EC article 95.

⁹ A comment from the Chair of the Working Group: This is the correct and restrictive legal interpretation. The correct operational interpretation is that commercial trade (buying and selling on a market) of this substance is not allowed by the directive if a sufficient product content declaration cannot be supplied with the product, which is the case with traditionally produced wood tar.

2.2 List of Directives with indications of problems

2.2

Directive name & nr.	Detrimental effect on Cultural Heritage	
Biocidal Products 98/8/EC		Aiming to assess all biocidal products on the European market. Producers of wood tar are not able to produce product information required, leading to a prohibition on the market of this tar. Wood tar is used for preserving old boats, wooden buildings and stave churches in Norway, Sweden, Finland and Denmark. A Nordic initiative is engaged in research to prove non-biocide effect in actual use on medieval wooden buildings and remove wood-tar from list of substances.
Construction Products 89/106/EEC		Requires standardisation of construction products. This is a threat to some traditional building materials and traditional conservation methods.
Energy Efficiency 93/76/EEC		Aims to limit carbon dioxide emissions. Requires application of ventilation in old buildings. General indoor climate requirements are hard to fulfil for old buildings without also affecting the cultural value.
Energy Performance in Buildings 2002/91/EC		Attempting to reduce the use of fuel in the EU. This leads to implications for replacement of original windows in old buildings etc. * Has an <i>exemption in art. 4</i> for certain protected buildings.
Environmental Impact Assessment 85/337/EEC		Assessing certain public and private projects on the environment. Controversial when related to mixed areas of cultural and natural heritage.
Health Conditions on Fishery Products 91/493/EEC		Requires the use of smooth surfaces when handling fish and fishery products. This creates difficulties for traditional wooden fisheries to continue their production. It requires huge investments to satisfy the standards. Most owners cannot afford this.
Lifts 95/16/EEC		Concerning lifts permanently in service. Requirements for accessibility of disabled persons can be a problem fulfilling in protected buildings without also affecting authenticity and cultural value.
Machinery 98/37/EEC		Machinery shall be properly secured for the sake of workers. This is a challenge for building conservation.
Natural Habitats 92/43/EEC		Aiming to protect biodiversity. One consequence is that intrusive vegetation disturbing cultural heritage values in a habitat protected by the directive cannot be removed. Cultural heritage values in these areas must succumb to the conflicting nature interests.
Passenger Ship Safety 98/18/EC		Protected passenger vessels in service must apply to strict safety requirements that are non-adjustable. Application to certain passenger vessels also removes the cultural value of the ship.
Toxic Products 76/769/EEC		The removal of substances dangerous for the environment also affects materials and treatments of protected cultural heritage as they cannot be preserved in a traditional manner.
Working Places 89/391/EEC		Safety requirements for workers may damage protected buildings with e.g. scaffolding bolted into the wall surfaces or create problems for use of traditional tools and techniques.
Purchasing Directive (Directive COM 2003-503)		Amending and consolidating Directives 92/50/EEC, 93/36/EEC, and 93/37/EEC coordinating the procedures for the award of public works contracts, public supply contracts and public service contracts. Poses serious and sometimes impossible problems for acquiring materials from a specific geo-location to replace damaged materials in protected monuments, buildings and sites.

Directive name & nr.	Detrimental effect on Cultural Heritage
Directive relevant to fire safety regulations	Source Directive not identified. Objective to improve security and escape routes for public. Negative consequences: All doors in buildings where the public has access must open outwards. Consequence: All doors in historic buildings open to public must be changed. Almost without exception doors in buildings built prior to 1900 have doors opening inwards due to the demand for security and escape as it was seen in those days.
Directive name & nr.	On the agenda, Paris meeting November 2005
EU-Directive 2000/60/EG, The water Directive	For improved water quality and reduced run-off from agriculture. Negative effect for canalisations, sites and cultural landscapes. New on list and to be discussed in Paris November 2005. Comments after the meeting (February 2006): Special treatment of cultural heritage is indirectly authorised by the Directive when in keeping with the condition that a cost-benefit analysis is first used to decide removal or non removal of the object in question. The results of this analysis may, in any case, be overridden by "overriding public interest" or "legitimate use of the environment", when no substantial pollution to, or additional deterioration of the water is caused thereby.
EU Draft Directive on reduced rates of VAT COM (2003) 397 final	This is a potential amendment to the EU Sixth VAT Directive 77/388. EC. Intends to harmonise use and levels of VAT in the EU. After discussions in Paris, English Heritage has the following comments: "If carried would have the effect of widening the possibility for member states to offer a reduced rate of VAT for maintenance and repairs to housing. This would be a positive step for heritage. At present the lower rate (Annex H of the 1977 Directive. Annex H is a list of items in the VAT Directive for which Members states can, if they so wish, use the lower VAT rate), is limited to "supply, construction, renovation and alteration of housing provided as part of a social policy". There has been for several years an experimental "Annex K" in operation that has permitted the lower rate for repairs and maintenance of housing, but it ran out at the end of 2005. The COM 397 proposal seeks to regularise that experimental reduction. The EU proposal is not a threat to the heritage, but would be an advantage. However the chance of it going through, given that 25 countries need to agree unanimously, seems to be slipping away."
Proposal for Directive on Geographic information in the EU (INSPIRE) COM (2004)516	Wishes to establish a unified system for geographic information in Europe, for monitoring and safeguarding of nature areas and pollutions control. Problem: Cultural heritage objects and buildings not included yet, and will consequently not be included in the planning tools emerging from this unified GIS system. Status after Paris: There seems to be an opening for including cultural heritage. The question is if national authorities / experts will 'push' to have it included. There was no general agreement at the Paris meeting that this was advisable.

Directive name & nr.	Checked out by the working group
Limitation of Volatile Organic Compounds 99/13/EC	<p>Intention is to reduce atmospheric and air pollution from volatile organic compounds.</p> <p>A limitation on use of VOCs reduces the possibility for using authentic paint and varnishes for historical restoration.</p> <p>Clause of special consideration achieved for ch, spring 2004.</p> <p>"For the purposes of restoration and maintenance of buildings¹⁰designated by competent authorities as being of particular historical and cultural value, Member States may grant individual licences for the sale and purchase in strictly limited quantities of products which do not meet the VOC limit values laid down in Annex II".¹¹</p>
COM (2003) 319, on the management of waste from extractive industries	<p>Intends to curb pollutions from extractive industries.</p> <p>Cultural heritage values not mentioned in text, and it is apparently unrecognized that some sites of extraction are also part of cultural heritage e.g. County of Cornwall, potential World Heritage Site in the United Kingdom which is very rich in historic mining activity. The same is valid for the World Heritage site of Røros in Norway.</p> <p>Result: the directive will not affect closed down mining activities. This follows from the 'use area' and the definitions of the directive as given in article 22. From this article it follows that the directive will not impact on 'closed' deposit sites.</p>
Directive watch	Directives under scrutiny as of January 2006
EU Directive 2002/95/EC RoHS (Risk of Hazardous Substances) and EU Directive 2002/96/EC WEEE (Waste Electrical and Electronic Equipment)	<p>An error in the drafting of the Directives¹² will ban the making of traditional pipe organs for cathedrals, concert halls, colleges and churches from 1st July 2006. WEEE and RoHS Directives are not intended to restrict organ building, but in their current format, they would appear to have the potential to do so. The lead products are listed in an annex, which means that they are currently able to be used.</p> <p>However as part of the normal course of reviewing legislation, the EU is now asking, if since the directive was first introduced, whether there are any acceptable alternatives developed for the "offending" products. One of which is lead used for organ pipes. If there is a strong chorus of people stating that there is no acceptable alternative, things should stay as they are. Even if this possibility to use is restricted to 4 years, it is important to "buy" this time.</p>

10 The generic term for buildings would be cultural heritage buildings, sites, landscapes and other objects As designated by....

11 Directive COM (2002) 750, amending Directive 1999/13/EC, on the limitation of emissions of volatile organic compounds due to the use of organic solvents in decorative paints and varnishes and vehicle refinishing products

12 Secretariat comment: It's not really an error in the drafting of the Directive, more an error of interpretation, to put it simply.

2.3 Solutions and necessary actions from the cultural heritage sector

Dr. T. Nypan, Riksantikvaren, Norwegian Directorate of Cultural Heritage
and Professor A. Ronchi, Politecnico Milan

2.3

2.3.1 A Directive of general exemption for European cultural heritage

When we started the work on the EU directives and their impact on Cultural heritage, we had a very simple solution in mind. This solution had the working title "*The Directive of general exemption for cultural heritage*". As we started unravelling the extent of the problem and the legal basis for the EU directives we found that such a directive was not feasible.

The cultural sector is subject to the principle of subsidiarity. The question of subsidiarity is the question of what decisions belong at EU level and which decisions belong at the national level. In short this subsidiarity defines culture and cultural heritage laws and regulations as a national prerogative; not part of the EU competencies or legislative system. This fact is elaborated in the article in "2.1. Some elements of the EU treaty which relevance to cultural heritage and EU Directives".

Cultural policies and therefore cultural heritage is not part of the EU Treaty and cannot, therefore, be regulated through a Directive. Therefore a *Directive of general exemption for cultural heritage* would have no legal basis in the EU Treaty.

The conflicts ensuing from the implementation of the EU Directives, on one hand, and sound heritage conservation practice, on the other hand, takes place at *national*, rather than at *EU or international* level. The conflict stems from EU Directives from policy areas that are within the EU competencies; such as international trade competition, personal and public health, safety, and conservation of the natural environment. This is in itself an interesting constellation, but it does not make the task of finding a solution easier.

The matter is actually further complicated by Art. 151.4 of the Treaty which calls for the general inclusion of cultural aspects in all Community policies. On the one hand, this article gives the EU the right to initiate supportive measures, but not restricting measures.

On the other hand, many actors see article 151.4 as an obligation, at least a moral obligation, for the EU to take cultural aspects into considerations when creating legal acts in areas where competencies are ascribed to it and in all policy matters in general.

Such a view was expressed by the European Commissioner for Education, Training, Culture and Multilingualism when he affirmed that "*a common vision for cultural heritage is an absolute necessity, especially in the light of art. 151-4 of the Treaty, which calls for the general inclusion of cultural aspects in all Community policies*"¹³.

Similar thoughts were voiced when the Chairman of the European Parliament's Committee on Culture and Education stated that "Cultural aspects are already taken into consideration in some fields of action of the union, amongst which the Structural Funds and research programmes. However, the potential for using the different Community Funds in favour of culture is far from being completely exhausted"¹⁴.

13 Mr. Ján Figel, speech at "Cultural Heritage Counts for Europe". Brussels December 7, 2005. Organised by Europa Nostra, in cooperation with the European Economic and Social Committee, on 7 December 2005

14 MEP Nikos Sifunakis, Brussels December 7, 2005. Organised by Europa Nostra, in cooperation with the European Economic and Social Committee, December 7, 2005.

2.3.2 The clause of special considerations for cultural heritage

To sum up the problem: The EU has no competencies in the field of cultural policies. EU legislation in areas of EU competencies impact on cultural heritage practices; and sometimes the impact is negative for sound conservation practices. Cultural policies are the competency of the national governments.

After much deliberation, a proposal for a clause of “**Special Considerations**” for cultural heritage, from English Heritage, was found to be the best solution.

The text of the VOC Directive (Limitation of Volatile Organic Compounds 99/13/EC) on cultural heritage is an example of such special considerations. This text went through when the directive was amended in 2004. The text in this directive reads:

“For the purposes of restoration and maintenance of buildings¹⁵designated by competent authorities as being of particular historical and cultural value, Member States may grant individual licences for the sale and purchase in strictly limited quantities of products which do not meet the VOC limit values laid down in Annex II”.¹⁶

The most important element in such a clause of special considerations is that the legal authority in a field with EU competencies is transferred to the “competent national authorities” in the field of cultural policies when the consequences of the directive impact on cultural policies. Or to state it differently; the EU recognises that its competencies to legislate in specific areas may infringe on the prerogatives of national cultural policies and states that if this is the case, the competent national authorities for culture (and cultural heritage) can make exemptions from the directive.

15 The generic term for buildings would be cultural heritage buildings, sites, landscapes and other objects As designated by....

16 Directive COM (2002) 750, amending Directive 1999/13/EC, on the limitation of emissions of volatile organic compounds due to the use of organic solvents in decorative paints and varnishes and vehicle refinishing products

2.3.3 Observatory and European cooperation of competent national authorities in the field of cultural heritage

The article 151.4 of the Treaty calls for the general inclusion of cultural aspects in all Community policies. As we have stated this does not give the EU any competencies to initiate restricting measures. Supportive measures are allowed. But the article does constitute an obligation to take cultural aspects into consideration when promulgating legal acts. But who will assure that this is the case?

“However, I do **not** feel that an effective implementation of art.151-4 does require a cultural-impact assessment or a **permanent monitoring system**, nor periodical reports on this subject. I think this proposed approach would add more burden on the resources of the European Commission, without providing a clear value added for our actions.”¹⁷

This is a clear message that the Commission does not see it as its task to monitor whether the spirit of article 151 is upheld. The Commissioners statement matches well with the legal considerations presented by Prof. Arnesen earlier the same year; “*it is the organs and other parties who are involved in the decision process who must ensure that the directive texts are formulated so that cultural needs are given due consideration.*” (2.1. Some elements of the EU treaty with relevance to cultural heritage and EU Directives).

The fact that an increasing number of EU directives and other legal instruments are creating increasing problems for the cultural heritage and its sound conservation is sufficient proof that there is a need to supervise this process. As all other social sectors, the cultural heritage sector must look after its own interests in the ongoing European integration process. Evidently nobody else will do it for us.

This is why the Mission Statement of the working group concludes by stating:

17 Mr. Ján Figel, European Commissioner for Education, Training, Culture and Multilingualism, in an speech at “Cultural Heritage Counts for Europe”. Brussels December 7, 2005. Organised by Europa Nostra, in cooperation with the European Economic and Social Committee, December 7 2005.
http://www.europanostra.org/downloads/speeches/jan_figel_speech_forum_7december.pdf

“The ultimate goal is to establish 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 any potential threats posed to cultural heritage by planned European legislation. The observatory 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”.

The tasks of the observatory would be to have an full overview of the legal acts in preparation by the EU, to bring any possibly problematic legal acts to the attention of the national competent authorities so that they may, in keeping with their competencies, take necessary action to include such considerations as are necessary to assure that their cultural needs are given due consideration; i.e. most probably a clause of special considerations.

The observatory can also, when so requested by a national competent authority, assist in taking the necessary steps to assure that such due considerations are included in the legal act.

Given the subsidiarity principle and the fact that the competencies in this field belong at the national level, the Observatory cannot initiate any such action on its own behalf or on an autonomous basis. The Mission Statement of the Group was changed in 2005, taking these facts into consideration.

The Working Group is also of the opinion that information pertaining to legal acts which may be problematic for the cultural heritage sector is brought to the attention of organisations like Europa Nostra or other NGO's active in the sector, as well as individual members of the European Parliament.

The objective is to establish a system where it is easy to find identified Directives and thereby to assist competent national authorities in checking if a specific Directive has been identified as problematic and why. To specify how such an observatory would operate in detail is beyond the scope of this article. But many other observatories are actively monitoring EU legislation for different social or economic sectors. A couple of examples are: The European Union observatory on agro-food legislation, The Legislative Observatory for the European Patent Office, The European Union observatory for Information Communication Technologies, The Legal Observations of the European Audiovisual Industries and The European industrial relations observatory.

The EU also operates a number of legislative databases which supply the full text documents. These are:

Prelex, tracking legal production procedures

The Legislative Observatory available on the site of the European Parliament and tracking acts as they are processed by the European Parliament.

Eurlex, which is a database of amended legislative acts.

To get an overview of what acts are in the 'pipe-line' it is possible to consult the Commission Work programme which is published on the internet every year.

The tools and the experience to operate a legal observatory for the cultural heritage sector is available. The only thing that is new is that we would specifically be focusing on how the legal acts could impact on cultural heritage conservation and sustainable development.

What the cultural heritage sector in Europe now needs is to decide to cooperate in financing and operating such an observatory. To work towards this goal is now the single priority of the Working Group.

The minimal observatory function presently run by the Working Group is highly inadequate and definitely not efficient enough.

The need now is to:

Initiate swift action to halt the increasing number of Directives and other normative rules impacting negatively on the European Cultural Heritage.

Assure that special consideration is given to cultural heritage in EU legal acts (directives).

And to make this possible

Initiate a structured cooperation between national competent cultural heritage authorities; Government agencies, in view of immediately financing and operating an observatory.

Obtain support for such observatory activity at the highest political level

In the spring of 2005, 9 European countries took the initiative to organise a European Association for Cultural Heritage Authorities. The first task for this association would be to run such an observatory. The plan is to have the association up and running by the end of 2006.

A final comment on the scope and need for extended cooperation between European cultural heritage players in general, and competent authorities specifically, is brought to

evidence in the struggle to change the Directive that creates problems for the use of traditional wood tar (Biocidal Products 98/8/EC). To try to change a directive after it has been amended and before it comes up for revision is costly in terms of manpower and, in this case also for necessary scientific laboratory tests. Here a co-financing between all the Nordic countries was achieved. Such co-financed ventures will likely become more common in the future and such financial co-operation is a new area for the heritage authorities.

Secondly, the Biocide case illustrates the need for mutual solidarity and support between countries. To achieve acceptance for a re-evaluation of wood-tar in the list of active substances the case had to be brought before the European Standing Committee for the directive. In this committee each country is represented by its competent authority for matters regarding environmental pollution. The decision of the Committee was critical. English Heritage had, in the case of wood tar, found that a prohibition of commercial use would have no effect on sustainable heritage management in their country. Even though the directive did not effect them English Heritage asked that the United Kingdom, as a member of the standing Biocide Committee, support the Nordic request for a special consideration due to 'local' cultural heritage necessities. This is the kind of non-national support and solidarity among cultural heritage players that will be needed in the future.

2.3.4 Integration of cultural heritage in the national legislation process

The activity of the Working Group has made us conscious of the need for heritage authorities to follow up the legal texts at national level. In some cases we have observed that national legislation based on directives that allow for special considerations in regards to cultural heritage, did not include this possibility. This was just forgotten by the national responsible government body.

At the national level there is also a need to assure that the special considerations are integrated into the national legislation and not forgotten by the competent authority responsible for the implementation of the directive.

National cultural heritage authorities need therefore be involved with the legal procedures in their country. Today, in most cases, the national competent authority for cultural heritage is not included in the list of government agencies participating in the consultation process of leading up to a revised national legislation!

Cultural heritage authorities should, in the future, assure that they are consulted in all legal procedures pertaining to pollution control, environment, health and security at the working and market place, etc. This is the only manner in which competent authorities can ensure that necessary special considerations for cultural heritage taken in Brussels are implemented also at the national level.

This is important even though other national agencies may argue that since the EU competencies do not cover the cultural heritage sector there is no need for such involvement. Of course, this means an additional working burden on cultural heritage administrations. But refraining from such an involvement may, on the other hand, have very serious consequences. In national legislation, as in EU legislation, discovering problematic consequences after the legislation is enacted is too late!

**Contributions, case studies, examples and at
the EC MEDICI Framework IX Conference;
including other relevant and updated
information**

3

Chapter 3 is divided into 3 parts. **The first part** treats the more principal questions. We have included an article from UNESCO which deals with the UN Conventions in this field as well as the new Convention for safeguarding the Intangible cultural heritage. The second article deals with the critical and general question of authenticity. In this article the authenticity problem is discussed in the light of demands for modern fire protection measures.

Authenticity is really the main focus of this publications. If the development of detrimental legal acts continues they erode the authenticity of our built heritage and as such, destroy much of its value.

The third article treats the subject of the economic value and the built cultural heritage. Here the built European heritage is evaluated only for its direct economic value. The fourth article treats the question of value in a larger development perspective, while including the economic effects too. The fifth article concerns social and economic effects of heritage conservation and use in the United Kingdom, as presented by English Heritage.

If the legal developments are detrimental to good conservation practises much of the attraction value that generates pecuniary values and willingness to spend, will gradually be lost. Subsequently, the economic benefits Europe now derives from its rich and numerous built heritage will also become reduced. The same is the case for the other social and development values that are documented. The articles 3 to 5 demonstrate what social and economic values, what employment and enjoyment potential Europe stands to loose if the legal framework continues to be detrimental to sound conservation practices.

The articles 4, 5 and 6 are presentations made at the conference Cultural Heritage Counts for Europe, Europa Nostra Forum, held in Brussels on December 7th in 2005. Articles 4 and 5 were part of the panel session on Cultural heritage and Sustainable Economic and Social Development. Chapter 6, is the concluding speech made by the President of Europa Nostra at the same event. We have included this speech because it gives the reader a very good overview of attitudes, political trends and potentials for cultural heritage policy development in the EU (at this time).

The second part deals with problems ensuing directly from the demands of specific directives. These articles were presented at different meetings of the working group. These articles deal with the specific problems posed by directives and/or national legislation.

The third part deals with subjects related to the legal problems. One article is on the consequences of standardisation in building technology and how this affects conservation practises. The two remaining articles deal with the topic of education and the scientific research for both conservation and questions of sustainable development.

**3.1 The general problems and the importance of culture
and its economic potential**

3.1

3.1.1 Cultural diversity and e-culture

Shinji Matsumoto

UNESCO, Sector for Culture

Culture and cultural diversity are central challenges of our time and issues in the international debate for the building of knowledge societies. A particularly important aspect to highlight is the relationship of the new concept of intangible cultural heritage to cultural diversity and its impact on the understanding of cultural heritage as a whole.

As for tangible cultural heritage a lot of endeavours for its conservation, preservation, and awakening of public awareness on its importance and significance have been made by UNESCO since its creation. A series of conventions such as the

Hague Convention (Convention on the Protection of Cultural Property in the Event of Armed Conflict, 1954),

Convention on the Means of Prohibiting and Preventing the Illicit Import,

Export and Transfer of Ownership of Cultural Property, 1970,

Convention for the Protection of the World Cultural and Natural Heritage, 1972,

Convention on the Protection of the Underwater Cultural Heritage, 2001,

are some examples of the outcome of such efforts. All such conventions and other international standards are aimed at the heritage which has physical shape.

In contrast with such heritage, cultural heritage without physical shape, such as oral traditions and expressions; performing arts; social practices, rituals and festive events; knowledge and practices concerning nature and universe; traditional craftsmanship has not been the object of conservation and preservation until recently. Hence, the Convention for the Safeguarding of the Intangible Cultural Heritage was adopted in the 2003 autumn session of the General Conference of UNESCO, which has recognized the distinctive character of intangible cultural heritage. Activities aimed at protecting World Heritage have thus two modi operandi now, i.e., existing "world heritage" and "intangible cultural heritage".

Most cultural expressions and cultural events that are now called "intangible cultural heritage" are the results of long series of historical experiences and influences from other cultures. They have a cultural distinctiveness of their own but

at the same time, they may hold meaning for peoples from neighbouring cultural communities.

Similarly, cultural digital contents are the result of interaction between the producer and the user and they give birth to spaces of collaboration and exchanges. Our heritage approach is being reshaped by the sense of flow inherent to digital culture and to intangible cultural heritage. Both reflect the cultural relatedness of all groups around the world and propose a functional role of cultural diversity in e-culture horizons.



Picture 1 Wilhelmine Amalia Library in Weimar after fire blaze

3.1.2 EU-Directives and their impact on authenticity of monuments

Dr. Wolfgang Kippes

Schonbrunn Castle Director

EU-directives are -politically spoken- a hot issue influencing all aspects of our daily life. In here I will not argue politically discussing the need or use of directives put up by the EU in general. Such directives are needed and useful strengthening harmonisation, no doubt.

Within the following presentation I will focus on aspects of fire protection of historic monuments and possible impact on monuments when following clear prescriptive and mandatory directives. This is meant to present only one set of problems and can be considered as impact of directives on historic monuments in general.

Some 4000 years ago King Hammurabi of Babylonia stated a directive in his still wellknown Code of Hammurabi as follows:

“In the case of collapse of a defective building, the architect is to be put to death if the owner is killed by accident; and the architect’s son if the son of the owner loses his life.”

“Today, society no longer endorses Hammurabi’s ancient law of retaliation but seeks, rather, to prevent accidents and loss of life and property. From these objectives have evolved the rules and regulations that represent today’s building codes and standards for fire prevention, fire protection and fire suppression.”(1) But at that time nobody took the problems of monuments into consideration.

The problem:

Imagine the baroque Palais of Duchesse Wilhelmine Amalia in Weimar (Picture 1) used as library furnished and decorated fully original. It was the place were Goethe worked most time of his life and has left an irreplaceable amount of reminiscents. When considering to upgrade fire protection measures in this building compartmentation is needed. In order to comply with modern prescriptive standards compartment doors will have to be replaced by modern standardised ones. Considering these needs consequently authenticity of the original will be lost in order to meet fire protection standards.

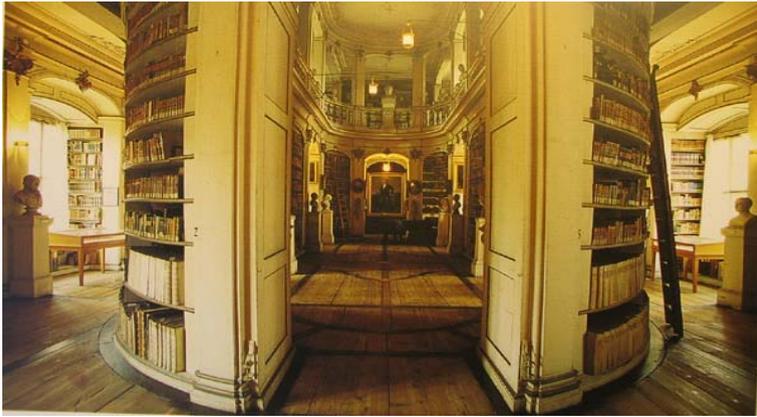
Does that make sense? The result would be a modern building losing historic evidence. This is what modern Historylands provide every day. On the other hand does that mean to refrain from upgrading fire protection measures totally? What is the middle course?

Starting point of discussion should be authenticity. What is authenticity?

Following the NARA Document on Authenticity (2), which was developed in 1994 based in the spirit of the Charter of Venice (3) from 1964, authenticity is the cumulated value of the original heritage items. This authenticity depends on the diversity of cultures and heritage in our global world as an irreplaceable source of spiritual and intellectual richness for all humankind. It “appears as the essential qualifying factor concerning values. The understanding of authenticity plays a fundamental role in all scientific studies of the cultural heritage, in conservation and restoration planning, as well as within the inscription procedures used for the World Heritage Convention and other cultural heritage inventories.”

According to the Appendix of this document there are two important suggestions to be followed:

“1. Respect for cultural and heritage diversity requires conscious efforts to avoid imposing mechanistic formulae or standardized procedures in attempting to define or determine authenticity of particular monuments and sites.



Picture 2: Wilhelmine Amalia Library before fire blaze

2. Efforts to determine authenticity in a manner respectful of cultures and heritage diversity requires approaches which encourage cultures to develop analytical processes and tools specific to their nature and needs...."

Back to Duchesse Wilhelmine Amalia:

The value of the baroque Palais of Wilhelmine Amalia and its authentic setting is the old and original quality. To imagine that Duchesse Wilhelmine Amalia herself has touched the doors and books, that she has discussed with Goethe how to build up the library contents and settings (Picture 2), that Goethe worked there for more than 40 years (Picture3).

And much more defines the authentic value of the original. And everything what can be done to keep this authentic value should be done.

The problem is how to keep authenticity of a monument and to protect the monument and people within in case of fire at the same time. Does the fact of being prepared for disasters following mandatory prescriptions always and automatically mean to destroy authenticity ? How to keep the authentic value of a monument and upgrade fire safety and improve safety aspects for all humans using these objects at the same time?

There are solutions for these prima vista contradictory needs. The problems for our cultural heritage and its authentic values occur whenever prescriptive standards are made mandatory. What is good and useful for new buildings and for the entire building industry usually presents a problem while keeping our heritage.

The solution is challenging in finding individual concepts for every monument or building. "In general, a true performance-

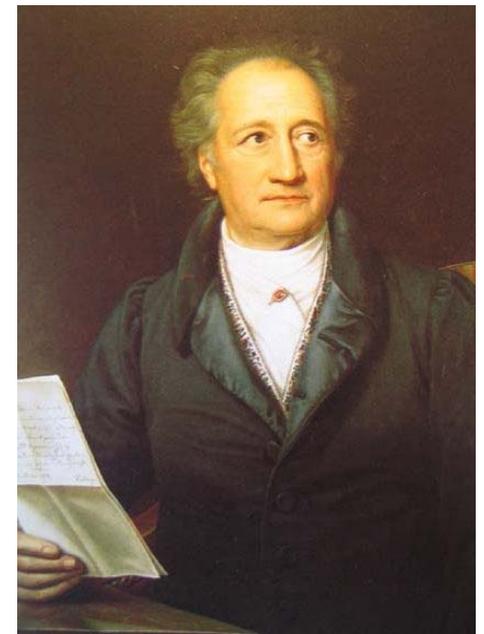
based code or standard explicitly states its fire safety goals and clearly defines the desired levels of safety or risk. Any solution that demonstrates completion of the fire safety goals would be permitted. Fire safety would be designed for a specific use or application, rather than for a generic occupancy. Means to achieve compliance with the code begin with a scientific understanding of fire safety, followed by proven engineering methods and calculations".

Although this is a rather new concept, there are many building and fire safety codes and standards open for alternative means of protection. They all have in common, that the level of safety defined by the document is not lowered compared with prescriptive standards.

"The primary incentive for employing performance-based design is to attain the required level of fire safety at reduced cost. Performance-based documents offer a means to accomplish this by increasing design freedom and addressing specific fire safety concerns. They remove many of the restrictions associated with prescriptive-based methods." (4) Regarding monuments and historic buildings the NFPA (National Fire Protection Association/USA) has already endorsed two codes. NFPA 909: "Code for Protection of Cultural Resources" was published in 2001 and NFPA 914: "Code for Fire Protection of Historic Structures" (2001). Both are written in a performance based approach and were very successful including their actual upgrades. The next issues are expected in 2005.

The concept of performance-based design is gaining momentum on a global scale. Within Europe the actual running COST (Cooperation in Science and Technology) Action C17: "Built Heritage: Fire Loss to Historic Buildings" is working towards a similar goal and is one of the most active initiatives present.

Practical solutions: Planning fire protection measures including an



Picture 3: Goethe in Weimar

automatic suppression system in Schönbrunn Palace the problem was how to avoid any intervention in valuable frescoes on walls and vaults. On the other hand within the groundfloor area there was no remaining original flooring, as this was destroyed by floods regularly in the past. Interventions in the floor were possible with-out major damage to authentic settings. The solutions developed were to be negotiated with the authorities having jurisdiction using "service columns" (Picture 4 and 5).

This solution meant not to cover the walls and the gap behind the service column with sprinkler water in case of fire but the improvement of fire suppression was evident, so authorities accepted.

When developing emergency exit signs new signals were accepted reducing the visible intervention on wall paintings behind (Picture 6).

In order to balance the minimal reduction of safety using these

alternative means negotiations with the authorities having jurisdiction concluded in a strict evacuation management plan to be trained regularly.

Conclusion:

The Performance based approach is more challenging but increasing use will result in greater benefit to research efforts and will improve transfer of technology.

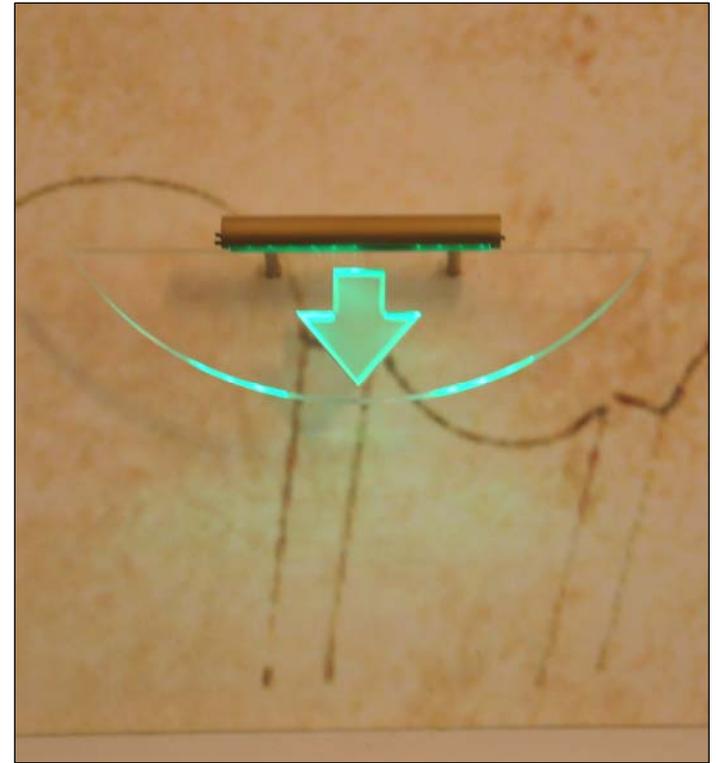
EU-directives are needed, but in order to keep the authenticity of monuments they will have to follow the performance based approach.



Picture 4: Purpose designed service column in Schönbrunn Palace



Picture 5: Purpose designed service column in Schönbrunn Palace detail



Picture 6: Emergency exit signage in Schönbrunn Palace

Bibliography:

(1) Arthur E. Cote / Casey C. Grant: Building and Fire Codes and Standards; in: NFPA (Ed.): Fire Protection Handbook; Quincy Massachusetts, 2000

(2) Charter of Venice 1964

(3) NARA Document on Authenticity 1994

(4) Milosh T. Puchovsky: Performance-Based Fire Codes and Standards; in: NFPA (Ed.): Fire Protection Handbook; Quincy Massachusetts, 2000

(5) NFPA 909: Code for Protection of Cultural Resources, Quincy Massachusetts, 2001

(6) NFPA 914: Code for Fire Protection of Historic Structures, Quincy Massachusetts, 2001

3.1.3 Cultural Heritage Monuments and historic buildings as value generators in a post-industrial economy

Dr. Terje M. Nypan

Directorate for Cultural Heritage, Norway

We, the government of the state wish to put and end to the unhealthy practise which has created much disgust, because one permits buildings to be destroyed and thereby robs the town of its majestic appearance. Therefore we command that buildings constructed by the old shall not be desecrated. Those police officers who do not intervene when monuments are threatened by violence shall, after they have been whipped, have their hands cut off.

Roman emperor

1. Economy – value – socio-economic theory

Every time cultural heritage contributes to artistic, educational or social development, it is a source of value: esthetical value, experience value, existence value for which the production implies economic movement, and not to take this into consideration would lead to a lack of fundamental understanding¹⁸.

When looking to set the value of cultural heritage objects we must make use of socio-economic theory. Cultural heritage must be treated as a (consumable) good. Further, according to socio-economic theory, cultural heritage objects are COMMON GOODS. Common goods are characterised¹⁹ by being:

Non-exclusive: A good is non-exclusive when a user cannot technically be stopped from enjoying / consuming that good.

Non-rivalling: The enjoyment / consumption of the good for one user is not reduced by more persons enjoying it simultaneously.

18 Culture et developement, No 141 – septembre 2003, Ministere de la Culture et du Communication, Direction de l'administration générale, Département des études et de la prospective.

19 "Valuing Cultural Heritage", Ståle Narverud, Richard C. Ready, Edward Elgar, Cheltenham UK, Northampton USA. ISBN 1 84064 079 0

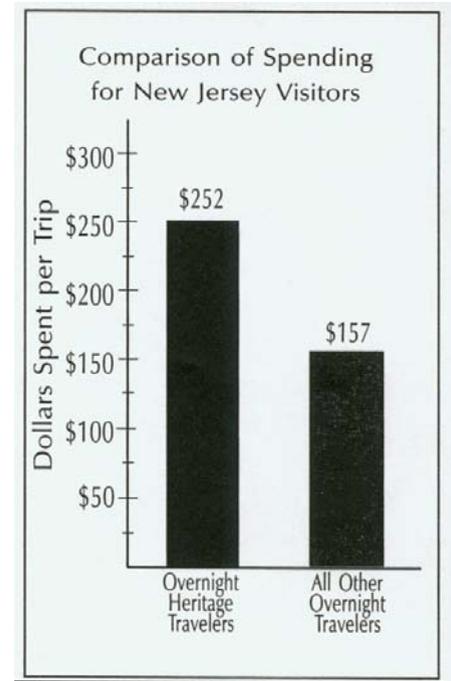
The private (and profit driven) market cannot produce or supply sufficient non-exclusive common goods. The reason is simple: if you cannot force someone to pay to consume a specific good you cannot generate any profit! If profit may not be achieved for a 'good' the mechanisms of the private market ensure that such goods are not offered on the (same) market. So, if the mechanisms of the private market alone decided, only those (immovable) cultural heritage (ch) objects with a high market value would be protected. The logic is similar for all common goods.

Now if this is the position of cultural heritage in a market, how do we find out what value that these goods have? From the perspective of value creation / definition there is no defined and unified methodology to specify the socio-economic value of cultural heritage objects. But standard economic calculation methods may be used to define the value of a cultural heritage object – or better an aggregated group of cultural heritage objects.

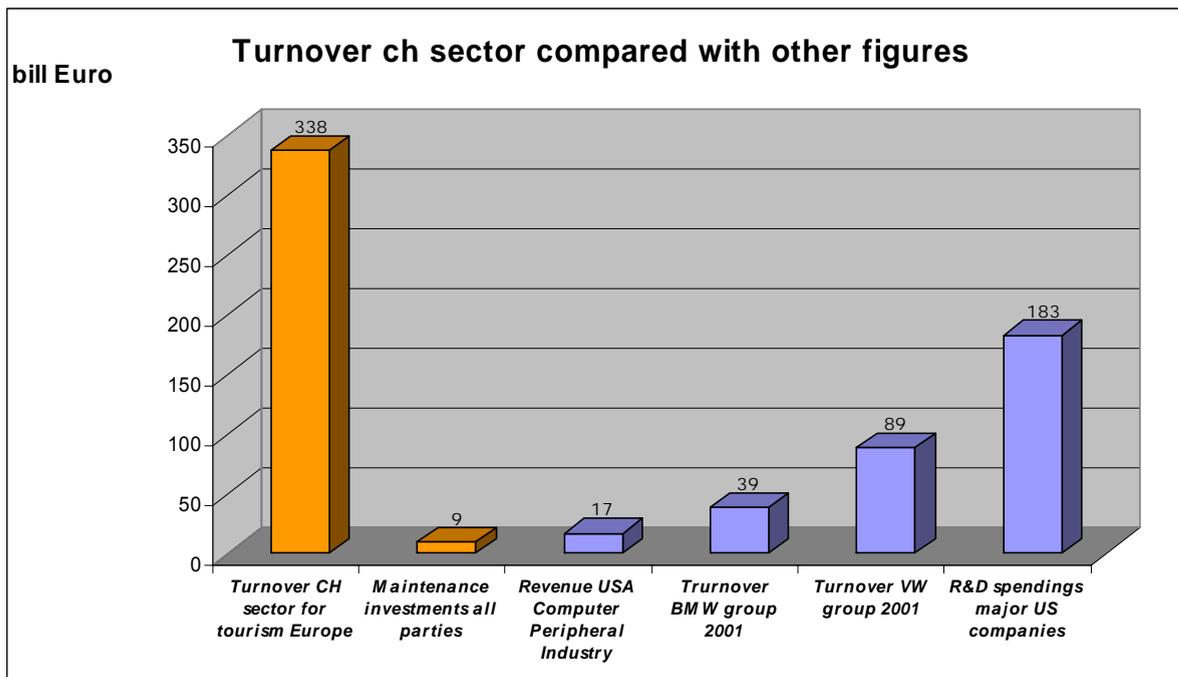
"The value a consumer gets by consuming a market good is equal to the highest sum of money the consumer is willing to pay to secure that good for his own consumption."²⁰

Consequentially the value of a cultural heritage good is the highest sum of money a 'consumer' is willing to pay to ensure the possibility to enjoy (consume) the good. This is the use value of the good. But, as other common goods, cultural heritage is a '**non marketable good**' and also a '**non-renewable good**'. The final estimation of value must also take into account what we can call a **non-use value**.

20 Ibid.



Picture 6: Spending of cultural heritage tourists and other tourists/travellers



Picture 8: Turnover of cultural heritage sector compared to some other sectors

In conclusion, the value of such goods must be defined by analysing to types of values: Use value and Non use value. In this article we will concentrate on trying to analyse the use value of cultural heritage from a social economic perspective. The non-use value is a value that must be added to the use value to achieve a correct picture of the total value of cultural heritage to society. This is not done in this article.

Usually studies of ch and its economic effect work with the following indicators:

Turnover, Employment (direct and indirect) and Frequentation (number of visitors).

There are a number of different approaches used too; such as: Basic cost studies, Economic impact studies, Contingent valuation and choice modelling and Regression analysis: hedonic, travel cost and property value studies. In this work we have chosen to analyse the sector based on the turnover and employment capacity as primary indicators.

2. Turnover of sector

Cultural heritage has great value for other industries. Cultural landscapes townscapes and individual buildings are used at input or a backdrop for many PC games, for the film and television industry and by businesses in their marketing and customer relation building activities when they organise

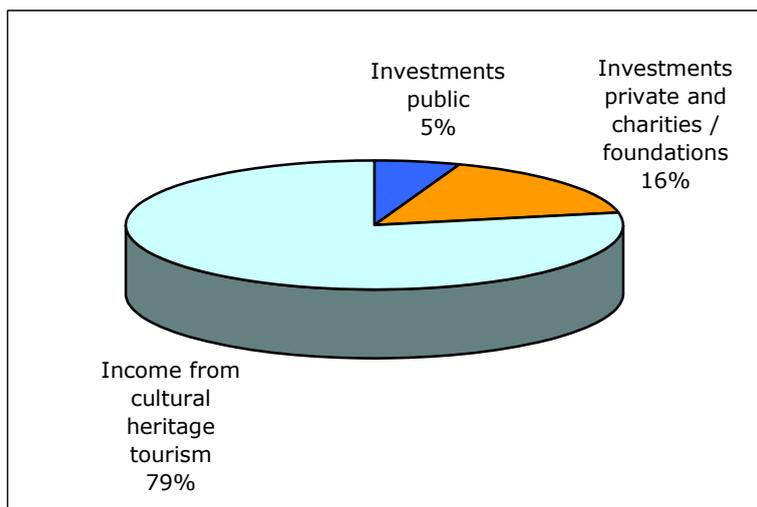
spectacles and PR/reception activities for clients in old monuments. What this use value is not calculated here, but needs to be mentioned.

The tourism sector is the 'industry' that to the greatest extent uses cultural heritage as support for its backbone activities like hotel accommodation, transport and catering. Cultural heritage is a major contributor to the income from tourism, which stands for 5,5% of the EU GDP, generates more than 30% of its revenues from trade in external services, and employs 6% of the EU workforce. Tourism has an expected growth rate is 57% in the period 1995-2010²¹

There are clear indications that the dedicated cultural heritage tourist spends more money when travelling than other tourists. Data from New Jersey (USA) shows that their daily spending is 60% higher than other tourists / travellers. The employment is caused by the production line 'cultural tourism' and is tied to the fact that as use of cultural heritage increases the need for employment in the hotels, restaurants and in the transport sector. (Picture 6).

The The value of the cultural heritage flows to other businesses than cultural heritage itself. Even in those cases where entrance fees are demanded to access a cultural heritage site the problem of defining the total value based on earnings from tickets, souvenirs or other income bringing activities at the site remains. The reason for this is the difference between spending at the site (direct earnings) and the spending outside the site. All the money a visitor to the site spends on getting there, eating and (possibly) staying overnight, constitutes the "sum of money the consumer is willing to pay to secure that good for his own consumption", this sum total is part of the economic value of that cultural heritage site.

21 (EU High level Group, 1999).



Picture 9: Elements in the turnover of the CH sector

But we know²² that only 6 to 10% of the total spending is left at the site. Further, It is interesting to note that of the total number of jobs only 16,3%²³ are situated on the cultural heritage site itself.

To arrive at some kind of figure for the turnover of the cultural heritage sector we used the following approach. We took the number of tourist arrivals to Europe in 2002, assumed they stay for 16 days, on an average, that they visit at least one museum or historic building during their stay. We also assessed their daily spending (overnight, food and drinks) at 150 Euro per day per person. We did not include the cost of their travel to their destination or any travels between different destinations during the stay. Local transport use as well as one entry to a museum²⁴ etc. was calculated per stay²⁵.

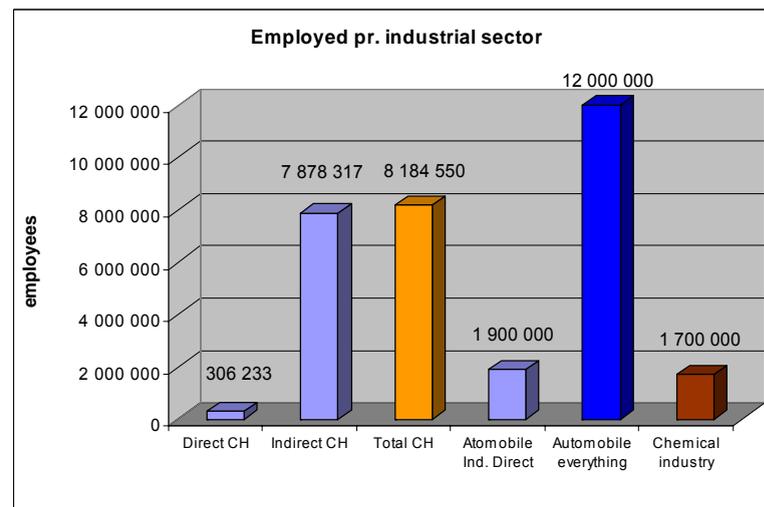
So this gave us an idea of the sums of money used, but how much of this sum could be assigned as value to cultural heritage? Here we were forced to make a definition of what consumption of cultural heritage is and subsequently how much of their time is spent consuming this good. We defined consumption of cultural heritage as visiting museums and site,

22 Studies done by English Heritage and Norwegian Directorate for Cultural Heritage

23 Xavier GREFFE, La valorisation économique du patrimoine, Rapport au Dep et à la Dapa, Paris, Ministère de la culture et de la communication, 2002.

24 Local transport and sundries at Euro 20 per day, museum/gallery visit at Euro 20 pr stay.

25 We also know from other studies that there is a great potential for more rational and less costly maintenance of ch, this sum is 1,9 billion Euro. This sum was added to the value. Norwegian Directorate for cultural Heritage, 2001.



Picture 10: Employment; direct & indirect and other sectors Source: DCH Norway, European Automobile Association, European Chemical Industry

of course, but also included the choice of a café to take a drink when the surroundings are historical, architectonically interesting or a beautiful cultural landscape. Sitting down to eat or drink, or just walking and 'taking in' the surroundings is cultural heritage consumption. Based on this we stipulated, on an average, that 30% of the time is spent consuming cultural heritage. In sum we found that turnover (mostly) from tourism due to cultural heritage is Euro 338 billion, at European level²⁶

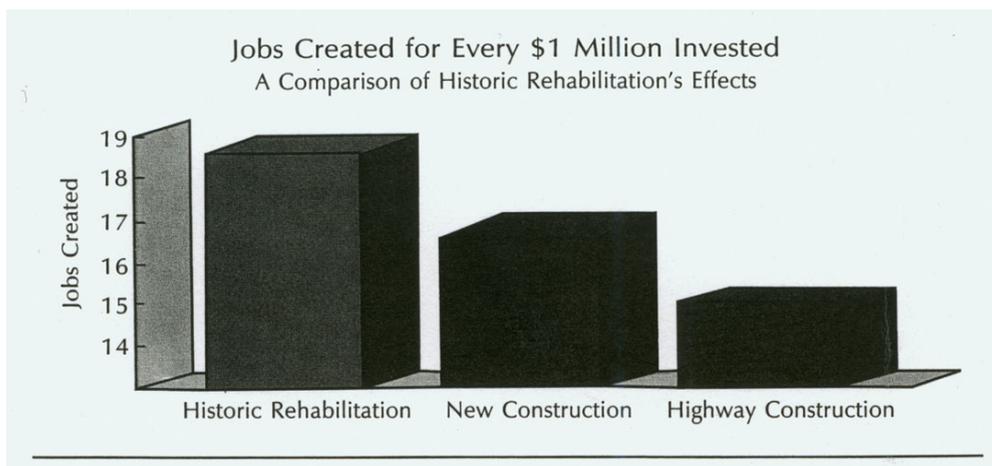
79 % is turnover due to tourism, 16 % is investments in maintenance etc. from private owners, charities, foundations etc., and the remaining 5% is investment made by public and governmental bodies (Picture 9).

3. Employment in CH sector Europe

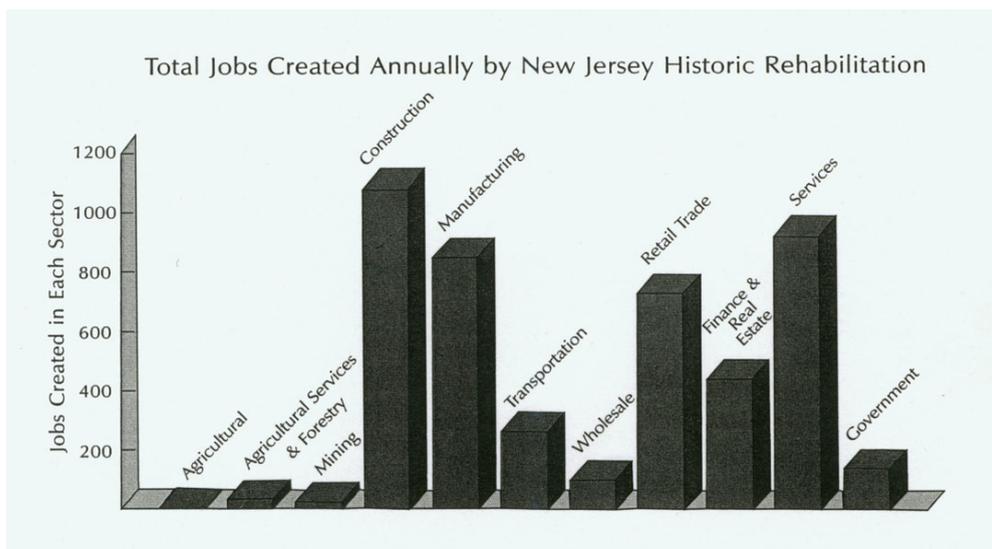
Based on a survey carried out in the spring 2003, we received information on the cultural heritage sector from Norway, Sweden, Finland, Denmark, The Netherlands, United Kingdom and France. We used this information to stipulate direct employment for those countries not participating in the survey.

The number of directly employed is 306.000. Probably the number of direct employed is even larger.

26 By European level we here mean EU countries, EEA countries and the new member countries from June 2004.



Picture 11: Job-creation, comparison between historic rehabilitation and other sectors, source: New Jersey Historic Trust -1998



Picture 12: Employment creation through historic rehabilitation by profession / sector, source: New Jersey Historic Trust -1998

Indirect employment effects amounts to 7,8 million man-years.

In total, more than 8 million jobs in the EU are sustained by the cultural heritage sector.

In France²⁷ more than 40.000 craftsmen work on repairs and maintenance of the cultural heritage. A study from France demonstrates such calculation.

Another important element to consider in a post-industrial economy is the labour intensiveness of a sector. In all major industrial sectors the tendency is for increased production with a reduced work force. This is a general trend, and is partly responsible for the unemployment problem Europe is facing today. The cultural heritage sector, including tourism is, on the other hand very much a labour intensive sector. Further the whole sector is characterised by a huge backlog on necessary maintenance work, so the sector has the potential to employ many more people.

In Table 1 we see that the cultural heritage sector creates app 26,7 jobs for every direct one, compared to the auto industry where the factor is only 6,3. Of course, these figures may be more correct, if sufficient data was available, but presently they are excellent indicators of the employment potential of cultural heritage maintenance.

The ability to create additional employment for every direct one is called the multiplier effect. What the size of this multiplier is heavily debated. Different studies come up with different numbers, depending on their analytical approach and / or the site which is being studied. The multiplier in the cited French study by Greffe X. is 17,1%. It is interesting to note that of the total number of jobs only between 9% to 16,3% are situated on the cultural heritage site itself; i.e. direct employment.

The World Bank also develops studies of economy and cultural heritage along these lines. Their figures are clear; in the USA building rehabilitation is a much better option than manufacturing industries in regards to generating job, household income and value added to the economy than the manufacturing industry.

²⁷ 'Les vieilles pierres valent de l'or', Journal du Dimanche, February 11, 2001, French Ministry of Culture and Communication, 2000.

Another comparison of the economic effect of historic rehabilitation on job creation compared to other sectors has been done by the New Jersey Historical trust in co-operation with Rutgers University. Their findings are given in Picture 15²⁸.

Their findings show that historic rehabilitation is a more effective instrument for job creation than both construction of new buildings and highway construction.

Percentage jobs created for USD 1 Million:

Highway construction equals 100%

Historic rehabilitation 126 %

New construction 110%

One critical effect to be considered when launching actions to generate employment is to what extent such actions generate jobs concentrated only in one sector or if the policies are able to spread jobs out over more sectors. The last option is usually considered the best for a balanced social development.

Investment in historic rehabilitation counters limiting job creation to one, or very few, economic sectors. This 'spreading' effect is demonstrated in Figure 12.

Part of the production line	Number jobs (man/years)	In % of total
Direct employment / Emplois directs	43 880	8,38%
Indirect employment in the sector / Emplois indirects en travaux de conservation/entretien ²⁹	41 714	7,97 %
Employment from tourism / Emplois en retombées touristiques	176 800	33,79 %
Employment generated in other industries / Emplois induits dans les autres industries	260 830	49,85 %
Total for France	523 224	100,00 %

Table 1: Jobs in the cultural heritage production line; France Source : Xavier GREFFE, *La valorisation économique du patrimoine, Rapport au Dep et à la Dapa, Paris*

28 New Jersey Historic Trust, 1998 etc. Baseline data requested. % may therefore deviate +/- 3-5%

29 In this paper these are considered in the category direct employment.

Indicator. Benefits from USD 1 million invested in		
	Manufacturing Industries	Building rehabilitation
Additional jobs (number of jobs)	21,3	31,3
Additional household income (US dollars)	553.700	833.500
Value added to economy's output (US dollars)	1.109.665	1.402.800

Table 2: Socio-economic value created Building rehabilitation vs Manufacturing industries (US)³⁰, Source: Rypkema 1998

4. Return on investment

Economic sectors are classified through their ability to generate return on investments. We will analyse a couple of cases and go through some data on income and job creation to look at this capacity of the cultural heritage sector.

The Borgund stave church

An example is analysed for the Borgund stave church. This 800 years old church needs, on an average, app 2 million NOK for to finance operations and maintenance every year. This includes staffing in the season.

The church is considered an expense for society because it does not generate sufficient income to cover maintenance and staffing costs. Income from tickets at this, after Norwegian conditions well visited site, is only NOK 1.75 million. Seen in this manner the 800 years old church is an expense.

To visit this church you need to travel to Lærdal in western Norway and most tourist stay overnight. All who stay overnight visit the church. The church is the 'magnet' that bring (almost all) travellers to Lærdal. Hotels and camping are closed in the winter season and all their income is restricted to the (tourist) season. As such the church is instrumental in generating income for other activities in Lærdal; hotels, camping, souvenirs, retail, transport, etc. The relation of the income factors of Borgund stave church is illustrated in Figure 13.

We can calculate³¹ that:

30 'Cultural Heritage and Development, A framework for Action in the Middle East and North Africa', The World Bank, 2002, ISBN 0-8213-4938-4

31 Notes: Suppliers and public administration / government calculated by use of 'NHO model' (NHO is Norwegian Confederation of Business and Industry) Personal income calculated at



Picture 23: Borgund stave church

Borgund stave church is instrumental in generating 168 man years pr. year.

This employment again generates NOK 11 million in tax income to society pr. year.

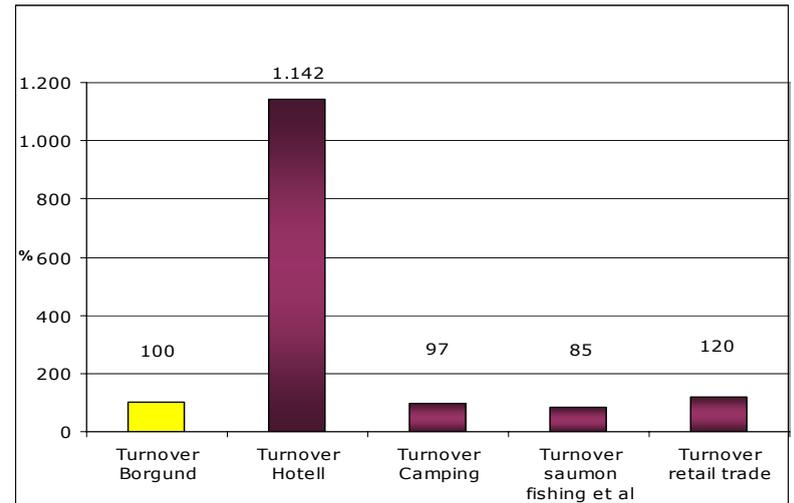
The turnover generated to society, including the church with its 15 employees, is NOK **27 million** pr. Year, 1.250 % higher than the turnover generated by direct ticket income at the church site.

If we calculate the return on the public investment in the church, based only on the tax income – the money that goes directly to public authorities – we arrive at a return on investment figure of 628,5 % return on the yearly investment.³²

Income created by investments

average salary of NOK 220.000,- (Euro 27.500). Taxes calculated on the basis of average income tax of 30%.

32 NDCH Internal paper 2002. and NOU 2002: 1, 2002-02-01 Fortid former framtid Utfordringer i en ny kulturminnepolitikk. Norwegian Government Studies, 2002:1'The past shapes the future. Challenges in a new cultural heritage policy'.



Picture 14: Relation in % between turnover Borgund and related activities²⁶.

In a study from The New Jersey Historic Society looks at on investment from historic rehabilitation. Their focus is on income creation and job creation³³ per invested unit. The result of analysing income created through investment in historic rehabilitation their results is shown in Figure 15.

1 Mil USD invested in highway construction creates app. 600.000,- in income. The figure for historic rehabilitation is app. 660.000,-. If, in percent Highway Construction is 100%, the figure for New Construction is 96 % and for Historic Rehabilitation 110 %.

Historic rehabilitation generates 10% more income to society that highway construction, and 14% more than constructing new buildings.

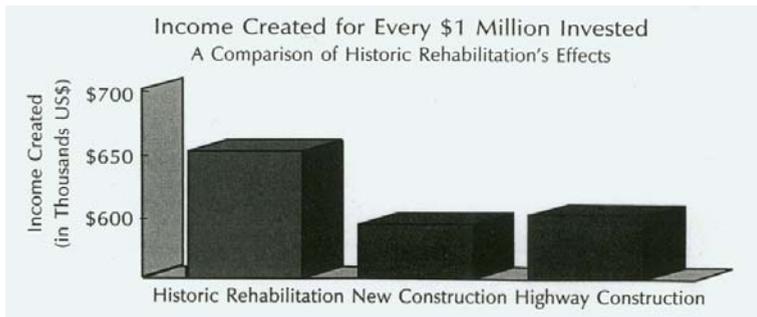
Capitalisation of investment - French abbeys and castles

In France the most important castles and abbeys alone are responsible for 15 % of the foreign income from tourism in France, or € 15.1 billion (year 2000)³⁴. French central authorities state they use € 285.million ³⁵ every year for rehabilitation and maintenance of protected cultural heritage objects. To this we must assume that private and non-

33 See Figure 10 on jobs created by investment in historic building rehabilitation.

34 'Les vieilles pierres valent de l'or', Journal du Dimanche, February 11, 2001. Source: French Ministry of Culture and Communication, 2000.

35 Data from NDCH survey May 2003, source French Ministry of Culture and Communication.



Picture 15: Income created by investment in historic rehabilitation compared to other economic activities

governmental bodies add twice that amount, or € 570 million. In total this is € 855 million.

Now, of course not all this investment goes to the most important abbeys and castles, but let us for the sake of making a calculation, say that these abbeys and castles receive 70% of this money; i.e. € 598.500.000. The net return on this investment is app. € 14.5 billion. Based on this, the capitalisation factor³⁶ is 2.424%. But just to demonstrate the need for more reliable data, the investment factor would increase to 2.843 % if the abbeys and castles received 60% of the money.

Looking at the effect of only the public investment; as a trigger releasing the remaining funding and income, we will get different figures. For the money invested by public administrations alone; if 70% goes to major castles and abbeys, the capitalisation factor is 7.569%!

If we use similar calculation for the Borgund stave church, assuming that 2 million for maintenance etc. is paid by the public administrations every year, the capitalisation factor for this investment would be: 1.350 %

Let these examples also be a reminder of our need for more reliable and valid data for the cultural heritage sector. As the example demonstrates we have some figures but are lacking critical data elements allowing us to make precise calculations based on empirical facts, analyse and fully exploit our findings.

So when we state that investments in maintenance and upkeep of CH buildings are capitalised to society at a rate of 1/10, we are making a conservative statement relative to the figures of our calculations.

³⁶ Income minus investment, in % of invested funds.

5. Other economic effects of historic rehabilitation

We would here just like to mention some other economically beneficial effects of historic rehabilitation, which has not been included in our examples so far.

5.1 Lime and cement treatment of facades. Lime based treatment has a better environment profile, seen in a lifecycle perspective than cement treatment. Lime uses only half the amount of energy and generates only half the amount of 'greenhouse effect' as cement. Lime gives only 1/16 as much acidity, 1/19 as much seeping of minerals to the soil. After use the cement must be transported to a special depot while lime can be used directly for soil improvement³⁷.

5.2 Maintenance costs. If you lime wash the facades of a town apartment house, instead of using plastic based painting, the yearly maintenance costs will be reduced by 50% in a perspective of 100 years. Or, put differently, in a long-range perspective it is 2 times as expensive to use plastic paints as compared to lime wash paints. In addition lime contains no poison and no threats to the environment³⁸.

5.3 Waste. If you rehabilitate a town apartment house you produce app. 7 tonnes of waste material. If the same apartment house is torn down / demolished and a new house is produced you produce 8.703 tonnes of waste. Or 1.243 times more waste!³⁹

5.4 Raw material for entertainment industry

Many movies and television films need a historic backdrop; they need a historic location to shoot scenes. For this there is extensive use of historic and protected buildings, for authentic and historic cultural landscapes and townscapes. We have not calculated the value derived from such use of historic environments and individual buildings. For one French castle alone, the income from one single film production was Euro 11 million in 2004.

A number of PC-games also make use of historic buildings, maps, clothing etc. for their games and their historical setting. The value generated by such use of cultural heritage has not been calculated.

³⁷ Source: Norwegian Building Institute 8880/01

³⁸ Source: Norwegian Building Institute 212/1997

³⁹ Source: Norwegian Building institute 09901/01

6. Some methodological and political considerations

Political and social considerations

The World Bank⁴⁰ states:

“Improved management of patrimony assets can yield a spectrum of multiple, distinct, and incremental benefits. Broadly these can be divided into economic and non economic high impacts, as follows:

Economic impacts:

- Positive impact on poverty reduction
- Positive impact on national employment levels
- Positive impacts on total outputs and revenues levels from cultural industries and service industries
- Positive impacts on foreign exchange earnings

Non economic impacts

- Beneficial impact on educational levels and identity cultivation
- Beneficial impacts on social cohesion, inclusion and social capital development
- Beneficial impact on continuously enlarging the nation’s cultural patrimony
- Beneficial impacts on safeguarding and substantially conveying the heritage to future generations

Both sets of impacts or benefits are tremendously important.”
(...)

“The economically ‘capturable’ values of cultural assets depend on the worth people tend to assign to them. Good heritage management can enhance these values and make them easier to harvest, while safeguarding the assets effectively. Far from being just a liability to national budgets, as some one-sidedly regard it, the patrimony is – and can increasingly become – a “value-adding” industry. (...) Preservation is an essential premise of good CH management, but management adds value to and builds on preservation, making the preserved assets more accessible to larger number of people. This is why heritage management and tourism must collaborate.”

From this we can conclude as we started:

(the value)... is equal to the highest sum of money the consumer is willing to pay to secure that good for his own consumption.

The economic value of a ch object is a relative value. This again implies that the value may increase with increasing ‘popularity’ of an object, and vice versa. The value will also increase as the object is put to use in an economic ‘production line’. Some may think that this fact underscores the exploitable nature of cultural heritage as a ‘tradable good’. But it does not. The World Bank writes about ‘capturable’ and ‘non capturable’ values. Behind these different values lies the indefinable authenticity of the building or monument.

Professionals in the ch sector are convinced that it is this ‘authenticity’ which is the single most critical factor for the object when it comes to the ability to generate economic value. They are convinced that it is authenticity which is the principal creator of the “worth people tend to assign to them”. That is why the need for authenticity is so strongly underlined in all international charters and conventions on the cultural heritage.

It follows from this reasoning that the political framework in which the cultural heritage professional’s work is of great importance for the possibility to generate economic benefits from cultural heritage (buildings). The European Union politics of harmonisations of national laws (Directives), has in many cases been detrimental to keeping this authenticity.

If the EU wishes to maximise the economic benefits of exploiting cultural heritage the legal framework must permit interventions in the field of maintenance and restoration using the appropriate old techniques, tools and materials. This is often not the case today, as the lawmakers have no idea of the particular demands of the ch sector and the ensuing economic benefits. But this is the only way in which most authenticity may be kept in the future. When we are discussing the economic and development potential of cultural heritage we are definitely not discussing the economy of a ‘Disneyland’ construction.

It is also interesting to note that as a real estate value of the built cultural heritage does not have the importance it should have in calculating national wealth or the national fortune. Most national bureaus of census do not calculate the value of buildings which are more than 100 years old. This of course also offsets taking cultural heritage into account. In one case the maintenance condition of such old buildings as a sustainability indicator was refused on the ground that the national bureau of census did not take these values into account!

Methodological research considerations

⁴⁰ ‘Cultural Heritage and Development, A framework for Action in the Middle East and North Africa’, The World Bank, 2002, ISBN 0-8213-4938-4, page 45-46

We observe that the number of economic studies of culture and cultural heritage are on the increase. Cultural heritage is increasingly seen as a 'tool' for employment creation and regional development.

But the methodology is still being developed and in most cases the empirical data is lacking or 'impossible' to get.

"The economics of preservation is an embryonic field compared with research in other economic disciplines, and the research is currently weighed heavily towards advocacy. The paper concludes with a call for more development in the field to be able to more objectively answer the question: Does preservation pay? Toward that end, the paper calls for a hybrid of the most promising methods and more collaboration across research fields. By combining methods, the particular shortcomings or blind spots of different methods can perhaps offset one another. Without further refinement, the ability to make conclusive, generalized statements about the economics of preservation will remain elusive."⁴¹

In this conclusion we must also emphasise the following important facts which are also weaknesses in this study:

These studies and the figures given are of an explorative nature. From a social science methodology point of view the empirical data is insufficient to be able to satisfactorily verify the figures and conclusions.

In this paper we have chosen the approach we sometimes call 'follow the money'. We have calculated tourist spending conservatively, but we have made an assumption about time spent consuming cultural heritage. We are in need of more data to substantiate the consumer patterns of tourists. On the other hand, we have sufficient data to develop hypotheses for future testing. This is exactly what needs to be done.

More research needs to be done to verify what the present explorative study expounds. The first step would be to collect all the available empirical data which is presently 'lying around' in national administrations, tourist institutions and NGO's working with cultural heritage.

We have tried to make conservative estimates and not exaggerate; taking into account the methodologically inadequate empirical data and the ensuing need for

calculations and stipulations. Similarly our conclusions are also based on not wanting to exaggerate. In all I believe the figures are conservative rather than radical. But, anyway, these findings need to be substantiated through more valid and reliable empirical data.

7. The economic effect – summing it up

88 % of 3.000 persons asked are of the opinion that the historic environment is of importance for initiating new jobs and to get the economy geared up⁴².

The most important findings of this paper are:
Historic rehabilitation creates 13% higher return on investments than new construction and 16,5% more jobs. It also produces 1.243 times less waste.

Historic rehabilitation creates app. 10% higher return on investments than highway construction and 26,6% more jobs. The ch sector creates app 26,7 jobs for every direct one, compared to the auto industry where the factor is only 6,3.

Cultural heritage tourism generates incomes in trade and services to Europe in the order of Euro 335 billion pr. year. The European cultural heritage sector assures employment for more than 8.000.000. persons.

Investments in maintenance and upkeep of cultural heritage buildings are capitalised to society at a rate of 1/10.

Only 6-10% of daily spending left at cultural heritage site, the remaining money flows to society around the site. Only 10-15% of the jobs are directly on the site or directly related to the site.

Terje M. Nypan
Oslo 25.10.2005

41 'Economics and Historic Preservation; a Guide and Review of the Literature', The Brookings Institution, Randal Manson, University of Pennsylvania, 2005.

42 Source: Historic Environment Review Steering Group; Power of place. The future of the historic environment. 2002

Literature / Sources:

“Valuing Cultural Heritage”, Ståle Narverud, Richard C. Ready, Edward Elgar, Cheltenham UK Northampton USA. ISBN 1 84064 079 0

«La valorisation économique du Patrimoine », Xavier Greffe, Ministère de Culture et Communication, Paris, France 2003. ISBN : 2-11-094274-6

«Economics and Historic Preservation; a Guide and Review of the Literature”, The Brookings Institution, Randal Manson, University of Pennsylvania, 2005

«Cultural Heritage and Sustainable Economic and Social Development”, Donovan D. Rypkema. Lecture given at European Cultural Heritage Forum, Cultural Heritage Counts for Europe, Europa Nostra, Brussels, Belgium, December 7, 2005.

http://www.europanostra.org/downloads/speeches/donovan-rypkema_keynote_address_07dec_05.pdf

Data & input from:

New Jersey Heritage, USA

English Heritage, United Kingdom

Directorate for Cultural Heritage, Norway

Ministry of Culture and Communication, France

Politecnico di Milano, Italy

Cultural Heritage Board, Sweden

Monumentenorg, Netherlands

Kulturarvstyrelsen, Denmark

National Board of Monuments and Sites, Finland

EU High level Group on Tourism, 1999

3.1.4 Cultural Heritage and Sustainable Economic and Social Development

Donovan D. Rypkema

Heritage Strategies International, USA

Thank you. I am both honored and humbled to be here. Honored because of the distinguished people who have also been invited to appear. But humbled, frankly, because I'm American. It is almost presumptuous to think that I have anything to add here. The rest of the world has learned the importance of cultural heritage from you. In America we're obsessed with the rights of ownership; in Europe you have always understood the responsibilities of stewardship. This session is entitled Cultural Heritage and Sustainable Economic and Social Development, but there is no sustainable development – economic, social, or any other kind – without stewardship. You've understood that for centuries; we've barely scratched the surface.

There is a sustainability movement in the United States but it has been dominated by an environmental movement that defines far too narrowly what sustainability means.

But if we don't get it in the United States, others do. King Sturge – an international real estate firm headquartered in England – has been a leader in broadening the concept of sustainable development. Their framework for sustainable development certainly includes environmental responsibility but also economic responsibility and social responsibility. I'm going to take the liberty of expanding the third category into social and cultural responsibility.

They further identify these important nexus: for a community to be viable there needs to be a link between environmental responsibility and economic responsibility; for a community to be livable there needs to be a link between environmental responsibility and social responsibility; for a community to be equitable there needs to be a link between economic responsibility and social responsibility.

When we think about sustainable development in this broader context, the role of heritage conservation becomes all the more clear.

A section of your paper – Cultural Heritage Counts for Europe – states, "Cultural heritage has multiple benefits of Europe

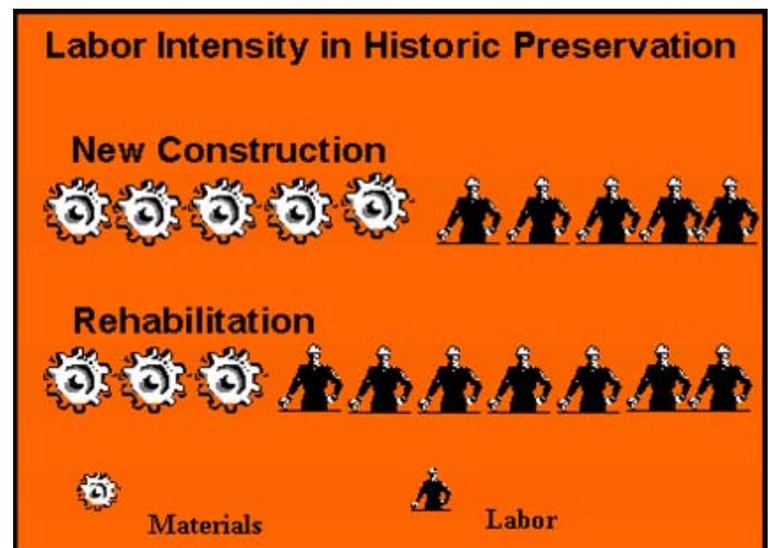
today". What I offer today are some findings from around the world that demonstrate why you are right, why preserving cultural heritage provides environmental sustainability, cultural sustainability, and economic sustainability.

Which brings me to the most important thing I'll say all day: in the long run the economic impact of heritage conservation is far less important than its educational, environmental, cultural, aesthetic, and social impact. In the long run, none of us particularly cares about the number of jobs created in building the piazzas of Florence. In the long run, those other values of heritage conservation are more important than the economic value. But as the great British economist John Maynard Keynes said, "In the long run we're all dead."

In the short run, however, many of those who have the most influence on what happens to our heritage resources – property owners, members of parliament, bankers, investors – do care about the economic aspects of heritage buildings. It is often through the door of economic impact that those decision makers become advocates for heritage conservation on other, more important grounds.

But even in an economic context, the value of heritage resources is not limited to the short term. I'd like first to give you examples of some short-term economic impacts of heritage conservation, then move to more long-term implications.

We'll begin with the short term – the five major measurables of economic impacts of heritage conservation: 1) jobs and household income; 2) center city revitalization; 3) heritage



tourism; 4) property values; and 5) small business incubation.

First, jobs and household income. I work as an economic development consultant. The top priorities for economic development are creating jobs and increasing local household income. The rehabilitation of historic buildings is particularly potent in this regard. In the US new construction will be half materials and half labour. Rehabilitation will be sixty to seventy percent labour with the balance being materials. This labour intensity affects a local economy on two levels. First, we buy a plumbing system from Ohio and lumber from Oregon, but we buy the services of the plumber and the carpenter from across the street. Further, once we install the plumbing, the plumber doesn't spend any more money. But the plumber gets a hair cut on the way home, buys groceries, and joins the YMCA – each recirculation that pay check within the community.

The Swedish International Development Agency has funded projects in the West Bank in Palestine where they've found that every \$100,000 project typically provides 3000 to 3500 workdays, with labor constituting around 70% of the total expenditures. In Australia, they've concluded that heritage conservation is more labor intensive and also stimulates the development of traditional trades and skills.

Some think economic development is only manufacturing. So let me use the State of Tennessee as a typical example. For every million dollars of production, the average manufacturing plant in Tennessee creates 28.8 jobs. A million dollars spent on new construction generates 36.1 jobs. But a million dollars rehabilitating an historic building? 40 jobs. A million dollars of manufacturing output adds \$604,000 to

local household incomes. A million dollars in new construction – \$764,000. A million dollars of rehabilitation? Over \$826,000

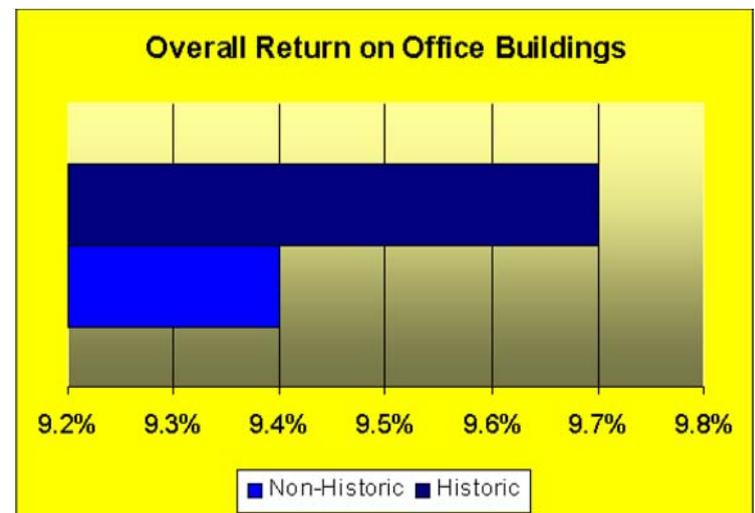
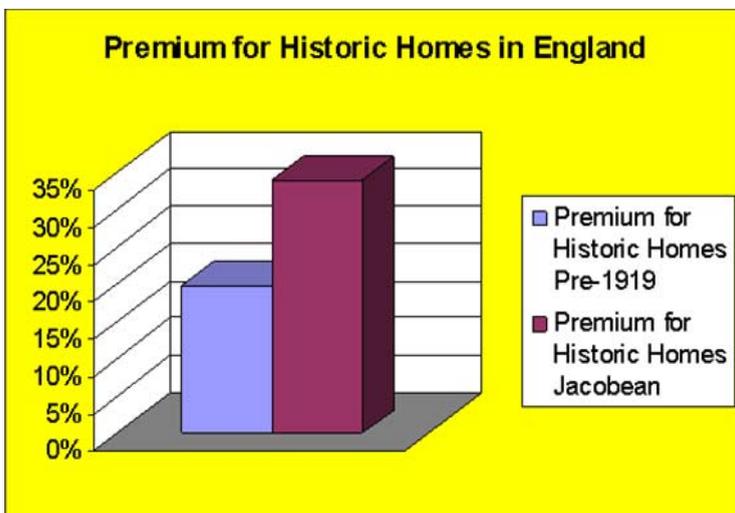
In Norway, historic rehabilitation creates 16.5% more jobs than new construction and every direct job in the cultural heritage sector creates 26.7 indirect jobs, compared to the auto industry where the factor is only 6.3 to 1.

But there's even a subtler issue regarding jobs in heritage conservation – they are generally well paying jobs, and globally there is a scarcity of the required skills. A study in Great Britain identified the need for an additional 6,500 workers in the next 12 months to meet immediate demand. The Norway Directorate of Heritage identified a huge backlog of necessary maintenance work, and too few trained people to do it.

The significance and the opportunities for restoration artisans cannot be overstated. In France, 40,000 craftsman work on repairs and maintenance of the cultural heritage. The Aga Khan Trust is funding projects in the Islamic world which are reviving traditional skills, generating new jobs, and providing on-the-job training. In Halmstad, Sweden, restoration work has put long-term unemployed back to work and provided training for immigrants, apprentices, and women.

Ultimately, economic development is about jobs, and heritage conservation not only provides jobs, but good jobs, and many more workers are needed.

The second area of the impact of heritage conservation is center city revitalization. There is a resurgence of downtowns all over America. But I cannot identify a single example of



sustained success in downtown revitalization where heritage conservation wasn't a key component. Conversely, the examples of very expensive failures in downtown revitalization have all had the destruction of historic buildings as a major element.

The most cost effective program of economic development of any kind in the US is a program of the National Trust for called Main Street – commercial district revitalization in the context of historic preservation. 1700 communities in all 50 states have had Main Street programs. Over the last 25 years the amount of reinvestment in those communities has been \$23 Billion. There have been 67,000 net new businesses created generating 308,000 net new jobs and 94,000 building renovations. Every dollar invested in a local Main Street program leveraged nearly \$27 of other investment.

The Inter American Development Bank has had a major initiative in the city center of Quito, Ecuador. There are multiple indicators of the success – new businesses, restaurants and cultural activities; reinvestment by existing and new residents; increased property values; and net economic benefits well above expenditures.

The ongoing efforts in the old medina in Tunis have resulted in the middle class returning, both as residents and as business and property owners. The rates of return on private investment have been high and the leverage of public funds to private funds has been 3 to 1.

The next category is heritage tourism. This is a challenging area. While tourism is one of the fastest growing segments of the world's economy, not every city can or should look to

tourism as a major portion of its economic base. Further, it would be a mistake to only connect historic buildings with tourism – there are many more ways that historic buildings can be used as a local resource. In the US 95% of all of the historic resources have nothing whatsoever to do with tourism.

However, when tourism is identified as part of an overall development strategy, the identification, protection, and enhancement of historic resources is vital for any sustainable effort.

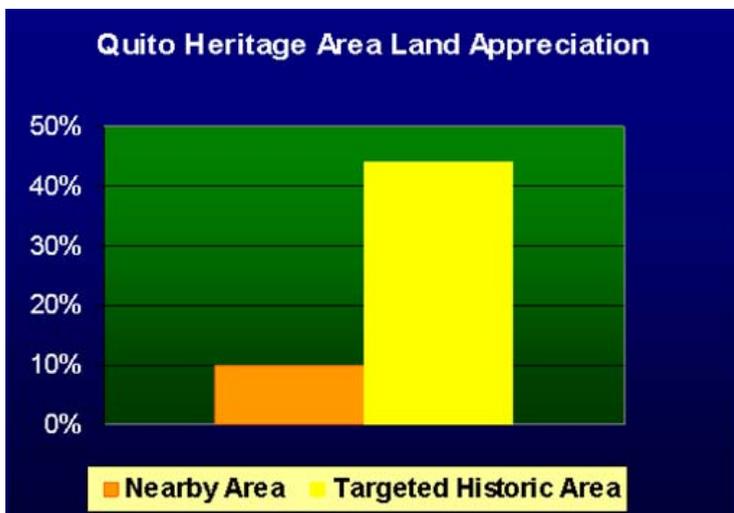
In the State of Virginia we contrasted the spending patterns of heritage visitors with tourists who did no heritage activities. Here's what we found: heritage visitors stay longer, visit twice as many places, and so spend 2 ½ times more than other visitors. Worldwide, wherever heritage tourism has been evaluated this basic tendency is observed: heritage visitors stay longer, spend more per day, and, therefore, have a significantly greater per trip economic impact.

Many of you have similar data from your countries.

Biltmore, a great estate in North Carolina, commissioned a study of local impact – here are the numbers – 760 employees, \$215 million to the local economy, \$5 million in taxes, etc. But the most impressive number is this one – for every \$1 a visitor spent at Biltmore, \$12 was spent elsewhere – hotels, restaurants, gas stations, retail shops, etc. Biltmore was the magnet that drew visitors, but for every dollar that Biltmore reaped, others garnered \$12.

In Norway they found similar results – only 6-10% of the spending involved in visiting a cultural heritage site was spent at the site itself; the balance was spent in the community around the site.

But with all these numbers, an even more important



The Economic Impact of Biltmore

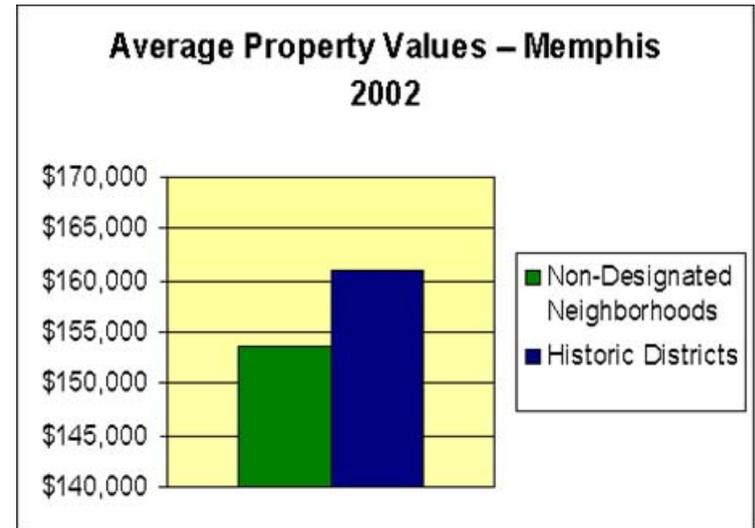
- \$215,000,000 to the Economy of North Carolina
- 760 Employees
- \$5,000,000 in Taxes
- \$9,500,000 in Direct Payroll
- \$8,400,000 Indirect Payroll Impact
- Every \$1 spent adds \$12.31 to the Regional Economy

conclusion emerges: when heritage tourism is done right, the biggest beneficiaries are not the visitors but the local residents who experience a renewed appreciation for and pride in their local city and its history.

I mentioned America's obsession with property rights. As a result, the area that's been studied most frequently is the effect of historic districts on property values. The most common result? Properties within historic districts appreciate at rates greater than the local market overall and faster than similar nondesignated neighborhoods. The worst-case is that historic district houses appreciate at rates equivalent to the overall local market.

In England, they've found that a pre-1919 house is worth on average 20% more than an equivalent house from a more recent era and the premium becomes even greater for an earlier historic home. On the commercial side, the Royal Institute of Chartered Surveyors has tracked the rates of return for heritage office buildings for the past 21 years and has found listed buildings have consistently outperformed the comparable unlisted buildings. Analyses in Canada demonstrated that heritage buildings have performed much better than average in the market place and that the price of heritage houses was less affected by cyclical downturns in property values.

An underappreciated contribution of historic buildings is their role as natural incubators of small businesses. In America 85% of all net new jobs are created by firms employing less than 20 people. That ratio is similar in Europe and even greater in the developing world. One of the few costs firms of that size can control is rent. A major contribution to the local economy is the relative affordability of older buildings. It is no accident that the creative, imaginative, start up firm isn't located in the office park or the shopping center - they cannot afford the

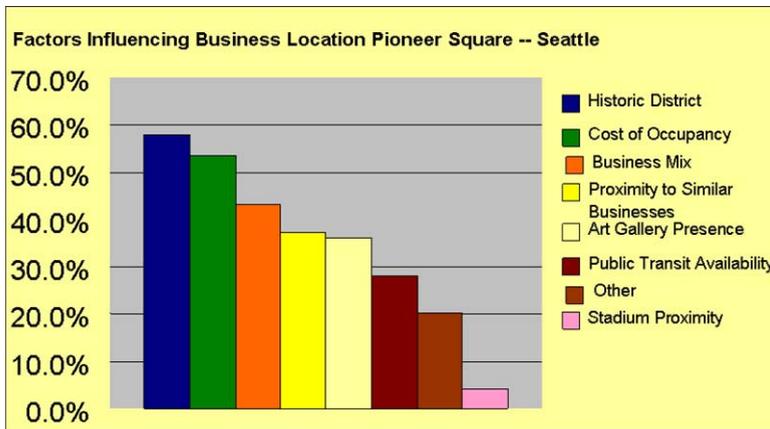


rents there. Historic buildings become natural incubators, usually with no subsidy of any kind.

Pioneer Square in Seattle is one of the great historic commercial neighborhoods in America.

The business association asked firms why they chose that neighbourhood. The most common answer? That it was an historic district. The second most common answer? The cost of occupancy. Neither of those responses is accidental.

In Ningbo, China a series of dilapidated, overcrowded and unsanitary buildings has been converted to the Fan Center filled with small businesses selling antiques, books and art. The restoration of the Souq al Saghir in Damascus has stimulated new businesses and more activity from existing businesses, selling to both tourists and local residents. In Macao 60% of their retail revenue comes from the heritage conservation zones.



So there are the big five - jobs, center city revitalization, heritage tourism, property values, and small business incubation. Other areas of impact are discovered in some analyses - revenues from the movie industry, enhancement of crafts businesses, the connection between historic facilities and the performing arts, neighborhood stabilization, the economic integration of neighborhoods, tax generation, and others.

But I'd like to move beyond the short-term and look at the larger economic role of heritage conservation. That means beginning with globalization.

What neither the supporters nor the critics of globalization understand is that there is not one globalization but two – economic globalization and cultural globalization. For those few who recognize the difference, there is an unchallenged assumption that the second is an inevitable outgrowth of the first. I would suggest those are two different phenomena, which while interrelated, are not inexorably linked. Further, while economic globalization has many positive effects, cultural globalization has few if any benefits, but has significant adverse social and political consequences in the short term, and negative economic consequences in the long term.

If cities are to succeed in economic globalization, they will have to be competitive worldwide. However, their success will be measured not just by their ability to foster economic globalization, but equally in their ability to mitigate cultural globalization. In both cases, a city's cultural heritage will play a central role.

The "modernization" of cities in terms of infrastructure, public health, convenience, and quality of life does not necessitate the "Americanization" of the built environment. An imitative strategy for the built form quickly leads a city from being "someplace" to "anyplace". And the distance from "anyplace" to "no place" is short indeed.

Globalization, be it economic or cultural, means change — change at a pace that can be disruptive politically, economically, socially, psychologically. Adaptive reuse of the heritage resources can provide a touchstone, a sense of stability, and a sense of continuity for people and societies that help counteract the disruption which economic globalization can exacerbate.

Heritage conservation has been portrayed as the alternative to economic development, "either we have historic preservation, or we have economic growth." That is a false choice. In fact, heritage based economic strategies can advance a wide range of public policy priorities.

Import substitution. Central to building a sustainable local economy is import substitution — creating locally what otherwise would be purchased elsewhere. Heritage conservation is locally based, using expertise, labour, and materials from the local market. But import substitution also requires efforts to train local workers.

Compatibility with modernization. Many historic buildings don't meet today's standards for comfort, convenience, and safety. But great strides have been made in methods of

bringing historic buildings into compliance with modern demands, without harming their physical structure or their architectural character. Most components for modernization can be put in place almost invisibly without jeopardizing individual historic resources or their important context.

Targeted areas. Historic buildings are usually located in areas that have already been designated as appropriate targets for public intervention such as city centers, older neighborhoods, and rural villages.

Not a zero-sum game. Many approaches to economic development are zero-sum games. That is for city A to succeed, city B has to lose. Because nearly every city has historic resources that can be economically productive, for one city to benefit from the reuse of its historic structures in no way precludes another city from doing the same.

Geographically dispersed. Public officials do not have to limit historic conservation strategies to a single geographic area. Cities are geographically dispersed throughout a nation, so heritage-based economic development strategies can be broadly based geographically.

Range of project scales. Many factors affect the public sector's ability to implement large scale plans. Financial constraints, political conflicts, and environmental concerns are all reasons why large projects are often delayed. Heritage conservation, however, can be done at virtually every scale, from the smallest shop building to the massive regional revitalization projects. Smaller projects can proceed while larger ones are still on the drawing board.

Counter-cyclical. One result of globalization is that cities are not immune to the ups and downs of worldwide economic cycles. Because of their scale, cost, and labour intensity, heritage projects are often possible even in down-cycle economic periods, providing a measure of stability to a local economy.

Incremental change. Change itself does not inherently cause adverse impacts on economies and cultures. The damage comes from change that is too rapid, too massive, and beyond local control. Heritage conservation is an incremental strategy within the framework of an existing city, not an immediate and overwhelming type of change that often leads to feelings of powerlessness and a decline in the sense of community.

Good base to build NGOs. NGOs have proven themselves to be singularly effective in responding to issues worldwide, particularly in the heritage conservation. The Cultural Heritage

Counts for Europe paper encouraged dialogue with civil society. If policymakers want to strengthen civil society, heritage conservation activities can be an effective means of doing so, as Europa Nostra has demonstrated.

Product differentiation. In economics, it is the differentiated product that commands a monetary premium. If, in the long run, a city wants to attract capital, to attract investment, it must differentiate itself from anywhere else. It is the built environment that expresses, perhaps better than anything else, a city's diversity, identity, and individuality — in short, its differentiation.

Heritage conservation allows a city to participate in the positive benefits of a globalized economy while resisting the adverse impacts of a globalized culture.

I'm not a biblical scholar, but there is a verse that reads, "So what is a man profited, if he shall gain the whole world, and lose his own soul?" Many are now realizing that if, in the name of prosperity, they lose the physical fabric of their built heritage they risk losing their national soul as well.

In the 21st century, only the foolish city will make a choice between heritage and economic development. The wise city will effectively utilize its historic environment to meet the economic, social, and cultural needs of its citizens far into the future.

I began this presentation with a quotation from a British economist, so I will end by quoting an American one. The Harvard economist John Kenneth Galbraith wrote, "The preservation movement has one great curiosity. There is never retrospective controversy or regret. Preservationists are the only people in the world who are invariably confirmed in their wisdom after the fact." Your wisdom in integrating cultural heritage into sustainable development will be confirmed after the fact. Good luck in doing so. Thank you very much

Speech held at European Cultural Heritage Forum, *Cultural Heritage Counts for Europe*

Organised by Europa Nostra, Brussels, Belgium, December 7, 2005. The paper *Cultural Heritage Counts for Europe*, which is referred to can be found at: http://www.europanostra.org/downloads/documents/position_paper_to_eu_institutions.pdf

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3.1.5 Cultural Heritage Counts for Europe

Anita Pollack

Head of European Policy, English Heritage

English Heritage is a government agency, and the Government's adviser of all aspects of the historic environment. We manage 400 properties which attract 5 million visitors of which 3 million are paying, 2 million free including 500,000 school students. We are also involved in many EU transnational projects, and in historic area regeneration. First, here are some observations from a 2003 MORI poll on "*attitudes towards the heritage*".

Economic consultants have considered the way in which the historic environment "adds value" to the nation's economy and they identified the following ways:

- Historic buildings provide places to live and work
- People enjoy visiting or viewing historic places, sites and green spaces
- Historic buildings create pleasant environments in both urban and rural settings
- Historic places have "option value", since people can derive benefit from the fact that they exist and might be visited in the future
- Historic places also have "existence value": people appreciate their existence even though they may never plan to visit them
- People derive satisfaction and skills from participating in the historic environment, for instance as a volunteer
- The preservation of historic buildings creates job opportunities through the employment of specialised skills
- Preserving the historic environment now has benefits for future generations
- The historic environment can be a useful learning tool for school children
- Individuals and communities derive identity and meaning from the historic environment.

As evident from this list, the historic environment can be valued in a wide variety of ways, from the aesthetic and emotional pleasure gained from experiencing historic sites, to the value of those sites as generators of revenue, job and training opportunities.

At English Heritage we have just launched a new publication, *Growing Places*, which celebrates the achievements of heritage-led regeneration across Essex, Kent and East London

– the so-called Thames Gateway. We have identified more than 100 historic hubs in this area – towns, cities and villages that have historic assets (often previously overlooked), that have the potential to act as a catalyst for revitalising the whole area.

For example Rochester (formerly largely memorable for its traffic) but now six years of heritage-led regeneration investment has seen more than 70 buildings renovated on Rochester high Street and created more than 1,200 square meters of environmental improvements. £1.5 million of public sector funding brought in more than £4 million of private sector investment.

In our publication *Heritage Dividend 2*, we show that £10,000 of heritage investment levers in £45,000 of match funding, 55 square meters of commercial floor space, 1 improved building, 1 improved home, 1 new job and 2 safeguarded jobs, plus added value attraction to historic towns. This is our equivalent of the "*Main Street*" project quoted by Mr Donovan Rypkema earlier.

Our economist points out the difficulties of using visitor figures in trying to calculate economic benefits of the heritage, and here is an example. A visitor Attraction Survey organised by VisitBritain with financial support from English Heritage, showed returns from 2244 sites in England of which 922 are classified as heritage interest, with 58 million visits in 2004. Of these 21% are overseas visitors, 53% local and 26% other UK. This gives employment of over 32,000 people of which over 19,000 are volunteers. However these figures exclude many sites that have no entry charges and also exclude wider historic environment areas not defined as a site. So the real benefit is greater than what can be demonstrated by figures.

Some research commissioned by English Heritage and the Association of English cathedrals, covering 42 cathedrals with 8.8 million visitors. show that visitors spend £91million per annum in the local economy with a total economic impact of £150 million. This gives 5,500 full time equivalent jobs, 12,000+ volunteers, and many educational opportunities and events.

Another recent project commissioned by English Heritage and the UK Department of Environment to evaluate the impact of the ESA [Environmentally Sensitive Areas] scheme on repairs to historic farm buildings showed amongst other things that 71% of local groups, 60% of domestic visitors and 63% of international visitors rate the Lake District's (which is part of a region) sense of history and tradition as extremely or very important. Without the ESA scheme two thirds of farm

buildings are likely to become derelict and the remainder repaired to a lower standard. The scheme ensured a viable future for 65,000 square metres of floor space, with 92% of buildings repaired now in productive use. Building work was carried out by 30 local firms employing 25 to 30 full time equivalent staff. Allowing for direct, indirect and induced effects, this scheme resulted in a measured net injection of between £8.5 million and £13.1 million to the local economy. For every £1 on repair work it led to a total output of £2.49 within the area.

In a study on the impact of heritage on economic, social and cultural life of the north East of England, (one of nine regions), it emerged that the heritage sector spends £47 million, and visitors to heritage sites spent £180 million. Heritage related visitor spending is approximately 17% of total tourism spending. There are 7345 jobs in the area in the historic environment in this area.

Again, however, the historic landscape attraction in the region is not quantified in these figures.

One of the very pressing issues is the cost of VAT on repairs and maintenance of the historic environment and we, joining with Europa nostra and the EU Heritage VAT group, are advocating the reduced rate of VAT for this, since we maintain that a well maintained heritage is an essential part of quality of life and economic well-being.

Finally, an invitation. The British Presidency were unable to be present today, although they wished this Forum well. As a follow-up to the British Presidency, a major conference on the public value of heritage is being held at the Royal Geographical Society in London on 25th and 26th January (2006). This is jointly organised and promoted by English Heritage, the Department for Culture, Media and Sport, the Heritage Lottery Fund and the National Trust, and will include a keynote speech from the Secretary of State, Tessa Jowell.

This presentation was made at the conference Cultural Heritage Counts for Europe, Europa Nostra Forum, Brussels 7 December 2005.

The presentation was part of a panel session Cultural heritage and Sustainable Economic and Social Development.
Chair: Jean-Louis Luxen (Belgium), President of CHEDI asbl "Culture, heritage and Development, International". Key-note speaker: Donovan Rypkema (USA), Heritage Strategies International.

Panelists:

Gerd Leers (Netherlands), Mayor of City of Maastricht
Zdenek Novak (Czech), Director of the National Institute for the Protection and Conservation of Monuments and Sites
Terje Nypan (Norway), Chairman, Working Group on EU legislation and its impact on cultural heritage
Anita Pollack (UK), Head of European Policy, English Heritage

Reactions: Everardus Hartog, Head of unit, Thematic Development, DG Regional Policy, European Commission

3.1.6 Towards a European strategy for cultural heritage

Speech by HRH the Prince Consort of Denmark, President of Europa Nostra

Ladies and Gentlemen,

It is my pleasure to address you at this event, which is **important for cultural Europe**. I am delighted to see gathered together in the same hall not only the representatives of local, regional and national public authorities, European and Council of Europe institutions and many personalities from European civil society, but also businessmen and company directors, which are new elements for us. In all, 200 delegates from 40 European countries.

Here, in Brussels, we **share the same conviction**: that the cultural heritage is an asset and a **resource** for Europe and its citizens! However, to share a conviction is not enough: our discussions and exchanges of ideas and experiences **must affirm a common will** to give cultural heritage the place which it deserves in present and future policies.

I thank **Mrs Anne-Marie Sigmund** for the support which the **European Economic and Social Committee** has given to our Forum. In taking the decision to host our discussions, the Committee has confirmed its role as a **bridge between Europe and its civil society**, in order to establish the **common force which our work needs**.

For the last fifteen years during which I have had the pleasure of being the President of Europa Nostra, I have noted that the dialogue between the European Institutions and civil society has substantially increased. We have **built up confidence** and developed **a feeling of shared responsibility** for the safeguarding and enhancement of our cultural heritage. This momentum reflects **a growing awareness in our societies** towards the **wealth** which this heritage represents **in Europe** - and **for Europe**. At the same time we have become conscious of its enormous **vulnerability**, for the real value of this heritage is today still far from being adequately recognised.

This afternoon the European Commissioner for Culture, **Mr Figel**, meets with the Deputy Secretary-General of the Council of Europe, **Mrs de Boer-Buquicchio**. And this morning the President of the Parliamentary Assembly, **Mr René van der Linden**, met with representatives of the

European Parliament. The Council of Europe has, over the last fifty years, established itself as the European **flagship** organisation for cultural co-operation and the cultural heritage. We hope that the European Union is further inspired by this, and that **joint programmes and activities** are developed between these two organisations and civil society. The **joint activities** already underway, such as the **European Heritage Days** and the **action plan** concerning the heritage of **South-East Europe**, are encouraging.

Today we focus above all on the European Union and the **potential** - still **insufficiently exploited** - of this cultural heritage. Since the Maastricht Treaty came into force, the Union has increased its action linked directly or indirectly to culture and heritage. Nevertheless, we believe that **it is now time to shift into a higher gear**.

We are encouraged by the recent **mobilisation in favour of the Europe of Culture**: in Berlin, Rotterdam, Wrocław, Paris, Strasbourg, Faro and Budapest activists — both public and private — have assembled to discuss and argue in favour of the strengthening of Europe's cultural dimension. The present Forum will prolong this discussion by highlighting the **particular role which the cultural heritage can and must play** in this **"Europe of Culture"**, without which there cannot really be a **"Europe of Citizens"**.

The French and Dutch **NO vote** has rendered the future of the European Constitution uncertain and has demonstrated, more obviously than previously perceived, that there is an **alarming gap between Europe's citizens and its Institutions**. How are we to develop a feeling of common belonging and common citizenship, to advance and improve the Building of Europe? Culture and cultural heritage can be a privileged means of promoting a sense of **European citizenship** - that is to say of **belonging to Europe both by reason and from the heart**.

By what kind of magic? What magic wand can awaken the **conscience of our belonging to Europe**, of our **desire to live together** despite our local or national particularities and egoisms? Our heritage opens our eyes, our spirits and our hearts. Our heritage engages us, providing that we allow it to engage us. It is a key which gives access to art and knowledge. It is also a **work of the spirit**, available to **enrich our lives**. But it must be preserved, rehabilitated, accessible everyone and made attractive by its **diversity, richness and beauty**, to fulfil the function of raising the awareness of citizens of its common spiritual riches.

There are those who think that the European Union is not competent in the areas of culture and heritage. They invoke

the principle of subsidiarity, for fear that the respect of national sovereignty may be contested. But the text and the spirit of the existing treaties are clear: not only do they **allow** the Union to adopt measures of support for the activities of Member States, but they **impose an obligation** on the Union to put cultural considerations at the heart of all its policies.

The **European Commission**, with the support of the **European Parliament**, should therefore define and implement — with imagination and audacity — **a positive strategy** in support of culture and heritage. **Civil society will support you**. Member States will understand that this strategy will not clash with national interests.

How do we interpret the **principle of subsidiarity**? Culture and the cultural heritage have a European dimension and significance, developed over the centuries by means of inter-cultural, inter-religious and cross-border exchanges. They have also a value of identity — not only at the local and regional level, but also at the national and European level. Henceforth the principle of subsidiarity **demands close co-operation** and a **joint commitment** at all levels of government — regional, national and European — in order to ensure the conservation and blossoming of culture and the heritage.

If the Union does not have the competencies to legislate in these areas, it nevertheless has an **ample margin of manoeuvre** to develop **programmes of European co-operation**, such as the Culture 2000 programme and the new Framework-programme yet to come. Europa Nostra has attentively followed and indeed proposed recommendations for amendments to the proposal for the Culture 2007 programme. In this context we welcome the presence of **Mr Sifunakis**, President of the Culture and Education Commission of the European Parliament, and of **Mr Graça Moura**, MEP and Rapporteur of the Culture 2007 programme, who shares our conviction that the role of cultural heritage must be strengthened in the overall European cultural strategy. The report adopted by the European Parliament in October 2005 has, in this manner, sought to reconcile and balance these **two fundamental objectives** of all cultural action of the Union: **on the one hand**, the safeguarding and knowledge of our common cultural heritage, and **on the other**, the promotion and support of contemporary artistic creativity.

At the outcome of this day of exchanges and reflections, Europa Nostra wishes to make an **important recommendation** to the politicians of the European Union: to give culture equivalent treatment to that already assigned to the environment and to development. **That is, the**

establishment of an institutional mechanism of evaluating the impact of Community laws on culture and heritage.

I shall illustrate my proposal with some current examples: The elaboration of the new generation of Structural Funds; the preparation of the Framework-programme for research; the definition of new action by the Union in the field of citizenship; the development of a policy to encourage cultural tourism; the development of the Neighbourhood Policy, as much with those European countries which are not Union members as with the countries bordering the Mediterranean; the reform of the Common Agricultural Policy; the revision of the VAT directive; and policies on the environment, energy and transport. In these areas, and in many others, the Union contributes — directly or indirectly — to the safeguarding of the cultural heritage and landscape. This demands a **comprehensive vision** and **increased co-ordination** between the Union's various services and institutions. We do not ask that extra resources be deployed in favour of heritage but that **existing resources be better used** in order to reconcile those objectives which may initially appear to be in conflict. The considerable resources which emerge every year in the shape of **structural and agricultural funds** deserve particular attention.

We are aware of the **financial potential** but also of the **budgetary constraints of the Union**. Thus we know that the main responsibility for the financing of heritage restorations and enhancements lies with the Member States, their regions, their cities and — often — the private sector.

When resources are scarce, one must resort to creativity and inspiration. It is better to co-ordinate efforts and activities among the various players first of all. Emphasise **the growing role played by the cities and regions of Europe**. I note with pleasure the presence here and the support of **Mr Seamus Murray**, President of the Cultural and Educational Commission of the **Committee of the Regions**, as well as **that of the Mayor of the historic city of Maastricht who is here this afternoon**.

Let us not hesitate, by adapted procedures, to bring on board **new players**. There still exists a considerable potential, a rich source in the **corporate world**, for a revitalisation of the policies and actions of restoration. I can give some remarkable examples of restoration of major historic monuments accomplished thanks to private enterprise, such as: the **Hall of Mirrors at Versailles, Seville Cathedral, and a host of other projects, less illustrious, but certainly very worthwhile**.

Cultural patronage can pave the way to other projects. This is optimal **co-operation** because national and European institutions are able to encourage patronage with **adapted mechanisms for tax incentives**. In addition, businesses encouraged by these tax incentives can identify themselves with exemplary restorations which enhance and seal their reputation as "citizens' businesses", which benefit the common good and are sources of inspiration for other businesses, **effectively encouraging others to follow their example**.

Our round-table discussions this afternoon have shown that the cultural heritage is also a considerable resource for realising two priority objectives: the **growth and competitiveness of the economy**, as defined by the "**Lisbon Agenda**"; and **sustainable development**, as defined by the "**Gothenburg Agenda**".

Analyses and figures show that heritage also possesses "weighty" values in economic terms. Without hesitation one can cite the existence of a powerful "industry" tied — directly or indirectly — to cultural heritage. But I would **guard against an over-reduction of the value of the heritage**; that which would favour mainly its utilitarian — economic — function, and which would disregard non-commercial values. Indeed, cultural heritage, the subject of our discussions this afternoon, can contribute significantly to economic development, thanks to the outcome of its valorisation and its accessibility to the public. But it is also the **bearer of artistic, intellectual and even spiritual values** which surpass the economic values. Whence the importance of the **Convention on cultural diversity recently adopted under the aegis of UNESCO** which affirms that culture is not a commercial good like others and so deserves particular protection. **The works of the spirit cannot be subjected to the market laws**. They are our common heritage and not just simply goods to be bought and sold. They should therefore be the object of real protection, under our shared responsibility.

Ladies and Gentlemen, if I have managed to keep your attention for this long, it is to encourage such a distinguished audience to deepen your thinking. Each of you, at all levels of responsibility, can participate in this process of the **resurrection of Europe**. The 20th century, now consigned to history, saw in its first half the **collapse** of Europe as a result of two murderous and fratricidal world wars. During its second half it saw the **tearing in half** of Europe by the Iron Curtain and the Cold War. But it was the second half of the 20th century that took heed of the founding fathers of Europe (Jean Monnet, Robert Schuman, Spaak, de Gasperi, Adenauer, General de Gaulle and so many others...), who caused Europe to **be re-born like the Phoenix from these ashes**.

Fifty years after the first treaties, Europe is still under construction and in full paradox: beyond its frontiers, it is a **myth** which behaves like a **magnet**. **Within**, it is full of **doubt, loss of self-confidence** and **fear** of the future. The reason for this paradox, easy to discern, is that Europe's identity is better perceived from outside than from within. From the outside, a **beautiful European castle** is a wonder, a symbol, a dream, the product of a thousand-year history and culture. Within Europe it is mostly the expression of social conflicts often more imagined than real, but which paralyse conservation and restoration policies. Consider also our **holy places**, often glorious architectural jewels, full of treasures of sculpture and painting, reflections of the faith of our ancestors, which are now often victims of religious indifference tied to materialism, or hostages of contemporary religious or ethnic conflicts.

This is why Europa Nostra is joining forces with bodies such as UNESCO and the Council of Europe to press for adhesion of all to the great principles of the founding fathers: respect for **cultural diversity; inter-cultural** and **inter-religious dialogue**. In forging, then in sharing our assumed common culture, Europe will progressively be freed of its old demons — all the old arguments will be henceforth obsolete. By invoking the depth of its culture and history, and by adopting a mature attitude, Europe will find **faith** in itself again and **will turn towards the future with a confident look, not of conquest and domination, but of common sharing and construction**.

Thanks to its **roots**, Europe will find new **vital strength**, turned definitely towards peace and constructive dialogue, for the well-being of our continent and the enrichment of the whole world.

Let us hope that the **voices** speaking up for the defence of the cultural heritage will make themselves heard in today's Europe, and that the **score** we play in the **concert** of nations will be stronger and more influential. If cultural heritage rediscovers a new flowering in the fertile ground of Europe, then our continent will rediscover the place it deserves in the world.

Thank you for your attention.

This presentation was made at the end of the conference Cultural Heritage Counts for Europe, Europa Nostra Forum, Brussels 7 December 2005.

3.2 Directives

3.2

3.2.1 English Heritage and the Directives Workshops on EU Directives and the Protected European Cultural Heritage⁴³

Anita Pollack

Head of European Policy, English Heritage

[Comment from the author: This paper should be read in addition to the paper by John Fidler and Tom Hassall, ICOMOS UK, titled "Regulations and the Conservation of Historic Buildings: experience of national and European controls from the United Kingdom" of May 2001.]

English Heritage is a non-departmental government agency and the lead expert body for the cultural heritage in England. It operates as an independent body sponsored by the UK Department for Culture, Media and Sport. We are responsible for the National Monuments Record, operating 400 properties, undertaking archaeological research and giving advice to government at all levels on conservation and surveying, listing and scheduling of historic buildings, management of World Heritage Sites and a range of other matters affecting the historic environment. We are involved in education, and also give millions of pounds in grants each year for archaeological projects, cathedrals and churches, repairs to historic houses and improving conservation areas in decaying inner cities.

The work of English Heritage is affected by a large range of EU Directives and rules, from public procurement and state aid, VAT rules, and environmental and legal legislation. It would probably take a volume to list everything. This paper will concentrate on a few Directives where problems exist or potential problems have been avoided.

It should be noted that there is no coherent historic environment sector lobby operating at the EU level. It may be because most of the cultural heritage sector operates from within government departments. Nevertheless it would be extremely useful to have a coherent network in place to give stronger voice to the sector's concerns, which tend to be largely overlooked by policy makers.

⁴³ NB This paper should be read in addition to the paper by John Fidler and Tom Hassall, ICOMOS UK, titled "Regulations and the Conservation of Historic Buildings: experience of national and European controls from the United Kingdom" of May 2001.]

Before discussing the two Directives listed on the agenda, here is a short selection of some of the other issues where EU rules affect the work of English Heritage and the historic environment sector in general.

1. Some examples of European directives causing difficulties

VAT – EU Sixth VAT Directive – 77/388/EEC being revised by COM(2003) 397 final dated 23 July 2003.

The historic environment sector in the UK is particularly affected by the fact that there is no level playing field for VAT. VAT is at zero rate for new build, alterations to listed buildings and energy saving work is permitted at the lower band of tax, but repairs are taxed at the high rate of VAT. This is a perverse incentive to neglect maintenance and make unnecessary alterations. It disproportionately penalises individual house owners and voluntary groups who are unable to claim back the tax (this is permitted for some of the stately homes, who offer open access to their properties and are registered to reclaim VAT.) It also means there are a lot of applications for listed building consent to make alterations to historic buildings, when repair would be more appropriate.

This overloads scarce staffing resources in local authorities. Much repair work as a result takes place in the black economy and this exacerbates the problems of shortage of skilled crafts persons. The government is not permitted to vary the list of items eligible for reduced VAT without a specific alteration in the EU Sixth VAT Directive, and this requires unanimity in the Council of Ministers. There is an important opportunity to make representations on this issue during the early part of 2003 because the VAT Directive is being reviewed. The draft revised document proposes to revise Annex H by including repairs, maintenance, alteration and cleaning of housing".

This is an improvement to the status quo but still does not deal with the problem of market failure which leaves such a burden to the heritage sector, particularly for churches and other non housing historic buildings and monuments. The revisions are being considered by the European Parliament and ECOFIN in the autumn of 2003. Substantial lobbying has taken place by the European Heritage Tax Group.

Public procurement rules, being revised currently by COM(2000) 275 final

Public bodies have to follow strict European tendering rules for major projects. There are some difficulties in being able to specify particular local materials for restoration works, such as

the use of stone from the same quarry as used in the original building. The tendering rules demand an “or equivalent” clause. An example of the problems this can lead to has been mentioned in the paper by John Fidler. Roofing slate for a new visitor facility in the Snowdonia National Park in North Wales had to include tenders from France and Spain because of being unable to specify Welsh slate but being forced to use a performance specification based on colour, function and durability. It resulted in slates that did not precisely match the local product. There has been some lobbying for the revision of these directives to take more account of this kind of problem, but the final result is not yet known.

EU competition rules

This is not a Directive. The EU competition rules have been causing major problems in the UK in terms of gap funding for major regeneration projects. In 1999 the European Commission ruled the English Partnerships gap funding scheme to be contravening state aid rules and it had to be closed down. Whilst some substitute schemes have been developed with Commission approval, they are only operational in areas eligible for structural funds, and subject to very low limits of permitted percentages of funding.

Often a major project, such as for instance the redevelopment of an historic but derelict textile mill from the industrial revolution or a redundant church, cannot take place without very large sums of public money being put in to bring the building back into a reasonable condition for a developer to be interested in taking over the building. Dozens of large projects in the UK have been stalled waiting permission from Brussels for the regeneration work to begin. This is a prime example of EU policies working against each other.

On the one hand EU Structural Funds are attempting to effect urban regeneration, improve quality of life and economic performance, whilst on the other hand the state aid rules are preventing precisely the sort of urgently needed regeneration that can deliver regional policy.

The European Commission is undertaking a review of competition policy this year. In the summer of 2003 the Commission approved the English Heritage secular grant scheme under Article 87 (3) (d) of the European Treaty which covers the heritage. It also approved a UK government proposal titled the Historic Environment Regeneration Scheme, permitting 100% state aid for certain heritage repairs.

Common Agricultural Policy, CAP

The CAP is seriously damaging the historic as well as the natural environment: reform is urgently needed if our rural cultural heritage is to be safeguarded. The 1998 English Heritage sponsored Monuments at Risk Survey demonstrated that 10% of destruction and 30% of damage to archaeological sites in the last 50 years is attributable to agriculture; 32% of all archaeological sites and 21% of national important (scheduled) ancient monuments in rural areas are still under the plough; 65% of monuments in arable areas are at medium or high risk of damage.

The 2001 English Heritage Survey of Wetland Monuments at Risk showed that 11,600 wetland ancient monuments – amongst the most significant sites – have suffered desiccation and partial destruction in the last 50 years, mainly caused by drainage and ploughing for agriculture. And so on.

Excessive ploughing can cause problems for safeguarding of the architectural resource. There have been examples of plough damage to Roman mosaics, ancient hill forts, etc. More use of agri-environment funds can assist in more careful stewardship of the historic environment. There has been hope for a more pro-active approach to agri-environment and set-aside in the CAP reform proposals from Commissioner Fischler, but some Member States seem determined to block progress.

English Heritage would like to see all the proposed environmental measures to apply equally to the historic environment, natural environment and landscape.

Environment policy

The problem here is a general lack of inclusion of the historic environment sector in consultations, working groups, expert groups and stakeholder meetings organised by the Environment Directorate. Some directives can be helpful, eg Access to Environmental Information, the Strategic Environmental Impact Assessment Directive, in that they assist with planning issues and hence can be used to assist in protecting the historic environment. Thematic developments currently being undertaken by that division under the 6th Environmental Action Programme include a policy on soil, a policy on natural environment resources, and a policy on urban planning and environment.

At no point is the historic environment being taken fully into account. Yet for instance exploitation of many natural resources impinges on the cultural heritage through the direct destruction of cultural heritage resources (themselves non-renewable) or of the medium that protects them, eg wetlands.

Soil policy is important in that most archaeological sites and many other elements of the historic environment sit in the top metre of the soil. Almost any change that affects the soil potentially has an important on the archaeological record – whether mechanical (ploughing, ditching and other draining work, erosion), biological (eg deeper root penetration from new crops, tree planting, moles, rabbits, worms) chemical (eg the effect of fertilisers and other agri-chemicals and of waste disposal) or hydrological (especially drying out of waterlogged deposits). These act in combination, eg increased atmospheric carbon dioxide or sulphur oxides acidify rain, which in turn acidifies groundwater, which can destroy bone and other archaeological remains.

Draft Directive on re-use and commercial exploitation of public sector documents (COM 2002, 207)

This could potentially cause difficulties for publicly-funded organisations in the cultural heritage sector. It seeks to make intellectual property gathered/researched by publicly-funded organisations available free or at cost only to commercial organisations for their exploitation.

Currently there is a let-out clause for cultural or educational organisations, and it is essential that clause is maintained through to the final text. Some Member states are arguing for this to be removed (particularly the Dutch).

The European Parliament has completed its second reading and supported the retention of this clause and also carried an amendment suggesting that “reasonable return on investment” would be important. This text is now being considered by the Council of Ministers. If these clauses were to disappear, there is great danger that financial viability of organisations such as ourselves would be severely undermined, the incentive to create materials would diminish and a range of consequences would follow.

Renewable Energy

Not a directive in particular, but there are some difficulties in the highly laudable EU policy to produce more energy from renewable sources. There is an absence of clear thinking on the issue of acceptable change in the landscape (eg indiscriminate location of wind farms). There are also landscape and archaeological impacts of biomass (hundreds of acres of elephant grass or short rotation coppice). Whilst it might be difficult to expect that EU climate change policy take account of the cultural heritage, it is essential to attempt to build better strategic decision making mechanisms at national

and regional level, and to improve exchange of information on best practice.

VOCs. Draft directive on the limitation of emissions of volatile organic compounds due to the use of organic solvents in decorative paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC. (COM 2002) 750

Draft directive on the limitation of emissions of volatile organic compounds due to the use of organic solvents in decorative paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC. (COM 2002) 750. The Commission is determined to phase out the use of VOCs in paints, varnishes and vehicle-finishing products as part of strengthened environmental protection and reduction of greenhouse gases. However there is no consideration whatsoever given to the need for some retained use of these products for authentic historical restoration and repair. Following lobbying, a proposal by the European Parliament adding a clause exempting production of paint for heritage work will be considered by the Council of Ministers. John Fidler’s paper goes into this in more detail.

Update on the development by end of 2005 (by the editors)

The Voc Directive; Limitation of Volatile Organic Compounds 1999/13/EC. (COM 2002) 750 was amended in the spring 2005. Through successful lobbying in Brussels English Heritage had succeeded in having a clause of special considerations for cultural Heritage inserted into the directive text.

This clause is a template for what the working group wishes to be inserted into all future directives which impact on cultural heritage and their sustainable conservation.

The clause reads:

“For the purposes of restoration and maintenance of buildings⁴⁴designated by competent authorities as being of particular historical and cultural value, Member States may grant individual licences for the sale and purchase in strictly limited quantities of products which do not meet the VOC limit values laid down in Annex II”.⁴⁵

44 The generic term for buildings would be cultural heritage buildings, sites, landscapes and other objects As designated by....

45 Directive COM (2002) 750, amending Directive 1999/13/EC, on the limitation of emissions of volatile organic compounds due to the use of organic solvents in decorative paints and varnishes and vehicle refinishing products

Energy Performance in Buildings Directive (2002/91/EC)

This Directive has been promoted as an environmental measure in an attempt to reduce the use of fuel in the EU and meet the Kyoto objectives on reduction of global warming emissions. It seeks to develop a system of comparison of energy performance between different buildings, which will mean requirements regarding a framework for a methodology of calculation of the integrated energy performance of buildings, minimum requirements on energy performance on new buildings, and of large existing buildings subject to major renovation, energy certification of buildings and regular inspection of boilers and air-conditioning systems and an assessment of the heating installation where boilers are more than 15 years old.

There are also implications for replacement of windows, double-glazing and the like and this can be a major problem for historic buildings or in fact maintaining the integrity of buildings in conservation areas. However it can cause some friction, since PVC windows are often cheaper than replacements in the original style.

English Heritage had worked in advance of this Directive because of the overhaul of Part L of the Building Regulations in the UK. A long and fairly successful campaign was waged to ensure that improvements in the energy efficiency of the building fabric are not achieved by sacrificing those aspects of a structure's design which are fundamental to its character.

Following that through, it was possible to argue for and achieve a useful clause in Article 4 of the EU Directive. Member state governments, as a result, will be able to decide not to set or apply the requirements of Article 1 (largely the provisions mentioned above) for a number of different categories of buildings of which two are particularly important to the historic environment sector:

buildings an monuments officially protected as part of a designated environment or because of their special architectural or historic merit, where compliance with the requirements would unacceptably alter their character or appearance, and

buildings used as places of worship and for religious activities. Clearly the precise interpretation of this will be left to Member States, and it will be up to the heritage lobby to ensure that the implementing regulations in each country are acceptable.

In this case, because of pro-active lobbying, a successful result has been achieved, although it will require follow-

through at Member State level so as to ensure appropriate implementation

Outside of this directive, but in terms of energy saving in general, EH has encountered EU structural funds being used to replace old Victorian windows with new double glazing. English Heritage has developed some guidelines that can ensure effective contribution to energy loss without double-glazing windows on historic buildings. There is absolutely no monitoring/protection against this sort of example of EU funds being used to damage the historic environment.

The Habitats Directive (92/43/EEC)

The main aim of this directive is protection of biodiversity in the EU and much of it is concerned with the management of sites that make up the Natura 2000 network. These are sites of special scientific interest, designated by Member States, and obviously their protection is important.

There are two particular areas where this Directive has caused some difficulty to the work of English Heritage. A third case has recently been lost on appeal for quarrying traditional lime in an area of Special Scientific Interest. It is felt that this will have a serious effect on the ability to use traditional material for local repair of historic buildings.

The first was outlined in the paper by John Fidler, now Director of Conservation at EH. This was a proposal for a small quarry to be opened up in Peak District National Park because it is one of the last remaining sites for the particular slate used in local roofing. No remaining other sources are available. Whilst the quarrying would be very small scale and non-mechanical, and environmental damage negligible, and there being no discernable species in danger as a result, planning permission has been vigorously fought by English Nature, using the Habitats Directive to support their opposition. More detail is in the Fidler paper. Lobbying at the European level was helpful but there are still outstanding issues.

The second issue concerns attempts to clear intrusive vegetation from Bronze Age barrows in the New Forest in order to assist in their preservation. Again the Habitats Directive has been cited by the Parks Authority in an attempt to halt this, on the grounds that the gorse "might" be the habitat of a particular fairly rare snake. The main relevant Article in that Directive is Article 6.

Should there be an opportunity in the future to amend the Habitats Directive, it would be helpful to have a clearer indication as to what would constitute a heritage type "socio-economic" benefit (mentioned in Article 6 as a possible

mitigation) in clashes with nature organisations. The historic environment and natural environment have the same aims – it should be possible to come to agreement.

There is a steady stream of EU Directives affecting the heritage one way or another. However our own governments who negotiate texts on the various Council and Commission working parties are often not fully aware of the cross-cutting nature of legislation and therefore fail to recognise potential problems.

Anita Pollack
February 2003
(revised October 2003)

3.2.2 Selection of EU Directives with detrimental effect on protected Norwegian Cultural Heritage.

Christina K. Five Berg

&

Terje M. Nypan

Riksantikvaren, Directorate for Cultural Heritage, Norway

In this paper we will present detrimental effects of 3 EU directives on the immovable protected Cultural Heritage in Norway. These Directives are blatant examples of how EU Directives unintentionally cause interfere with Cultural Heritage values, causing problems that could have been avoided. The Directives in question are:

The Biocidal Products Directive (98/8/EC)

Directive on safety rules and standards for passenger ships (98/18/EC)

Directive on health conditions for fishery products (91/493/EEC)

1. The Biocidal Products Directive (98/8/EC)

Aims to assess all biocidal products on the European market. Prohibits Wood tar. Producers of wood tar, who are small enterprises, cannot afford to produce required information, which could lead to exemption. Wood tar has for over 1000 years been used to preserving wood buildings, including the protected Stave Churches from the Middle Ages.

The Biocide Directive

The Biocidal Products Directive aims to provide a high level of protection for humans, animals and the environment. It obliges all Member States to assess the active biocide substances on their market and thereafter to harmonise all use of any approved products within the EU.

The scope of the Directive is wide, covering products serving as disinfectants, chemicals used for preservation of products and materials, non-agricultural pesticides and anti-fouling products used on hulls of vessels.



Picture 1. Borgund Stave Church, Archives of the Directorate for Cultural Heritage

The rationale behind the Directive is not to prohibit all use of biocids, but to assess the extent of use and thereafter authorise certain use. This decision shall however be taken at a Community level. Member States can only authorise products containing active substances already approved by the Directive.

Exemptions from the Directive can be made only if life and health are at stake.

How does this affect Norwegian cultural heritage?

Norway has 27 stave churches. These churches are wood buildings from the 11th to the 15th century. The application of wood tar is essential to preserve the material in these cultural treasures. The Biocid Directive may however hinder the use of this wood preservative.

The Biocid products listed in the Directive have active substances hindering decay of wood.

The wood tar has two qualities; it hinders decay of the wood as well as being a repellent for moisture. The latter quality is, however, not considered as a biocidal consequence and

moisture repellents are therefore not caught by the biocid Directive.

Emphasising the water-repellent effect of the product could therefore judicially define the wood tar outside the scope of the Directive. If, on the other hand, the wood tar is deemed to be a toxic substance hindering decay, it will be treated like a biocid.

The producers are responsible for placing biocidal products and their active substances on the market. The Directive therefore places the responsibility for authorisation applications on them. This means they will have to submit all necessary documentation and other information required for the assessment and possible authorisation of the product.

Here lies the problem for Norway and the market. Achieving an authorisation for use requires extensive documentation on the product's chemical structure and consequences of use. Production of wood tar is small scale. Companies and production sites are both small and scattered. Producers therefore have few, if any, resources to present documentation required under the Directive. It is economically not feasible for these SME's to submit an application to the Commission for continued production and use of wood tar.

Directive 91/414/EEC on plant production products served as a model when the Commission in 1993 first adopted the Biocid Directive. The plant production industry consists of a handful of big producers having the knowledge and resources to perform all kinds of research provided for under this Directive. The Commission has clearly applied the model from the preceding Directive without considering different conditions of production for biocidal products.

When such application is not produced and approved, use of the specific biocid cannot continue. If the wood tar is defined as a biocid, the Directive will put an end to its use in 2006. ***A prohibition of wood tar will cause a gradual decay of protected stave churches and eventually destruction and disappearance.***

Most other wooden houses can change to non-biocidal products for preservation; this is not possible for the stave churches. They have been preserved in this manner for centuries and cannot be treated with water-based products. The same problem also affects the World Heritage Site of Røros where most of the wooden buildings have been treated with wood tar for over 300 years.

Are there any solutions?



Picture 2: Røros mining town, WHC site, Archives of the Directorate for Cultural Heritage

The Norwegian pollution authorities have notified the Commission of this problem to. The Commission is therefore aware of the situation,. But no action to resolve the problem has yet been undertaken.

Finnish authorities have organised co-operation between all Finnish SME producers of wood tar and collectively compiled necessary documentation and information to secure approval by the Commission. For the time being, such a co-operation is not realistic in the Norwegian market.

We are extremely worried that the proud Norwegian history of stave churches and traditional protected wooden buildings may face a bitter end.

2. Directive on safety rules and standards for passenger ships (98/18/EC)

What is the Safety Directive?

In the aftermath of shipping catastrophes as the Scandinavian Star, Estonia and channel ferries causing important loss of lives, a demand for improved passenger safety in Europe arose. All passengers have the right to expect and rely on an



Picture 3: MS Lofoten, Archives of the Directorate for Cultural Heritage

appropriate level of safety when boarding any commercial passenger vessel.

This resulted in a Directive setting a uniform level of safety of life and property for new and existing passenger ships and high-speed passenger crafts. The Directive obliges every Member State to ensure that all ships engaged in domestic transportation within its jurisdiction comply with the many requirements lay down by the Directive.

How does this affect Norwegian cultural heritage?

The passenger vessel 'MS Lofoten' was built in 1964 and has from this time and until 2002 plied the Norwegian coastline as an express coastal steamer. Its route, and with the vessel itself, represents a thousand year old tradition of trade and communication for the coastal communities of northern Norway.

The Directorate characterises the ship as one of the nation's most important historic vessels. In 2001 the Directorate for Cultural Heritage therefore decided to give 'MS Lofoten' a special protection status. As a consequence the owner is obliged to assure a formal consent from the Directorate for Cultural Heritage for any changes to the interior or exterior of the vessel.

The owners then wished to re-deploy the vessel as an historic coastal steamer. In this way they planned to secure an income, which would be used to maintain the vessel in its

original state. The Directorate acknowledges that such use as the best way to finance maintenance and to valorise a protected cultural heritage object.

However, the 'MS Lofoten' does not comply with all requirements under the Safety Directive, and major refurbishing and changes would have to be executed to ensure these requirements. Such alterations and changes are detrimental to the authenticity of a protected vessel. The Cultural Heritage authority did therefore not approve such alterations.

In article 3 of the Safety Directive exemptions are given:

The Directive does not apply to:

"- original, and individual replicas of, historical passenger ships designed before 1965, built predominantly with the original materials"

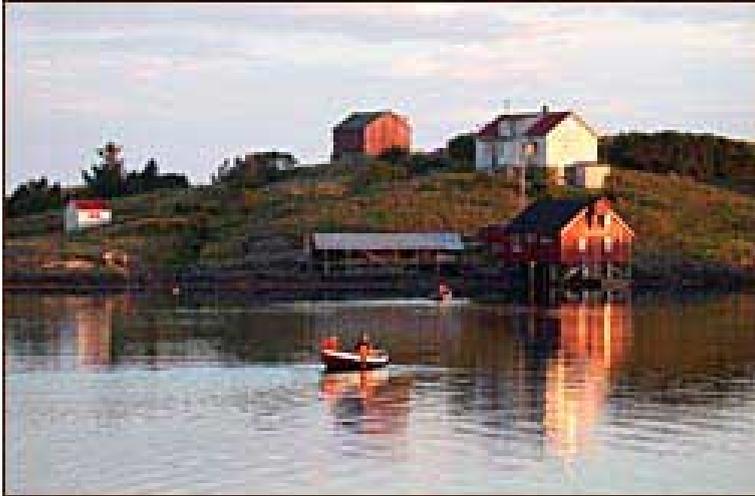
Based on this exemption the Directorate of Cultural Heritage argued that 'MS Lofoten', being protected, is such a 'historical passenger ship' and could be preserved as it is without being in breach of the Directive. But the Norwegian Maritime Directorate, on the other hand, did not agree with our interpretation and banned the vessel from commercial passenger transport. Their argument was that it would be unfair competition' and not in compliance with the Directive for the vessel to engage in commercial activities based on lower standards of safety than its competitors. Although the Maritime Directorate consented that 'MS Lofoten' is classified as a 'historical ship', they still decided that putting her back into commercial use would oppose the whole rationale of the Directive and be a menace to passenger safety.

The Maritime authorities interprets the Directive in a restrictive manner and de facto exclude historic vessels in commercial use. The Directorate for Cultural Heritage disputes such restrictive interpretation of the Directive. Such restrictive interpretation could have disastrous consequences for many of the 181 vessels presently under protection in Norway.

Are there any solutions?

The Directorate for Cultural Heritage does not to put aesthetics or authenticity above passenger safety. However in this case, there may be solutions, which could satisfy both authorities if willingness to compromise is present on both sides. Presently the Maritime authorities have given the ship owner a one-year-exemption from the Directive and the vessel is in commercial use on the northern coast.

If no solution can be found within this period of time, the ship will be sold. What will then happen is an open question. But



Picture 4: Vega Islands, photo <http://www.verdensarvvega.no/>

Norway and Europe will have lost an important cultural heritage object and part of the history of the Europe's north Atlantic culture.

3. Directive on health conditions for fishery products (91/493/EEC)

What is the directive on health conditions?

This Directive aims to ensure a correct hygienic handling of fresh and processed fishery products at all stages of production as well as during storage and transportation.

In order to ensure the smooth operation of the internal market, the Directive measures should be applied in an identical manner in trade and commerce within and between Member States.

How does this affect Norwegian cultural heritage?

Vega is an archipelago on the northern coast of Norway consisting of approximately 6000 islands. The islands are a unique combination of steep mountains, forests and wetlands with a diversity of species of birds, animals and vegetation. Vega is an ancient settlement with a long history.. Fishing and farming have at all times been the principal industries of the community. This uniqueness the Vega archipelago is the reason for its nomination as World Heritage Site.

The existing buildings in the community of Vega are wooden houses. This settlement is also forms part of the uniqueness of the community. Directive 91/493 has a number of requirements for the premises of fish processing. In locations

where products are handled, prepared and processed, the establishment shall have smooth surfaces that are easy to clean. The Norwegian implementation of the Directive prohibits the use of wood materials in fish processing areas. This forbids the wood fishery buildings in Vega to continue with their traditional manner of fish processing.

Wooden surfaces must be covered with smooth materials or the interior itself must be changed. Such a refurbishing obviously weakens the cultural heritage quality of the building. Further it is an expensive operation demanding major investments.

We know that research has documented that wood has specific antiseptic qualities and, in many cases may be more hygienic than plastics. The research shows that wood contains self-cleaning qualities. The Norwegian authorities have however chosen to disregard the results of this scientific research.

Wood has always been a very accessible and inexpensive material in Norway due the country's high density of forests. Unlike the continental Europe, buildings in Norway are therefore mostly of wood materials. Consequently, prohibiting use of wood where fish is processed creates insurmountable problems for smaller fishing communities along the Norwegian coast.

Two SME fish processing industries have already been shut down in Vega as a direct consequence of these EU requirements. In one example a renewal of the interior to satisfying the demands of the Directive cost approximately 3,5 to 5 million NOK (about 400.000 to 625.000 Euro). It was not possible for the owner to finance such investments and he was therefore forced to shut down his industry.



Picture 5: Vega Islands, photo <http://www.verdensarvvega.no/>



Picture 6: Stockfish drying, University Library of Tromsø - 1999. *The Northern Lights Route*

Such a development can be fatal for vulnerable communities basing their income on fishing industry. As a result the population will move into bigger cities for employment. Consequently jewels like Vega will lose its population. The Norwegian coastal line has many fishing stations, and Vega is just one example.

Are there any solutions?

Again we see cultural heritage values caught in a conflict of interest, where cultural heritage loses to other social values; in this case measures supposed to promote health and food safety.

Cultural heritage hardly seems to come into consideration when the EU legislation is developed.

A Directive safeguarding the status of cultural heritage sites might lead the legislators to make more amendments and give greater consideration the protected cultural heritage. Such a directive would also enhance the legal protection status of the protected sites.

4. Economical perspectives

The above-mentioned examples show how some Directives have turned out to be a very expensive for the Norwegian society, both in terms of money and in terms of tradition and cultural diversity.

The Stave churches they are major tourist attractions and income earners to the local society. They are typical for the

Norwegian folkloric tradition and a strong symbol of historic roots. Loss of the stave churches would also mean losing a valuable source of income to society. A study by the Directorate has determined that the Borgund stave church generates proximately 36,3 mil. NOK (4.800.000,- Euro) income per year from tourism and associated economic activities and employment.

Taking into account that there are 27 stave churches in Norway, losing these cultural treasures will have a big influence on tourism in general along with losing a piece of Norwegian cultural identity.

If the fish-processing directive would be interpreted literally the age-old tradition of hanging the stockfish to dry on wooden poles would not be permitted. This has not yet come to be, but if in such a case this whole industry would face a major challenge. Traditional Spanish dishes like Bacalao, would never be the same.

There seems to be a large discrepancy therefore between the fundamental tenets of the Treaty of Rome – wherein member nations are encouraged to protect and enhance cultural diversity – and current European Commission practice in regulating special differences out of existence: creating bland mass produced continental-sized solutions to small indigenous quality-focused situations. In the process small and medium sized enterprises (SMEs), concerned with the production of vital indigenous natural (e.g. stones) or man-made (clay tiles) products necessary for the conservation and restoration of historic buildings and monuments, or traditional food products (e.g. naturally dried fish), are being forced out of business – despite their marginal effects on global trade, public safety or environmental pollution and substantial social and employment impact.

The EU legislators must be made aware of the irreparable damages unintentionally caused for cultural heritage within the Member States.

3.2.3 PINE TAR- an application for significant historic buildings and boats endangered by the Biocidal Directive 98/8/EC

Seija Linnanmäki

Conservation officer at the National Board of Antiquities

vice president of ICOMOS Finnish National Committee

During the past years, one of our concerns has been wood tar, which seems to be at risk to be withdrawn from the market in the near future. The renewal of the Finnish Chemical Act due to the transposition of the Biocides Directive into the Finnish Law, might endanger the use of traditional pit tar. However, the wood tar is a traditional surface treatment in timber buildings and essential for the maintenance and conservation

of old ships and boats and, for instance, church roofs built from wooden shingles.

First I would briefly tell about the traditional manufacture and use of wood tar in Finland, and the importance of the tar for building conservation. The second part of my presentation consists of "Proposals from Finland related to minor uses of Biocidal Products" written by Competent Authorities for the implementation of the Biocides Directive 98/8/EC namely Finnish Environment Institute and National Product Control Agency for Welfare and Health.

It was already Plinius who wrote a description of tar burning in kilns two thousand years ago. In Finland Eric Juvelius wrote his distinguished dissertation *Tjär-tillvärkningen* in 1747 (*Tjärtillvärkningen i Österbotten, Gradual Disputation utgifven af Eric Juvelius den 13. Juni år 1747. Åbo.*) explaining that tar burning was also ancient in Finland and in Sweden. His dissertation is a detailed description of old tradition in historical as well as in technical means. A facsimile edition was published by local historians 1980ies.



Picture 1: building a tar pit



Picture 2: building a tar pit



Picture 3: burning

1. Building a tar pit

Picture 1 shows the beginning of the laying of a tar pit. A pile of chopped logs is placed in the middle of the pit - the pile is called eye - to keep the path of the tar free and open until the end of the burning.

In order to produce high quality tar, the pit has to be comparatively large, over 200 cubic metres. One single tree stem gives at best a few litres of tar. The most important property for the wood used in tar manufacture is its resin content - pine roots, stumps and resin-filled lower parts of the trees provide best quality tar. In Finland tar is usually distilled from pine (*Pinus Silvestris*) sometimes also spruce is employed. Birch could have been used for distillation but it wasn't very common. Soft-wood is rich in natural resins and contains more resinous, fatty and terpenic ingredients than birch tar or other tars distilled from hard-woods (Picture 2).

Burning

The tar kiln was lit on a still summer evening on all sides at the same time. When it was well lit, the open fire was covered with peat and turf to control the heat during the burning process.

The kiln burned slowly, probably over one week, and it became charred towards the centre. The burning was supervised continuously day and night by opening and closing the layer of peat. The major part of the humidity in the wood evaporates as steam.



Picture 4: pine wood tar in a pit is nowadays a popular summer event for tourists in remote and forested areas of Finland. Photo taken by Olli Caven, National Board of Antiquities during the Tar Project of Kainuu Rural Centre in 1998.

Burning and pouring the tar into barrels

At times the kiln was reduced by removing charcoal from the edges. The heat rises up to 400 degree centigrade and liquidizes the tar in the wood. The tar runs out through a hole in the bottom and out along the tube. Finally, the tar was placed in barrels, loaded into the boats and rowed to the harbour towns.

Tar barrels are loaded into ships

Trading concentrated at few ports. Tar barrels from





Picture 5: Figure shows how tar barrels were loaded into ships at the harbour of Oulu. Trading concentrated at few ports.

regions were collected to Stockholm and exported with the name of Stockholm's Tar.

Coal tar is not applicable to the traditional plank or shingle roofs

It has to be emphasized that it is particularly the wood tar that offers in our point of view the best protection for timber. Coal tar was applied to the plank roof in the 70ies at the Seurasaari open-air museum in Helsinki as a replacement of wood tar, which was not available at that time. Coal tar was applied by brushing on the plank roof. Problems occurred later because the coal tar petrifies on the surface such that cracks appear and allow water to seep in. Eventually the wood underneath rots. Roofs treated with coal tar or with modern wood-preservatives are difficult or impossible to maintain because any later tarring will not stick into the stained surface.

2. About the influence of Biocidal Directive 98/8/EC to maintenance of cultural heritage

The Directive 98/8/EC concerning the placing of biocidal products on the market was given by the European Parliament and Council in February 1998 in order to harmonize the authorisation of biocides at an European level. The aim of the Directive is to reduce risks caused to health and the environment due to toxic chemicals. However, it is clear that the Directive will endanger the use of traditional pit tar in Nordic countries.



Picture 6: Picture was taken by building conservator Olli Cavén, National Board of Antiquities in Finland, as a part of an experimental research at the Seurasaari Open Air Museum, Helsinki

3. Pine tar does not penetrate of into the wood.

The planks in picture 6 have been one and a half years in a tar bucket but the tar can only be found on the surface. Tar cannot be impregnated into the wood in normal atmospheric pressure. However, after discussions the Scope -Group and the meeting of Competent Authorities concluded in December 2001 that it is not possible to leave the wood tar outside the scope for two reasons. First, it is difficult or even impossible to prove that the efficacy is only physical and - secondly, tar is known to contain a variety of compounds with toxic characteristics. Picture was taken by building conservator Olli Cavén, National Board of Antiquities in Finland, as a part of experimental research at the Seurasaari Open Air Museum, Helsinki.

Notifying tar as a biocidal product as specified in the Directive requires extensive research material. The traditional method of burning wood tar means that there are lot of single manufacturers, the amounts produced are small and the type and composition of the products vary a lot. Data generation for such products, application for authorisation and evaluation of such substances is not feasible.

4. Why traditional authentic pit tar has to survive?

In remote areas of Finland tar burning used to be the main source of livelihood for hundreds of years. In recent years the demand for tar has gratifyingly increased and the traditional craft of tar burning has been revived. We would like to preserve and revive the craft of traditional tar burning and to ensure employment by encouraging cultural tourism and small-scale industry related to the pine tar. Tar burning is also an interesting additional source of livelihood alongside agriculture, for example in Kainuu. Tar burning provides high quality pit tar for conservation projects of churches and bell towers, and has useful by-products of tar burning such as charcoal, turpentine, pitch, tar water and wood acid.

5. Conclusion

Tar is a complex mix of very large amount of components. Some of them certainly have harmful properties. A few components may in pure form even be classified as carcinogenic. A certain degree of precaution is therefore necessary. As a part of this, the research and a survey regarding the potential risks should be continued. At the same time manufacturers and users should be informed to reduce unnecessary emissions and avoid their own exposure while working with tar.

Photos

National Board of Antiquities, Archives for Prints and Photographs, Helsinki, Finland

Bibliography

Leena Ylä-Mononen 2002. Minutes of Competent Authorities, Finnish Environment Institute, Helsinki.

Cavén Olli, wood conservator, National Board of Antiquities, Helsinki.

Juvelius Eric . Tjärtilvarkningen i Österbotten, Gradual Disputation utgifven den 13. Juni år 1747. Åbo.

Kaila Panu 1998. Tar burning, p. 142-143 in Monuments and Sites - Finland. ICOMOS. Helsinki.

Arkkitehti 5-6 B / 1996. Kairamo Maija - Pihkala Antti.

Sodankylän vanhan kirkon restaurointi - The Restoration of Sodankylä Old Church. Finnish Architectural Review. Special edition. Helsinki.

Soldan August F 1861. Om Finlands Tjärindustri. Tar Project in Kainuu 1997 - 2000 www.kainuunmk.fi partly in English.

3.2.4 Update on actions concerning the Biocide Directive pr June 2005

Dr. Terje M. Nypan

Directorate for Cultural Heritage, Norway

Is it possible to achieve changes in a directive after it has come into force? The Nordic initiative to remove wood tar from the Biocide directive.

The parts of the Biocide Directive concerning wood-tar comes into force in national legislations as of September 2006. These regulations will make it impossible to buy traditional wood-tar.

The use of traditional wood tar is essential for the conservation of the Nordic heritage. Medieval stave-churches, vernacular buildings as well as numerous traditional ships depend on such wood tar for antiquarian maintenance.

For this reason cooperation between Nordic competent cultural heritage authorities⁴⁶ was initiated in the spring of 2005. The aim of this cooperation was to secure the use of such wood-tar for cultural heritage objects. The competent authorities wished to cooperate to prove that such wood-tar is, in practical use (for cultural heritage), not a biocide.

The EU was requested to state the conditions for scientific evidence to prove a non significant biocide effect "in practical use". This request has lead to a possibility to change the interpretation of the directive if tests are positive. But the necessary tests to be carried out are both costly and time consuming. As it looks now, traditional wood tar will most probably be exempt from the Biocide Directive in some years, and until then "exemptions for essential use" will be allowed following the present directive.

It is possible to achieve changes after a directive comes into force. But this demands a much larger man-hrs. costs and costs for scientific studies, than a clause of special considerations for cultural heritage in the original Directive text. It is much more cost effective to be pro-active!

This case also illustrates is the importance of mutual solidarity and support between countries. English Heritage had, in the case of wood tar, found that a prohibition would have no effect on sustainable eritage management in their country. Even though the directive does not effect them English Heritage asked that the United Kingdom, as a member of the standing Biocide Committee, support the Nordic request for a special consideration due to 'local' cultural heritage necessities.



Picture 1 Fantoft stave church, Norway

46 Sweden: National Heritage Board, Finland: National Board of Antiquities, Iceland: National Museum & National heritage building board, Denmark: National Heritage Board, Norway: Directorate for cultural heritage.

3.2.5 EU legislation and adverse implications for the conservation of historic buildings

Jacques Akerboom
managing director

Monumentenwacht Noord-Brabant
Netherlands

Jacques Akerboom is the managing director of Monumentenwacht Noord-Brabant and is also chairman of the National Management Board of Monumentenwacht Nederland. He studied Public Administration in Tilburg.

Prior to being appointed to his current position he worked as building conservation policy officer for the provincial authorities in Noord-Brabant.

He has published books and articles about cultural heritage and is editor-in-chief of Monumenten, the largest Dutch language circulation magazine on the subject.

Jacques Akerboom also participates in many national and international organisations and working groups involved in the preventive conservation of our cultural heritage. He is also a member of the secretariat of the working group for EU legislation and cultural heritage.

1. Monumentenwacht

The Dutch Monumentenwacht was founded in 1973. The organisation's key objective is to prevent the decay of the cultural fabric through the implementation of preventive measures. Every year, more than 15,000 listed buildings in the Netherlands are inspected by professionals of the Monumentenwacht. For each inspection a detailed report is issued on the basis of which future maintenance of the historic building by the owner can be facilitated. During these inspections, small-scale repair work might also be carried out by inspectors. Larger-scale maintenance however, is only carried out by building contractors.

Monumentenwacht has since developed into the largest organisation of its kind in the Netherlands. A great deal of international interest has been shown in the concept over the last few years.

In June 2004 Monumentenwacht received the European Nostra/ European Union Award for cultural heritage.

2. Abstract

Sometimes, legislation that is passed by the European Union can have adverse implications for the conservation of historic buildings. This does not always concern legislation that is directly related to cultural heritage. Examples include laws passed on environmental issues, fire prevention, disability and health & safety at work. Unintentional, these laws are at odds with those otherwise seeking to protect our cultural heritage. Take the latest fire regulations for example, which stipulate that all church doors have to open outwards. If this law is enforced it will have far-reaching consequences for old churches throughout the Europe.

As far as environmental issues are concerned, legislation has been passed which will ban the use of certain paints and tar. If this regulation is universally enforced, it will mean that it will no longer be possible to carry out proper restoration work on some of our seventeenth century masters, such as those painted by Rembrandt. In Scandinavia, waterproofing of roofing on old buildings will suffer, because certain tar products have been banned.

Health & safety legislation is also asserting its influence on our cultural heritage by restricting the use of ladders on buildings. In their day-to-day work, ladders are indispensable to Monumentenwacht specialists. As a result of the legislation, our church roofs are threatening to turn into a sea of roof and ladder hooks.

The examples of legislation given here make very few concessions to the requirements of conservation and cultural heritage in each country.

What is vital therefore, is that a central bureau is set up where all European legislation is properly sounded out and potential damage to our cultural heritage – however unintentional – can be indicated at the earliest possible stage.

For this reason it is essential that a so-called 'observatory' be established in Brussels, where this screening can take place.

3. Legislation that hinders the preservation of cultural heritage in the Netherlands. Problems ordered according to subject

Fire safety:

- Escape routes:
- Direction in which doors open
- Escape stairs
- Marking
- Facilities
- Emergency lighting
- Emergency exits
- Fire resistance
- Sprinkler installations
- Extinguisher pipes

Environment:

- Energy-saving facilities:
- Insulation packages
- Double glazing
- Thermal insulation
- Acoustic insulation
- Environmental requirements relating to the use of materials
- Ban on the use of certain types of hardwood
- Restrictions on the use of pesticides
- Restrictions on the use of paint systems
- Restrictions on the use of wall cleaning agents
- Environmental requirements in relation to effluent
- Infiltration of rainwater on the premises
- Discharge of water containing copper
- Soil contamination when cleaning walls

Working conditions:

- Tools/resources:
- Milling machines with clamping blocks
- Use of machines without the required screens
- Use of 'specifically' produced tools such as (profile) chisels and drills
- Physical load
- Manual transportation or transportation using alternative means
- Processing packaging units > 25 kg
- Limited possibilities to use aids
- Dimensions and weight of the components to be placed/replaced
- Installation of a passenger lift on the basis of Collective Labour Agreement obligations
- Dangerous substances
- Solvents in paint systems to be used
- Exposure to pesticides

Exposure to wall cleaning agents

- Screened exterior work produces a work situation similar to that of interior work
- Lead may be exposed due to the effect of acids secreted by (Oak) wood
- Carcinogenic substances
- Exposure to quartz dust
- Exposure to wood dust
- Possible exposure to asbestos when processing/removing material containing asbestos
- Working at height / danger of falling
- Working on towers and roofs
- Working on walls
- Working from cherry pickers / crane buckets
- Ban on working from a bosun's chair
- (Future) ban on working from ladders

Various:

- Guarantee requirements/stipulations
- Defacement through installation of facilities
- Exemption for the use of e.g. paint systems
- Increased risk of leakage or condensation caused by installed facilities
- (Obligatory) choices in relation to fire safety

Note:

A large number of the problems summarised above are interrelated (environment – occupational health and safety). The legislation relating to e.g. environmental aspects is not always consistent with occupational health and safety regulations.

A great deal of the work to be carried is subject to the obligations stipulated in the Arbobesluit Bouwplaatsen (building sites occupational health and safety decree) (risk, duration, finance). This implies that the obligations in the aforementioned decree apply not only to the contractor but also to the principal/designer.

Fire safety requirements	Environment	Occupational health and safety	Various
Fire safety requirements for escape routes and related subjects.	Regulations relating to all energy standards may have a seriously detrimental effect on a number of monuments. Consider insulation packages, moisture accumulation in roof constructions, double glazing that may damage historic windows or force them to be replaced.	The ban on the use of milling machines with clamping blocks for machine-produced carpentry is no longer permitted. This makes the production of wooden mouldings much more expensive because a complete block must be made (bought) for each moulding.	The guarantee requirements for machine-produced carpentry make it impossible to create authentic details in windows and frames under guarantee.
Fire safety standards frequently prompt very expensive conversions, certainly when a minimum of damage can be done to the monument. Consider escape routes using stairs, sprinklers and dry extinguishing pipes.	Ban on the use of types of hardwood restricts the possibility to purchase large timber sizes. Using modern alternatives is not always the first choice.	Towers, roofs and scaffolding.	Carpentry workshops must order special chisels in relation to the copying of wood mouldings.
Installation of emergency lighting, emergency exits and fire-resistant facilities within monuments.	A restriction of the use of pesticides against wood-eating insects or animals or fungi means that it is not always possible to use the most efficient product.		Defacement of monuments with an unprecedented number of climbing hooks.
Fire safety and direction of doors (including tower doors)	Environmental requirements relating to thermal and acoustic insulation are not always optimum for the monument. Alternatives are frequently sought for the requirements relating to fire safety in particular. These are not always the most favourable alternatives, e.g. extra walls and doors.	Working in rooms subsequent to the chemical treatment of wood (in relation to long-horned beetles and woodworm, etc.). The guidelines are followed, frequently with a doubling of the prescribed waiting period, during the chemical treatment of e.g. roof constructions. Nevertheless, staff regularly suffer from illness (diarrhoea). This makes it increasingly difficult to find people who will work in a treated room.	The prescription of exclusively water-based paint does not produce good results when restoring interiors. Exemption is granted in a small number of cases.
Alternatives are frequently sought for the requirements relating to fire safety in particular. These are not always the most favourable alternatives, e.g. extra walls and doors.	The soil is contaminated during the cleaning of the exterior walls.	Paint/varnish systems Principals and architects frequently specify the use of traditional solvent-based paints and varnishes for interior work. This may cause staff to be exposed to solvents.	The application of safety facilities on roofs is detrimental to the appearance and construction of the monument and frequently increases the chances of condensation and/or leaks in the long term.

Fire safety requirements	Environment	Occupational health and safety	Various
	Discharging water containing copper	Sandstone Staff may be exposed to quartz when working with sandstone, including renovation work (cutting/filing) on pointing in sandstone surfaces.	
	Infiltration of rainwater on the premises	Processing of materials for custom-made items such as windows is frequently carried out at the workplace with sawing machines without riveting knives. In general, it is true that some special (woodwork) machines are unavailable (or have a long delivery period). Standard machines are often inappropriate for e.g. specialist mouldings, and this prompts the use of (banned) machines or methods such as self-sharpened forming tools and machines with hand-made accessories (e.g. lengthened drills for drilling out the core, etc.). The aforementioned processing and methods are categorised as 'risky'.	
		Logistics and & transport of materials. It is often impossible to place a crane on the premises, which prompts a great deal of manual transportation (large quantities and/or more than 25 kg per piece) or transportation using alternative methods. Examples are the placing of high, heavy and/or large parts (Bluestone sills, floor panels and balconies, etc.). In addition, some packages exceed 25 kg despite the current legislation. This is particularly the case for lead and many restoration mortars (40 kg). (Excessive) physical loads are an important cause of occupational disability.	
		Weight of the materials to be used.	
		Emission of quartz dust.	
		Work must be screened against wind and water.	
		Work may almost exclusively be carried out from scaffolds/cherry pickers. It is no longer permitted to carry out work from bosun's chairs or ladders.	
		A passenger lift must be installed for heights exceeding 15 metres.	
		The max. weight to be lifted/hoisted of 25 kg instead of 50 kg when restoring roofs, etc influences prices in relation to the mechanisation that has been implemented and may alter the choice of materials that are not 'of the monument'.	
		The execution of repairs to roof coverings on roofs and towers with the aid of a bosun's chair is no longer permitted. This work requires the construction of scaffolds, which involves enormous costs.	

3.2.7 Building Regulations and the Conservation of Built Heritage in Finland

Seija Linnanmäki

Conservation officer at National Board of Antiquities

vice president of ICOMOS Finnish National Committee

1. Introduction

In my presentation I am studying European Union directives from the standpoint of building conservation and cultural heritage management: how the national legislation of Finland is harmonized with the directives, what kind of an influence they have on building regulations and what is the final implementation at an individual building site in Finland.

2. Traditional building materials and craftsmanship

A regional type of architecture is dependent on the availability of traditional building materials and craftsmanship. To support the regional types of building and the revival of building crafts, we should keep the new building market open for small manufacturers as well. Many conservation materials are rare and seldom used even in conservation work like birch bark, rye straw, clay, split shingles, pine wood tar etc. Small producers and manufacturers need new building market to keep their enterprise in business during quiet periods in conservation work.

Most Finnish traditional building materials are health and safety by nature, for example uncoated brick, stone, ceramic tiles, glass, metal surfaces and local timber boards and logs. They are considered to belong in the best class in the Emission Classification of Building Materials. However, they cannot reach a classification label because they cannot be tested reliably due to their natural origin and heterogeneous character (notice given by the Finnish Building Information Institute 7.2.2003, rakennusmateriaalien päästöluokitus).

Standardisation may prevent or hinder the recycling of old and used building materials. In Finland our antiquities market is relatively small and we have had mostly positive experiences of recycling. For example wooden window frames and panel



Picture 1: Traditional building materials such as hand made bricks are used in the building conservation work of the Medieval Hämeenlinna Castle, Finland.

doors made of solid wood can be sold or given to another building of same age where they can be used.

3. Construction Product Directive 89/106/EEC applied to national legislation

Building legislation was recently renewed in Finland when we got a new legislation for building and planning: the Land Use and Building Act came into force in the beginning of the year 2000. In the section 117 are assessed the "requirements concerning construction" following the directions of the CPD (Construction Product Directive 89/106/EEC). All essential technical requirements, those that are familiar to you from the CPD, are included: "*structural strength and stability; fire safety; hygiene, health and environment; safety in use; noise abatement; and energy economy and heat insulation.*"

On the other hand, when we read further, in the same section we will find the requirements for conservation: "In repair work and alteration, the attributes and special features of the building and its suitability for the intended use must be taken into account." In some cases these requirements are controversy, as you well know.

4. Standardisation and CE -marking - a threat to traditional building materials?

The products standardisation makes progress very slowly in Finland. We do not have a national standards institution, but there are approximately ten organisations and institutions testing building materials on the behalf of the Ministry of the Environment.

CE -marking is not obligatory in Finland and therefore it does not form a technical barrier to the trade. "On application, the competent ministry may approve for a fixed period the use of a structure or an element of construction, or an implement, product or piece of equipment closely connected to a building for use in construction (type approval). " (Land use and Building Act § 148)

5. Inspection bodies for type-approval

Building Product Approval Act will come into force in the 1st April this year (2003). It states "An inspection body approved by the ministry shall supervise the quality of type-approved products continuously." Building conservation authorities in Finland are concerned for the independence of inspection bodies. They are not governmental organisations. However, according to the proposed act § 20, the personnel of an inspection body has to be qualified, professionally honest, they need to have proper equipment and other resources to do the work and they should not have anything to do with building products industry.

6. Protection against fire

Finnish Building Code E1 "Fire safety in buildings" came into force in the beginning of July last year. With this Code the classification of building products in case of fire was renewed to comply the EU rules and the "reaction to fire"-classification. Also CE marking includes building product classification for fire protection. However, both these classifications are relevant only when new materials are concerned.

Some of the requirements in the fire regulation have an impact on the architectural image of historic buildings such as fire detection and alarm systems, sprinklers, emergency lighting, fire protection paints and wooden coverings and boarding. A firebreak in a panel door means the door sawn in two pieces and a steel plate installed inside. Some of the requirements are elementary "life-threatening" issues such as fire separation and compartmentation and the width and amount of escape routes. In tightly built areas buildings should not locate closer than 6 metres to each other. All outer doors should open outwards - if not, in the renovation the



Picture 2: Hotel Valtionhotelli in Imatra from the Art Nouveau period is an historic building with complex architecture. Therefore fire safety, such as fire detection systems and escape routes has been considered carefully in case method

handedness should to be changed. In Finland the role of local authorities, especially building control officers, is essential for a successful conservation work.

Renovation building site can be dangerous. Statistically at least one starting or incipient fire can be detected in every site; therefore fire training, restrictions in hot work procedures and appropriate first fire fighting equipment should be managed carefully.

7. Toxic substances

In the cases of lead, cadmium, asbestos, arsenic etc. Finnish Chemical Act has followed the European legislation. Lead paint has been banned in Finland since 1970ies. Nevertheless, according to a building conservator of the National Board of Antiquities, it has been able to employ lead paint in conservation sites due to its traditional appearance and good resistance against pests and fungi. Artistic colours, which are allowed to contain lead, are sometimes used in small amounts in building conservation work as well.

Lead pipes were denied in Finland already in 1870-ies; at a time when only 8 buildings had got cold water pipes. It was discovered by testing that lead can be harmful for human beings so the authorities preferred wrought iron and galvanised iron, and copper for hot water pipes.

Lead has not been widely used in roof coverings in Finland, but only in small conservation work such as in window ledges and wall coverings in ruins and defence walls, employed by professional craftsmen. Our traditional roof coverings: brick tiles, iron sheet and roofing felt have not caused any problems in means of regulations or EU Directives.

On the contrary, current arsenic restriction and a ban for the use of CCA-impregnated wood are good news for building conservation. The Finnish Environment Institute forbid the use of CCA-treated wood on playgrounds, indoors and in small constructions. It came into force in 1st July 2002. Treated timber should be labelled and it may only be used for a treatment of sawn timber with a cross section 38 mm minimum or poles with diameter of at least 80 mm.

8. Biocidal Directive and pine wood tar

The renewal of the Finnish Chemical Act due to the transposition of the Biocidal Products Directive 98/8/EC into the Finnish law might endanger the use of traditional pit tar. It seems to be at risk to be withdrawn from the market.

Pine wood tar is manufactured from resinous wood (like roots, stumps and resin-filled lower parts of the stem) through a dry distillation process. It resembles beech wood creosote but is made of soft-wood. Tar burning provides high quality pit tar for conservation of churches and bell towers and it has some useful by-products such as charcoal, turpentine, tar water and wood acid. Pit tar is a complex combination of different components: some of them even carcinogenic.

In some areas tar burning used to be the main source of livelihood for hundreds of years. Recently the demand for tar has - as well as for other traditional building materials - gratifyingly increased. We should revive the craft of traditional



Picture 3: Petäjavesi Church from 17th century is one of Finnish World Heritage Sites has a roof covered with wooden shingles. Roof is maintained with pine tar and therefore endangered by Biocidal Products Directive 98/8/EC

tar burning and ensure employment by encouraging cultural tourism and small-scale industry related to tar burning in these remote areas on the European Union north eastern borderline.

According to the Commission Regulation 1896/2000, all biocidal products, which had been on the market (such as pine tar) on 14th May 2000, had to be identified. The National Board of Antiquities did that with assistance of the Finnish Environmental Institute in the end of Mars last year 27.3.2002. Wood preservatives have to be notified within a year, before 27.3.2004. The notification applies to tests performed with protective chemicals: all active ingredients must be stated by using common names, chemical names, molecular formulas and so on. Testing is extremely demanding and expensive. The problem is that we cannot expect the old tar burners who may be for example retired farmers from deep forests of Carelia, to fill these formulas.

Research and survey regarding potential risks should be continued. Manufacturers and users should be informed to reduce unnecessary emissions and avoid their own exposure while working with tar.

Perhaps the Directive could be changed during the transitional period so that pine wood tar could be employed in conservation work of historic buildings and churches.

9. Changing historic windows - does it help limiting carbon dioxide emissions?

As a response of Energy Efficiency Directive 93/76/EEC 13.9.1993 and the Energy Performance in Buildings Directive 2002/91/EC, the Finnish Building Code C3 "Decree on thermal insulation in buildings" was renewed in the end of October last year. Target for thermal insulation in new buildings was assessed higher than never before. Targeted U-values for a heated new building are listed in the following table: outer walls 0.25 W/m²C, roof-plus-ceiling 0.16 W/m²C, floor 0.20 W/m²C, windows and doors 0.14 W/m²C and window in a heated loft 1.5 W/m²C.

It may be expected that these U-values will be made a rule in major repairs as well. In practice it means triple glazed windows - or even four glasses- with new aluminium or plastic frames. Outer doors must have mineral wool filling instead of solid wood. Thermal insulation materials has to be added to walls alternatively internally or externally.

New Finnish Building Code D2 "Ventilation" will come into force on 1st October this year (2003). It gives the general indoor climate requirements. We do not yet have experience how it works; however, the issues emphasized in the statement of the National Board of Antiquities were not taken into account. Therefore, for instance incoming air has to be filtered. As a consequence, the employment of natural and hybrid ventilation will be impossible in most cases.

10. An implementation of energy efficiency - State-subsidised renovation work

In February 2003 the government made a decision to support renovation work during this year with 75 million Euros. 15 million Euros of this amount of aid is reserved for improving the energy efficiency of existing buildings. (Law 1021/2002 1.1.2003 [Laki asuntojen korjaus ja energia-avustuksista] and Decree 57/2003 10.2.2003 [Asetus asuntojen korjaus- ja energia-avustuksista].

Aid for renovation might be maximum 40 % of all costs. It will only be given for buildings where a survey of present energy consumption is made. Qualified surveyors have been trained by a private company, Motiva Oy, in the cooperation with the Ministry of the Environment. The Housing Fund of Finland makes financing decisions on a surveyor's recommendation. Nevertheless, the surveyors are mechanical engineers specialised in technical (electrical and HPAC) installation of buildings, without any competence or training on building



Picture 4: The outer walls of traditional log buildings in Finland do not reach the requirements of thermal insulation stated in the Energy Efficiency Directive 93/76/EEC and the Energy Performance in Buildings Directive 2002/91/EC. Yli-Laurosela Farmstead - House Museum in Western Finland

conservation issues. In the end, the responsibility of the preservation of architectural features and historic values is, in these energy-renovation works, left to local authorities, which means building control officers. Alternative, organic thermal insulation materials such as wood fibre wool, linen fibre wool, sawdust or gutter shavings instead of glass fibre have not been mentioned.

Building stock in Finland is very young: only 5 per cent has been built before the First World War. In regard to modern architecture our special concerns are a lack of national inventories and the challenge to proper classification for protection. In relation to fire protection the modern building stock has special problems with modern building materials such as poisonous gases developed in the case of fire and other substances with properties that could not be unforeseen. Structural and technical problems with complicated structures and multi-layer constructions containing different materials may cause condensation of humidity inside the structure because of the dew point.



Picture 5: Accessibility to historic buildings has to be designed carefully.
Photo Stadion Sports Centre in Helsinki, Finland.

11. Accessibility

Finnish Building Code F1 "Building for disabled" will be revised this year 2003. In the preparation the following directives have been taken into account: 89/391/EEC...in the safety and health of workers at work, 95/16/EEC lift and 98/37/EEC approximation of the laws relating to machinery.

The removal of barriers preventing accessibility to buildings is a real challenge to building conservation. Problems may occur in every element of an old building: courtyard and parking; entrances; vertical traffic: lifts, wheelchair lifts and staircases; horizontal traffic: routes, ramps and stairs; toilet

facilities. Safety in buildings, such as handrails is a matter of good architectural design - an acceptable compromise can usually be found easily if there is good will, and time and funding for designing.

12. The protection of cultural and natural heritage

In Finland the Act on Environmental Impact Assessment Procedure came into force on 1994 and the Decree on 1999. There are certain projects which always require an assessment procedure: oil refineries, pulp, paper and board mills, large harbours, motorways and major hazardous waste disposal facilities. Principally it has had a positive impact on cultural heritage and the built environment, yet it is centred to cultural landscape more than individual buildings.

Nearly half of all statements written in the National Board of Antiquities are nowadays dealing with EIA. Assessing the environmental impacts is an integral part of the whole planning process. It needs good understanding and view of different disciplines related to built heritage; otherwise the variation between different consults and their assessments is too wide, especially in the case of built environment and building conservation.

Nature Conservation Act and Decree 1997, and the Environmental Protection Act and Decree 2000 may be controversial when related to mixed areas of cultural and natural heritage.

13. Historic buildings are not covered by Building Regulations

In the 13th section of the new Land Use and Building Act we can find an order how to apply building regulations. It clearly says that the regulations are not applicable in historic buildings as such. "The regulations in the Building Code concern the construction of new building ...and they are not applicable to renovation and alteration work." Yet, the sentences "Unless otherwise specifically prescribed by the regulations"... and "...only in so far the type and extent of the measure and the possible change in use of the building or part thereof require." extend the scope of the regulation so that the regulations may be applied wherever wanted. Because there is a lack of feasible regulations pointed more directly to protected buildings and monuments, it is obvious that designers and engineers apply new building regulations, which are used as an instrument of the legal interpretation by local authorities, fire officers and building inspectors as well.

On the other hand, building control officers should follow the regulations given in "heritage legislation". Protection of cultural heritage in Finland is assessed in following acts:

Antiquities Act 295/1963: about 16000 ancient monuments

Building Protection Act 60/1985: 230, for emergency and rescue, interiors

Building Protection Decree 480/1985: 2100, for state-owned historic buildings

Church Act 1054/1993: 488 churches and 218 bell tower automatically protected if built before 1917

Land Use and Building Act 132/1999: approximately 25000, protection by planning

World Heritage Sites: five sites

Photos

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Bibliography

Directives

Construction Product Directive (CPD) 89/106/EEC, amended 93/68/EEC

Energy Efficiency Directive 93/76/EEC 13.9.1993

Environmental Impact Assessment EIA 85/337/EEC, amended 97/11/EC

Proposal for a Directive ... on the energy performance of buildings 2001/C 213 E/15

Biocidal Products Directive (BPD) 98/8/EC

... restriction on the marketing and use of certain dangerous substances... 76/769/EEC

Finnish legislation

Act on Environmental Impact Assessment Procedure 1994

Decree on Environmental Impact Assessment Procedure 1999

Act on residential renovation and energy saving 1021/2002 1.1.2003 [Laki asuntojen korjaus ja energia-avustuksista

Decree on residential renovation and energy saving 57/2003

10.2.2003 [Asetus asuntojen korjaus- ja energia-avustuksista]

Building Product Approval Act 1.4.2003

Environmental Protection Act 86 / 2000

Environmental Protection Decree 169 / 2000
Chemical Act 744/1989 , last amendment 743/2002
Land Use and Building Act 132/1999 1.1.2000
Nature Conservation Act 1096 / 1997
Nature Conservation Decree 160 / 1997

Finnish Building Code

C3 Thermal Insulation

D2 Ventilation

E1 Fire safety in buildings

F1 Building for disabled

Finnish Building Information Foundation & Finnish Building Information Institute

Emission Classification of Building Materials M1

Documents of Finnish authorities

Ministry of the Environment, section of land use and section of building

The Finnish Architectural Policy. The Government's architectural policy programme 17 December 1998.

Government proposal HE 227-2002 concerning CE –marking.

Finnish Environment Institute, Helsinki. Minutes of Competent Authorities for Biocidal Directive, Ylä-Mononen, Leena 2002 and Braunschweiler Hannu 2003.

Literature

Neuvonen P, Mäkiö E and Malinen M, 2002. Blocks-of-flats 1880-1940. [Kerrostalot 1880-1940]. Rakennustietosäätiö RTS and Rakennustieto Oy, Helsinki.

Personal contact

Pietarila Pentti, building conservator, 2003. National Board of Antiquities, Helsinki

www pages

Housing Fund of Finland

Motiva Oy, requirements for competence of energy surveyors

Tar Project in Kainuu 1997 - 2000 www.kainuunmk.fi partly in English.

3.3 Related topics

3.3

3.3.1 The standardisation in field of conservation of cultural heritage

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The international standardisation in field of conservation of cultural heritage is new. Within CEN on the level of Technical Board, the Business Plan was elaborated and a structure of the future Technical committee and working groups was under voting with the target date 2003-02-12.

The starting point of the technical standardisation lies more 100 years ago. Public safety and progress in commerce were the driving forces, later standardisation has grown to also be recognised as an issue of quality. Standards are elaborated for materials, products, systems and services. There exist more than 200 ISO/TC and even more of CEN/TC.

In the first part of our contribution the objectives of the new CEN/TC on conservation of cultural property were defined and discussed. The Scope includes tasks, that on general or on other specific levels are matter of standardisation in other TC also as characterisation of materials and products, evaluation of performance in different environments or assessment of environmental effects on artefacts.

The interdisciplinary character of the standardisation activity concerning cultural property requires very large co-operation with other CEN and ISO Technical Committees. Most of existing standards for items included in the workplan can be taken into account or directly recommended. Specific explanation of standards with general validity in guidances for conservation works can be necessary.

Thematic areas of the international standardisation in narrow relation to standardisation in the field of conservation of cultural heritage:

environment, their aggressivity,
environmental management and risks evaluation,
materials (metals, wood, stones, building materials),
protective and decorative coatings,
testing of environmental effects.

Draft Business Plan of the TC for conservation of cultural heritage includes a table of CEN and ISO committees for co-operation in future (Table 1).

This proposal can be completed by other important TCs with real relation to the issue of conservation as:

ISO/TC 207 Environmental management
ISO/TC 107 Metallic and other inorganic coatings
ISO/TC 17 Steel
ISO/TC 26 Copper and copper alloys

ISO/TC 59 Building construction
ISO/TC 156 Corrosion of metals and alloys
CEN/TC 262 Protection against corrosion.

Table 1 - Survey of TCs proposed for co-operation

Area of work	CEN Technical Committee	ISO Technical Committee
Aggregates	CEN/TC 154	
Air quality	CEN/TC 264	ISO/TC 146
Ceramic tiles	CEN/TC 67	ISO/TC 189
Leather	CEN/TC 289	ISO/TC 120
Cement and buildings Lime	CEN/TC 51	ISO/TC 74
Masonry	CEN/TC 125	ISO/TC 179
Metals	CEN/TC 246	ISO/TC 156
Corrosion of metals		ISO/TC 164
Natural stones		ISO/TC 196
Non-destructive testing	CEN/TC 138	ISO/TC 135
Paints and varnishes	CEN/TC 139	ISO/TC 35
Pulp, Paper and Board	CEN/TC 172	ISO/TC 6
Surface chemical analysis		ISO/TC 201
Textiles	CEN/TC 248	ISO/TC 38
Timber structures	CEN/TC 124	ISO/TC 165
Durability of Wood and wood-based panels	CEN/TC 38	

As example for usefulness of application of existing standards, more information will be given to 3 topics:

atmospheric corrosivity classification,
testing of environmental performance,
measurement of important quality criteria.

1. Atmospheric corrosivity

Within the work of ISO/TC 156/WG 4 „Atmospheric corrosion testing and classification of corrosivity of atmosphere“ standards for corrosivity classification and derivation were elaborated. The purpose was to elaborate standards convenient for needs of corrosion engineers and users of technical products.

Characterisation of the Standardisation system:

ISO 9223:1992 Corrosion of metals and alloys. Corrosivity of atmospheres. Classification,
ISO 9224:1992 Corrosion of metals and alloys. Corrosivity of atmospheres. Guiding values for the corrosivity categories.,
ISO 9225:1992 Corrosion of metals and alloys. Corrosivity of atmospheres. Measurement of pollution and

ISO 9226:1992 Corrosion of metals and alloys. Corrosivity of atmospheres. Determination of corrosion rate of standard specimen for the evaluation of corrosivity.

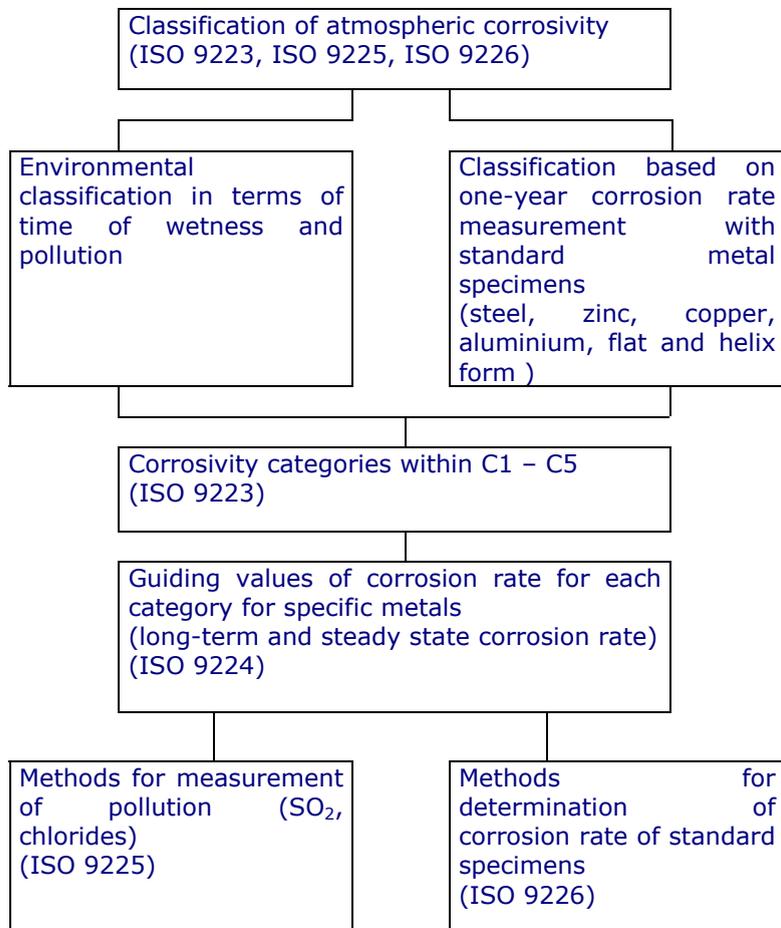


Table 2: Scheme for classification of atmospheric corrosivity approach in ISO 9223-9226

Three environmental parameters are used for the assessment of corrosivity categories: time of wetness (TOW), sulphur compounds based on sulphur dioxide (SO₂) and airborne salinity contamination (Cl⁻). For these parameters classification categories are defined as τ (TOW), P (SO₂) and S (Cl⁻), based on measurements of the parameters (Table 3).

TOW	h yr ⁻¹	SO ₂	µg m ⁻³	mg m ⁻² d ⁻¹	Cl	mg m ⁻² d ⁻¹
τ_1	≤ 10	P ₀	≤ 12	≤ 10	S ₀	≤ 3
τ_2	10 - 250	P ₁	12 - 40	10 - 35	S ₁	3 - 60
τ_3	250 - 2500	P ₂	40 - 90	35 - 80	S ₂	60 - 300
τ_4	2500 - 5500	P ₃	90 - 250	80 - 200	S ₃	300 - 1500
τ_5	> 5500					

Table 3: Classification of time of wetness (TOW), sulphur compounds based on sulphur dioxide (SO₂) concentration and airborne salinity contamination (Cl⁻)

TOW is estimated from the temperature-humidity (T-RH) complex as the length of time when RH is greater than 80 % at a T value greater than 0 °C. TOW calculated by this method does not necessarily correspond with the actual time of exposure to wetness because wetness is influenced by many other factors. However, for classification purposes the calculation procedure is usually sufficiently accurate.

The engineering application of the classification system is supported by guidance in ISO 11303 Corrosion of metals and alloys – Guidelines for selection of protection methods against atmospheric corrosion.

Standards are well accepted and introduced in other technical committees for metallic and other inorganic coatings, for paints and varnishes, corrosion protection and others.

Procedures prescribed in ISO 9223 and ISO 9226 provide reasonably good results in derivation of corrosivity categories for outdoor atmospheric environments. This classification system is too coarse for indoor environments with low corrosivity. More sensitive procedures have to be chosen for derivation of corrosivity in indoor environments such as places where electronic devices or works of art and historical objects are stored.

Specific classification system for indoor atmospheres with low corrosivity is complementary to the system defined above:

ISO/DIS 11844 Part 1: Classification of corrosivity of indoor atmospheres. Determination and estimation of indoor corrosivity.

ISO/DIS 11844 Part 2: Classification of indoor atmospheres. Determination of corrosion attack in indoor atmospheres.

ISO/DIS 11844 Part 3: Classification of indoor atmospheres. Measurement of environmental parameters affecting indoor corrosivity.

Procedures defined in both groups of standards can give very good applicable information for atmospheric risk assessment of movable and immovable cultural heritage objects and form one of steps derivation of optimum conservation proposals.

The ways looking for decisive environmental factors and using direct evaluation of corrosion effects are more informative as approach used in most cases in the conservation work.

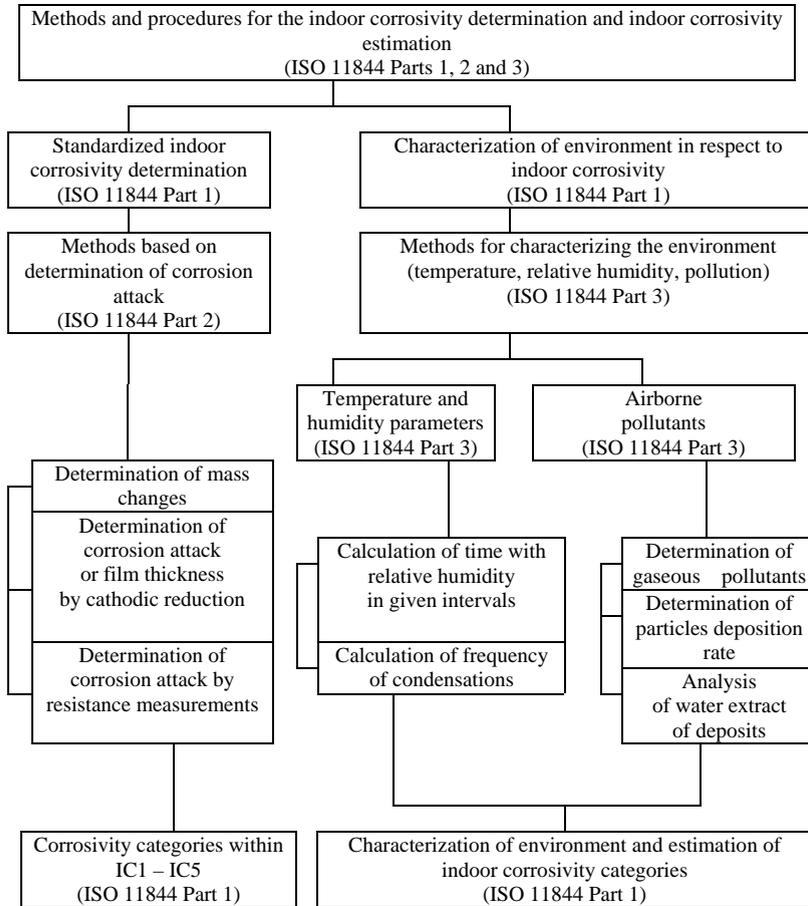


Table 4: Scheme for classification of corrosivity in indoor atmospheres

2. Atmospheric performance testing

A second standardisation subject important for conservation works considers laboratory tests related to outdoor deterioration and field tests.

Corrosion testing under atmospheric exposure conditions – field tests – are to be performed on test sites representing the environment where the material, object is likely to be used. The results of field tests can not predict service life exactly but they do provide the best guidance to service performance. Field tests, however, may require exposure periods corresponding to the expected service life of a material. To

promote corrosion and accelerate the degradation process, test sites with a high atmospheric corrosivity can be used. All atmospheric fields tests are time demanding and cannot be applied for systematic quality control and for comparison of products in current praxis.

Accelerated laboratory tests have been formulated in many variants and can be very helpful for conservators.

Corrosion, more general deterioration of materials is influenced by many environmental factors, the importance of which may vary with the type of material and with the type of environment. It is impossible, therefore, to design accelerated laboratory corrosion tests in such a way that all environmental factors influencing the resistance to deterioration are taken into account. Laboratory tests are designed to simulate the effects of the most important factors enhancing the deterioration of materials tested.

All methods are mainly intended for comparative testing and the results obtained do not permit far-reaching conclusions on the resistance of the tested material under the whole range of environmental conditions within which it may be used. Standards for accelerated corrosion testing and other performance testing have been elaborated mostly in the technical committees for metals, inorganic coatings and paints. Laboratory accelerated environmental tests include decisive environmental deterioration factors in different combinations and at different regimes. Recent test regimes are preferably cyclic, some of them reflecting the new multipollutant atmospheric situation (low concentrations of mixtures of pollutant, acidified salt spray).

Some of accelerated corrosion tests (salt spray test) are well suited for evaluation of defects on coatings, not so much for real environmental performance testing. Standards for metallic and organic coating use often this testing procedure as indirect criterion of quality with the next step of evaluation of expected life time. Such an approach is correct if it is based on long term comparative field testing only.

Laboratory accelerated testing is current in technical praxis, but very rare in field of conservation of cultural heritage objects. It is necessary to point out, that accelerated environmental testing can be very purposeful in evaluation of properties of products for conservation work and for comparison of efficiency and suitability of conservation technologies, old and especially new ones. For reliable application of accelerated tests it is necessary to understand the deterioration mechanisms of tested material and to be informed about the scope of the testing procedure.

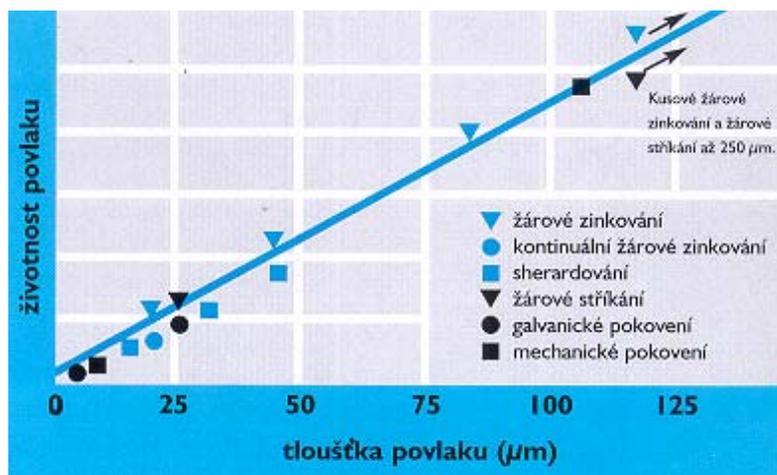


Table 5: Life time of different types of zinc coating (thickness of coating is a decisive factor)

3. Measurement of quality characteristics of materials and systems

There exist many standards for measurement important quality characteristics of materials and systems.

As very important characteristic of quality for all kinds of coatings is in many standards defined thickness of layer. For different types of coatings different measurement methods are prescribed. Thickness is decisive for estimation of life time of protective coatings. This approach is neglected in most of designs for conservation works, also in situations, where modern products and technologies have been applied.

Environmental management and environmental risk evaluation

The ISO/TC 207 for environmental management is relatively new. Field of activity is focused on air, water and soil. Heavy metals and other hazards are in the scope too.

4. Conclusion

It is necessary to exploit the issue of international standardisation to qualified, sound and the monument care specific aspects reflecting practice for conservation work. The importance is higher in the contemporary frame of international trade competition.

Standards, that establish acceptable requirements for products, include proven testing and measurement methods and practices for performance evaluation and there for promote high quality conservation work.

3.3.2 Criteria and methodology for a total quality system for restoration-protection interventions on historic monuments and buildings

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A total quality system for the conservation management of built Cultural Heritage is developed that is based on the principles of the standard quality management systems, but incorporates an integrated methodology on the problem of the conservation, preservation, and restoration of cultural heritage buildings.

Contradictory purposes such as serving new uses, satisfying safety requirements, and preserving the authenticity (of the form, materials, and structures), are not adequately addressed in the current practise. The very strict safety requirements created for new structures are currently applied excessively to cultural heritage buildings and lead to very conservative interventions that alter the original bearing capacity structural scheme, the form and the authentic materials (study-case: the Historic Building of the Archaeological Museum of Olympia).

The key aspect of building an integrated methodology is the introduction of common control parameters that are adopted from the distinct studies of architectural, structural studies, and the material and decay characterization study and fit the criteria of satisfying:

- a) the basic principles introduced by the Charters and International Conventions
- b) the serviceability of the conservation/ restoration interventions, and also the fulfilment of safety requirements and
- c) the compatibility of the materials and interventions with the authentic materials, the structure, and the environment.

The decision making process is supported by a systematic scientific methodology that integrates:

- a) The assessment of the bearing capacity of the structure and the proposal of remedial measures, and
- b) the correlation between decay patterns and damages, with the environmental loads, and actions that produce stresses and strains to the structure, and materials, by using field research (employing non destructive techniques) and laboratory testing on samples, and also by employing mathematical models for structural analysis.

The total quality management system for the conservation management of cultural heritage is covering the monitoring, inspection, diagnosis, the interventions study, intervention works, inspection and control of intervention works, assessment of intervention for historic buildings.

The vital stage is the creation of a dynamic database incorporating information for any building, degradation mechanism, intervention work, material. Monitoring involves the identification, measurement and documentation of technical performance parameters and quality of services. Macroscopic inspections assess the condition of the building and their frequency depends on the information collected by the monitoring system, and also on the location of the building on a rich informational map (a geographical information system). The planning and programming of the diagnostic campaign is performed according to specific standards. The compilation of the interventions study is based on available documentation the inspection reports and diagnostic reports on the building. The intervention works conform to the specifications of the interventions study. Also for the quality assurance, the employment of trained personnel is necessary, and the inspection of the works with on site non-destructive techniques.

1. Demonstration of a total quality control system for the design and protection of Cultural Heritage: The Case of the Municipal Market of Pyrgos

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Abstract

For the preservation, and safeguarding of modern cultural heritage the use of a total quality control system is more than

a necessity. In this work a methodology that incorporates all the various processes such as monitoring, inspection, diagnosis, intervention study, and intervention works is proposed. Each one of the processes is enhanced with the principles of quality management. Ranking indices for the necessity of performing inspection, diagnosis, and intervention works are introduced. New tools concerning the materials, structures, and degradation characterization (such as non-destructive techniques validated in laboratory), as well as, information management systems are incorporated. Quality management system principles are also integrated into the methodology. This methodology leads to the configuration of a total quality control system. The paradigm of the Municipal market of Pyrgos as an example of the application of this methodology at the diagnosis stage is presented.

KEYWORD: Conservation management, diagnosis, non-destructive techniques(NDT), parametric analysis

3.3.3 The "GÖTEBORG MODEL" and the NMK Enterprising Research School in Natural, Sustainable and Conservation Materials illustrated by The Conservation and Management of Modern Urban Architecture

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1. The "GÖTEBORG MODEL": a Meta-model for Establishment of "Integrated Conservation Universities" on a Regional Level

The "Göteborg Model" can be defined as an integrated conservation structure which sustains the following:

Effective communication, networking and collaboration between academic and public bodies, governmental organisations and NGO's, the industry, including small and medium enterprises (i.e. SME's).

Adjusted outcomes relative to local, regional, national, and/or international providers of defined relevance through academic programs, professional services, including both private and public modalities.

Advanced academic and scholarly research.

Superior inter-disciplinary collaboration and international exchange to promote the field on both a scholarly and professional level.

Promotion of effective and operative policy and management systems.

The development of new methods, materials and technology to be adopted by the conservation field and the general market.

Continuous quality assurance through effective cost and management efforts.

2. GMV Centre for Environment and Sustainability and NMK Enterprising Research School

This text is a description of NMK Enterprising Research School at GMV, Center for Environment and Sustainability, Chalmers University of Technology and Göteborg University in Sweden, its structure and activities, and the "Göteborg Model." (An extract from an article, published in "APT Commu-niqué", Association for Preservation Technology International, May 2004).

The Center for Environment and Sustainability (GMV), Chalmers University of Technology and Göteborg University, have established a unique program, to serve the country's rapidly changing needs of higher education and research within the conservation field.

Conservation here is used in its broader sense, including all aspects of tangible and intangible cultural, historic and natural resources. The interdisciplinary nature of conservation in this broader sense requires an expansion of the research base in all areas and processes involved. Conservation is understood as a comprehensive concept, of cross-disciplinary nature, that is both academically and professionally oriented.

This interdisciplinary Ph.D. program, called the NMK Enterprising Research School ("Natural, Sustainable and Conservation Materials"), incorporates both theoretical, scientific, historical and technical research in the Conservation of Cultural and Natural Resources; Environmental Science; Chemistry (mainly Inorganic); Geosciences; and Construction Technology (www.chalmers.se), (www.gu.se). Only a few such inter-disciplinary Ph.D. programs exist internationally today.

The research school is partly sponsored by the Swedish Knowledge Foundation (i.e., KK-Stiftelsen, www.kks.se/aboutus/) and carried out in close cooperation, on a contractual basis, with a selected group of strategic and well-established Swedish enterprises – some of which are international corporations. The essential criteria, which projects must meet to qualify for financial support from the Swedish Knowledge Foundation, are pre-determined and are a shared focus among all sponsors during a project's planning stages. Types of sponsors vary, but may include e.g., material producers, construction companies, estate managers,

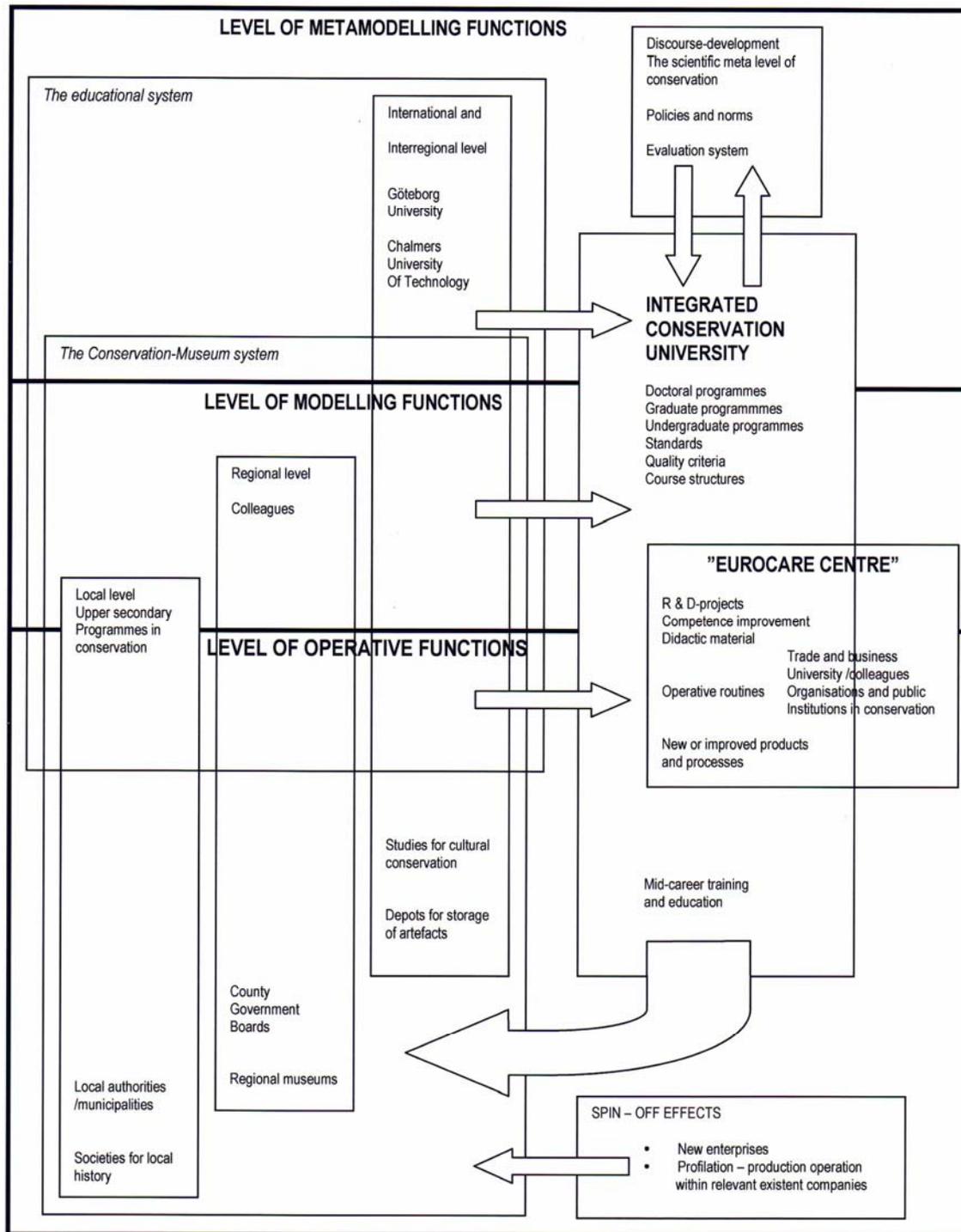


Table 6: Schematic presentation of major components and their relations, required to establish the interrelated functions of the "Göteborg model"

conservation consultants or other equally related enterprises or organizations.

This research school is the first of its kind and is the result of a nationwide initiative of the Swedish Government to respond to the growing demand for highly qualified Ph.D.'s at universities, public institutions and private enterprises in a wide range of areas and sizes. Since its inception in 2001, a carefully selected group of candidates have been accepted into the program. The objective is to place these postgraduates in strategic team-oriented academic; research; industry; and enterprising firm positions, while developing their strong research, communication and scholarly skills. Furthermore, the goal is to prepare the candidates for future leadership and decision-making roles in regional, national and international settings.

The faculty of GMV and NMK (www.miljo.gu.se) are committed to advance research in the material cultural heritage and natural environments of both the past and present, recognizing the increasingly important role that interdisciplinary research and collaboration plays in contemporary society. Collaborative research strengthens ties among national, regional and international institutions, agencies, businesses and individuals associated with the management of cultural heritage and natural resources. Art, architecture, natural and chemical environments and urbanism are all inter-linked and it is necessary to continuously create circumstances under which they can be studied together.

The aim of this enterprising interdisciplinary Ph.D. program is to provide the doctoral candidates not only with the necessary tools to understand the various aspects of cultural and natural heritage resources or ambiances, their connections and sources, but also to provide them with the skills to critically analyze, evaluate and interpret natural and material culture for the benefit of the broader and international community. Each doctoral candidate's specialization is grounded in a well-defined core curriculum with a strong theoretical and international focus at the beginning of the program, before the candidate embarks on his/her individually prepared dissertation research. The studies in each participant's research topic are supplemented by program-integrated curricular courses, which can be pursued both in Sweden and abroad under special arrangements or through specific programs for academic exchange.

The faculty and NMK have developed international collaboration with many foreign institutions in countries throughout both Europe and North America. Perhaps the

strongest connection today is with Italy, especially Milan, Naples and Rome. Recent academic exchange with institutions such as e.g. Columbia University in New York has also been achieved through the Fulbright Visiting Scholar Program (www.stockholm.usembassy.gov) and the American-Scandinavian Foundation's Training and Fellowship Programs, (www.amscan.org). This exchange is the result of a long-term collaboration between Professor Martin E. Weaver, Director of the Center for Preservation Research, Columbia University in the City of New York, and Professor Jan Rosvall, Ph.D., GMV and former director of Institute of Conservation at Göteborg University.

NMK's International Seminars

Each year, a group of doctoral candidates from NMK visits other countries for the program's annual "International Research Seminar" (refer to program description attached). This specifically arranged seminar is part of NMK's core curriculum and a course requirement for the Ph.D.-degree in combined Conservation and Environmental Science.

During this intense course, the doctoral candidates are engaged in a professional and scholarly learning environment and activities that focus on both practice and theory-based principles of conservation. The program is designed to provide the doctoral students and their sponsors with relevant high calibre scholarly-scientific and professional contacts and opportunities for academic, professional and interdisciplinary exchange.

The past seminar was held in Italy (March 13-27, 2004.) During this course, the doctoral candidates were engaged in a professional and scholarly learning environment and activities that focused on both practice and theory-based principles of conservation. Lectures were held mainly at the Swedish Institute of Classical Studies in Rome, but also e.g. at the Technical University of Milan (Politecnico di Milano) and in Naples (Universita Federico II di Napoli). These intense lectures, given by some of the most well-known Italian experts, were combined with visits to ICCROM (International Centre for the Study of the Preservation and Restoration of Cultural Property) and to various architectural conservation projects and museums in the field.

The aim with this specifically arranged international course is to promote the researchers and their projects, and to strengthen the quality and relevance of their research - individually and collectively - to prepare them to become critical consumers of research, and reflective practitioners. In 2005, this yearly international seminar is expected to take place in spring in the German-speaking region of Central

Europe, (mainly Germany and Austria), and in 2006, to North America.

3. The Conservation and Management of Modern Architecture.

A research project on: "Long term Maintenance and Preservation Needs of Exterior Finishes on Swedish Suburban Buildings from the 1960s and 70s in Göteborg"

Abstract

This research project is addressing the knowledge shortage regarding the long-term consequences of lack of maintenance and repair of the façade surfaces of the buildings from the 1960s and 70s owned by Förvaltnings AB Framtiden (FABF) in city of Göteborg. This topic has recently been recognised by the Framtiden group and some of the previous reparations are thus understood to have to be evaluated.

A variety of materials have been used during the period of renovation projects. By now the façade surfaces therefore illustrate a spectrum of various materials, techniques and methods that have been applied. This variety in approaches is mainly dependent upon the differences among the original materials of the façade surfaces themselves. Furthermore, all the materials in the façade surfaces are presumably submitted to a diversity of different deterioration processes. In order to get an overview of this complexity it is both a needed prerequisite and relevant to prepare a well organised, problem-driven inventory based on strict documentation of a number of representative façades with different material compositions and modes of applications in the surface coatings.

As already indicated above there is a profound need of increased knowledge about long term consequences of methods, techniques and materials chosen for maintenance measures. This need of long term maintenance implies the need of a preventive oriented approach to deterioration issues and treatment. Further it is also of vital interest to use a holistic perspective in a conservation project such as this one. When dealing with deterioration- and maintenance-issues regarding building envelopes and their surface coatings, it is important to look upon, not only the façade surface and its deterioration problems, but also how the surface is dependent on underlying structure and the building construction as a whole.

Background

Förvaltnings AB Framtiden (FABF) is the municipal housing corporation in Göteborg and through its subsidiary companies the estate owner of a suburban building stock from the 1960s and 70s of considerable volume. The so called "miljonprogrammet" (in English: "the one-million apartments program") was a housing scheme of considerable proportions, launched in Sweden in 1965. It should be stressed that it does not exist a uniform comprehension of the concept "miljonprogrammet" though it is frequently used in a such manner in the Swedish society. Jan Jörnmark (associate professor at the Department of Economic History at Göteborg University) has criticised this uniform comprehension of "miljonprogrammet". Jörnmark is stating that there was no manifest unified political ambition behind the parliamentary acknowledgement in 1965 of this scheme. Therefore the use of the concept "miljonprogrammet" might lead to a misconception concerning what really happened during the period between 1965 and 1974 as well as what the earlier causal relations and driving forces were.

The Swedish society however, as well as the Western World in general, was characterised by profound political, economic and demographic changes during the post WW 2 period. These changes had great impact on urban planning and housing policy. This period is also characterised by a fast development of industrialisation of the construction process. This led to the progression of new construction technologies within the construction companies, such as prefabrication of façade elements. Important actors that influenced the development during the period between 1965 and 1974 were e.g. the housing companies themselves since they often had well defined opinions on design and function of the buildings.

In the beginning of the period between 1965 and 1974 the close relations between the governmental agency, the National Board of Public Building, and professional architects and consulting companies promoted a qualitative perspective where functional issues were focused, according to Ragnar Uppman, architect involved in a number of housing-projects during this period. This means, according to Uppman, that technology was to be regarded as a tool and was not to be understood as an objective in itself. Uppman brings a chain of phenomena to attention:

ideology – design – technology – materials – industrial methods

Uppman states that this chain of phenomena illustrates a symbiotic relationship between the principal partner (National Board of Public Building), the executive partner (consulting companies and professional architects) and the houses in their actual form.

The large-scale production of housing eventually stagnated in the mid 70s. At this time a grass-root movement against those large scale projects had already grown strong. This movement embraced and expressed environmental awareness and conservation requirements on construction and urban planning. This point of view indicated the importance of preserving historic parts of townscapes, instead of erasing them, which was often the case when huge project ideas were carried out.

During the 1980s the "miljonprogrammet" suburban areas had acquired a bad reputation in many sectors of the Swedish society and in many cases such areas were gradually abandoned, especially in distant suburbs. Maintenance and care of this kind of buildings and their environmental context were not always carried out with satisfactory results, and inhabitants started to move out. During this period, large groups of immigrants arriving from totally different housing, economic and social circumstances were directed to these suburban districts, which lead to problems of alienation. In some of these areas, the problems mentioned had a dramatic development which resulted in degradation and deterioration tendencies in the built environment but also regarding the situation of the inhabitants in terms of unemployment and insecurity.

During the 90s FABF initiated a range of measures in order to deal with the problems of degradation, especially in the most problematic areas, like e. g. in Bergsjön, Gårdsten and Hjällbo. These measures have been carefully conducted projects of reparation, renovation or rehabilitation of the areas with their building envelopes. Laboratory tests and analysis of concrete samples as well as programs were launched to create jobs for unemployed inhabitants to mention some typical initiatives. The main objectives during the rehabilitation period were to erase – if possible – the feelings of neglect and insecurity that were prevailing among inhabitants during the late 1970s and throughout the 80s, and to promote quality of life for the inhabitants in terms of housing, security, comfort and employment. In this context it is important to remember that in spite of prevailing negative feelings, many of the inhabitants took a clear stand for what they felt was their home ground. This driving force was, and still is recognised as one of the most important forces to be used in an upgrading and renovation process of this kind. The efforts have generally been successful, and today people are queuing for apartments in these kinds of districts. It should be stressed that the direct and preventive actions, mentioned above, were deliberate and well organised attempts to attack both material and social degradation.

Aim

The overall aim is to promote a long term approach regarding future preservation and maintenance of surface coatings of modern urban façades in housing districts, owned by FABF in Göteborg. This long term preservation and maintenance approach is meant to have reference to sustainable development, in terms of service of life regarding techniques and materials, as well as in terms of environmental directives. It is obvious that this indicates the need of a perspective on maintenance issues, based on the concept of preventive conservation. Increased knowledge about the materials and their decay-mechanisms and processes is an important step towards a preventive approach where the causes of deterioration are identified and dealt with rather than just attacking the symptoms. It is thus essential to relate deterioration processes in the surface coatings to underlying structures as well as to the building construction as a whole. Further it is of importance to contribute to the development of competency within the housing companies of FABF, since this development is looked upon, by FABF, as prerequisite to enhance long term and appropriate maintenance strategies for their building stock.

The objective in the first phase of the project, towards a licentiate thesis at the end of the year 2006, is to establish a technical state of the art of the façade surfaces in a selected number of housing districts. This inventory aims at an identification of various materials and their types of damages, based on a strict and detailed documentation, of a selected number of façades. Further objectives are to perform case studies, based on cases selected from the inventory, and to analyse the results from these investigations. In the second phase eventually the results from the case studies, would lead to the formation of a model for the application of innovative long-term techniques and the utilization of careful repair strategies; which would be the scope for the planned dissertation in the middle of the year 2009.

Method

Considering the substantial amount of buildings from the 1960s and 70s owned by FABF, it is clear that the selection of objects that are to be studied in this project is a main initial issue. The decision-making about what specific objects that should be investigated is suggested to be based on an inventory, mentioned above, of façade surfaces from strategic parts of the building stock. Thus the inventory should grasp all material categories that are occurring in the façade surfaces. The second step is to design and perform a preliminary case study, where specific questions and hypotheses are to be

tested on a façade where the surface coating(s) includes problems which are feasible to investigate in a pre-study. The results of this pre-study are to be evaluated in order to enable adjustment and sharpening of the research questions and the methodological tools. The third step is considered to focus in a “full scale study” of a case with respect to greater complexity regarding various materials and their decay processes.

This presentation implies a movement back and forth between empiric matter, façade surfaces, and forming of relevant theoretical framework. This may also be described as a movement from particular cases towards the framing of theories of general validity.

The main issues of the licentiate thesis are:

Documentation of a number of façades and their surface coatings. This documentation will comprise their actual condition, material composition and modes of application as well as deterioration issues: natural, construction-based, material-based, and anthropogenic-based.

Preparation of an inventory based on documentation.

Selection process: of relevant objects (what districts, what types of facades, what materials, what previous examples of maintenance are to be assessed?)

A pre-case study of previous measures of repair, maintenance and renovation. Following issues are suggested to be investigated: material characteristics, construction technology, climatic conditions, deterioration processes, and causes behind deterioration, as well as evaluation of previous reparations.

The doctoral dissertation is preliminarily planned to focus on:

Performing a number of case-studies with the same scope as in the previous pre-study. The research questions will be further elaborated in order to enable more accurate answers on topics described above.

Establishing a model of long-term techniques and strategies of careful repair and maintenance. These techniques and strategies are intended to be characterised by a sustainable development perspective on materials and techniques as well as on environmental issues.

Testing of the model on a feasible case with relevant and strategic problems due to material defects, deterioration processes in progress as well as inappropriately applied maintenance measures and/or lack of maintenance and care.

Evaluation of the model, aiming at a relevant adjustment and elaboration of the techniques and strategies, in order to enable a design with respect to greater validity and range.

Selection and definition

As stated above (Method), the selection-process is crucial since the range of the results of the investigation are dependent on the questions looked upon in the case studies. In order to promote an optimization of the range of investigation-results, some issues of strategic relevance can be initially highlighted:

It is important that selected façades covers as many of the frequent materials, techniques and types of construction as possible.

Façades frequently treated and maintained should be investigated, since a high maintenance-frequency indicates severe problems of deterioration (e.g. application-based, construction-based, and material-based).

Façades in good condition and with low maintenance-frequency should also be investigated, since they might develop deterioration problems in the future, and thus resulting in a probable and dramatic increase of treatments- and maintenance-needs.

Following structures and materials are suggested to be focused:

Reinforced concrete

Concrete plates/slabs (with exposed aggregates in the surface)

Natural stone

Bricks , ceramics, glass

Wood panel

Steel

Asbestos plates

Materials in dilatation joints

Various paint techniques and sacrificial coatings

Various plaster techniques

Theoretical perspective

Maintenance and care of building envelopes in urban areas involves a range of issues that calls for attention in a conservation project of this kind. As already discussed above there is a considerable complexity involved in terms of climatic and environmental influence, which often is difficult to control, on façade materials and on supporting structures, but also regarding the internal static forces that influence these materials and structures. This complexity has to be fully recognised before a conservation project is launched and it indicates the need of a cross-disciplinary as well as a multi-professional methodological approach. Conservation should be understood as a comprehensive and general concept to be utilised to define objectives, perspectives and methodological tools when issues of sustainable and long term maintenance of e. g. urban architecture are to be addressed. Further it is of vital interest that the investigation recognises the importance

of a high scholarly scientific standard on methods applied that the results will have validity beyond the actual investigation.

References

Engelbrektsson, N. and Rosvall, J. (1999)
Integrated Conservation and Environmental Challenge. Reflections on the Swedish Case of Habitat. In: The human Sustainable City. Challenges and Perspectives from the Habitat Agenda. (Eds.) Luigi Fusco Girard, Bruno Forte, Maria Cerreta et al. Ashgate Publishers, London.

Engelbrektsson, N. (1983)
Kulturhistoriskt värde, reflektioner kring ett centralt begrepp. In: Byggnadskultur 1983:1.

Engelbrektsson, N. (1987)
Integrated conservation – research and students´ projects in Swedish communities. In: Planning & Conservation. London 13-15 April 1987.

Feilden, B. M. (1979)
An Introduction to Conservation of Cultural Property. ICCROM-UNESCO, Rome.

van Gigch, John P., Jan Rosvall and Bosse Lagerqvist (1996)
Setting a strategic framework for Conservation Standards. In: Standards for Preservation and Rehabilitation. Ed. by Stephen J. Kelley. ASTM, West Conshohocken, USA, pp.64-71.

van Gigch, J. P. and Rosvall, J., (1991)
Multilevel Ethics of Conservation. In: Human Systems Management 10, no 4.

Hansson, E. (2000)
Inventering av nätverk, kontakter och projekt, kring modernismens bostadsområden i Göteborg. In: Storstadens Arkitektur och Kulturmiljö. Länsstyrelsen Västra Götaland, Göteborg.

Lagerqvist, B., (1996)
The conservation system. Photogrammetry as a base for designing documentation in conservation and cultural management. Doctoral dissertation, Göteborg University.

Rosvall, J. et al (1995)
International perspectives on strategic planning for research and education in conservation. In: Bolletino d´Arte. Supplemento al n. 98 "Giovanni Secco Suardo. La Culture del Restauro tra Tutela e Conservazione dell´ Opere d´Arte".

Rome: Ministero per i Beni Culturali e Ambientali. ISRN 0394-4573.

Söderqvist, L. (1999)
Rekordår och Miljonprogram. Doctoral dissertation, Stockholm University.

Weaver, M. E (1995)
Forensic Conservation and Other Current Developments in the Conservation of Heritage Resources and the Built Environment. - In: Journal of Architectural Conservation, No 3, November 1995, pp. 26-41.

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Annexes

A



Picture 1: the working group on a technical excursion to Versailles in November 2005

A.1 The Working Group- Technical excursion to Versailles

The purchasing directive.

Directive COM (2003) 503, amending and consolidating Directives 92/50/EEC, 93/36/EEC, and 93/37/EEC, coordinating the procedures for the award of public works contracts, public supply contracts and public service contracts.

The directive is causing problems for purchase of materials for repairs and restorations from original historic locations of such materials.

The problem is (partially) solved by producing extensive and costly petrochemical analysis of the stones to specify the product in accordance with the purchasing directive.

The economic situation of Versailles is unique; for most other buildings such analysis would be far to costly. For smaller buildings it would be out of the question.



Picture 2: the Chateau de Versailles(<http://www.chateauversailles.fr/>)

A.2 List of directives with links to full text of document

Short list Directives with URL addresses:

Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of **biocidal products** on the market

http://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lq=en&nb_docs=25&domain=Legislation&coll=&in_fo_rce=NO&an_doc=1998&nu_doc=8&type_doc=Directive

Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to **construction products**

http://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lq=en&nb_docs=25&domain=Legislation&coll=&in_fo_rce=NO&an_doc=1989&nu_doc=106&type_doc=Directive

Council Directive 93/76/EEC of 13 September 1993 to limit carbon dioxide emissions by **improving energy efficiency**

http://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lq=en&nb_docs=25&domain=Legislation&coll=&in_fo_rce=NO&an_doc=1993&nu_doc=76&type_doc=Directive

Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the **energy performance of buildings**

http://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lq=en&nb_docs=25&domain=Legislation&coll=&in_force=NO&an_doc=2002&nu_doc=91&type_doc=Directive

Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the **environment**

http://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lq=en&nb_docs=25&domain=Legislation&coll=&in_force=NO&an_doc=1985&nu_doc=337&type_doc=Directive

Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of **fishery products**

http://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lq=en&nb_docs=25&domain=Legislation&coll=&in_force=NO&an_doc=1991&nu_doc=493&type_doc=Directive

European Parliament and Council Directive 95/16/EC of 29 June 1995 on the approximation of the laws of the Member States relating to **lifts**

http://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lq=en&nb_docs=25&domain=Legislation&coll=&in_force=NO&an_doc=1995&nu_doc=16&type_doc=Directive

Directive 98/37/EC of the European Parliament and of the Council of 22 June 1998 on the approximation of the laws of the Member States relating to **machinery**

http://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lq=en&nb_docs=25&domain=Legislation&coll=&in_force=NO&an_doc=1998&nu_doc=37&type_doc=Directive

Council Directive 92/43/EEC of 21 May 1992 on the conservation of **natural habitats** and of wild fauna and flora

http://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lq=en&nb_docs=25&domain=Legislation&coll=&in_force=NO&an_doc=1992&nu_doc=43&type_doc=Directive

Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for **passenger ships**

http://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lq=en&nb_docs=25&domain=Legislation&coll=&in_force=NO&an_doc=1998&nu_doc=18&type_doc=Directive

Council Directive 76/769/EEC of 27 July 1976 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://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lq=en&nb_docs=25&domain=Legislation&coll=&in_force=NO&an_doc=1976&nu_doc=769&type_doc=Directive

Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of **volatile organic compounds** due to the use of organic solvents in certain activities and installations

http://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lq=en&nb_docs=25&domain=Legislation&coll=&in_force=NO&an_doc=1999&nu_doc=13&type_doc=Directive

Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of **workers at work**

http://europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lq=en&nb_docs=25&domain=Legislation&coll=&in_force=NO&an_doc=1989&nu_doc=391&type_doc=Directive

COM (2003) 0319, on the management of **waste from extractive industries**.

http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lq=en&type_doc=COMfinal&an_doc=2003&u_doc=319

<http://europa.eu.int/scadplus/leg/en/lvb/l28134.htm>

EU Draft Directive on **reduced rates of VAT** COM (2003) 397 final

http://europa.eu.int/comm/taxation_customs/resources/documents/labour_intensive_services_en.pdf

Purchasing Directive (Directive COM (2003) 0503)

EU-Directive 2000/60/EG, Water directive, EU Directive 2000/60/EC (October 23 2000), establishing a framework for community action in the field of **water policy**.

<http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:32000L0060:EN:HTML>

A.3 Memorandum on the "Water Directive"; EU Directive 2000/60/EC (October 23 2000), establishing a framework for community action in the field of water policy.

1. Introduction and conclusions

This memorandum focuses solely on the principal problems related to the text of the directive and mandatory national management plans for implementation in view of the possible impact on the national cultural heritage.

In article 11 of the directive the objectives are clearly stated: (11) As set out in Article 174 of the Treaty, the Community policy on the environment is to contribute to pursuit of the objectives of preserving, protecting and improving the quality of the environment, in prudent and rational utilisation of natural resources, and to be based on the precautionary principle and on the principles that preventive action should be taken, environmental damage should, as a priority, be rectified at source and that the polluter should pay⁴⁷.

This objective is, of course, fully supported by the Cultural heritage authorities.

On the other hand, the directive text makes multiple mentions of necessary removal of remains of human activity which in numerous cases will be the nation's cultural heritage. This ambiguity in the text make cultural heritage authorities harbour some founded anxiety as to how the text may be interpreted and applied in practice.

We are of the opinion that nr. 31) and partially nr.32) in the introductory text of the directive supplies a legal basis that ensures that necessary actions demanded by the directive should not be detrimental to our cultural heritage. We refer to part 3 of this memorandum; Comments on the directive text.

Principally we point to the fact that there is no basis in the EU Treaty for EU legal acts to restrict the member countries possibility of implement an autonomous cultural heritage

⁴⁷ <http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:32000L0060:EN:HTML>

policy. We refer to part 2. of the memorandum; Principal comments.

To conclude:

Special treatment of cultural heritage is authorised by the Directive, when in keeping with the conditions mentioned in this memorandum⁴⁸, and in line with the restricted competencies ascribed to the EU in regards to matters related to cultural heritage.

National guidelines and "management plans " (for the administrations and competent authorities) demanded by the directive for implementation in national legislation must include:

Clear and specific rules that do not infringe on the authorised legal protection afforded to cultural heritage through national (or regional) legislation or existing practices as instituted by such laws.

Clear criteria for the use of cost-benefit analysis to be applied when decisions pertain to the possible removal of or other changes to cultural heritage objects in with the directive demand to restore water sources to 'natural' conditions is applicable.

2. Principal comments

The cultural heritage authority wishes to point to the fact that cultural considerations are recognised in the EU Treaty and is, in the practice of the EU-court, defined as legitimate reasons for trade restrictive measures in areas not regulated by directives. This fact has repercussions on the competencies of the EU to regulate matters in the field of cultural policy.

Article 95, of the Treaty, opens for member states to have other rules than those that follow from a directive, where this is necessary to preserve for example, national treasures of (amongst others) historic values. Article 151 does give the EU the right to initiate supportive measures, but not any restricting measures in this field.

There is a definite advantage in incorporating cultural specific rules already in the text of a directive. This is not done in the EU Directive 2000/60/EC. When such specific rules are not present, exemption through the application of article 95 is a feasible legal solution. EU members may, in cases where national cultural heritage is threatened, demand exemption

⁴⁸ Which is basically the result of a first use of a cost-benefit analysis to argue for removal or non removal of the object in question. The results of this analysis may, in any case, be overridden by overriding public interest or legitimate use of the environment, when no substantial pollution to, or additional deterioration of the water is caused thereby.

according to article 95. The EEA agreement has no clause similar to EC art. 95.

There are specific wordings in the directive text which give reason for worry for cultural heritage and which, subsequently need a clarification. Some examples of such wording will be discussed in part 3 of this memorandum. Such wording must be subject to a definition at a higher level of precision in the course of the process of developing national guidelines and management plans demanded for the implementation of the directive in national law and ensuing practises.

To comply with our administrative and legal responsibilities it becomes critical to have a clear conceptual and operational framework for applying cost-benefit analysis in cases where cultural heritage is at stake. The guidelines must define how a cultural heritage object is to be valued in such an analytical framework. National guidelines demanded for implementation and application of measures following from the directive must be explicit so as to avoid multiple and diverse interpretations.

3. Comments to the text and wording of the directive

¹ (31) In cases where a body of water is so affected by human activity or its natural condition is such that it may be unfeasible or unreasonably expensive to achieve good status, less stringent environmental objectives may be set on the basis of appropriate, evident and transparent criteria, and all practicable steps should be taken to prevent any further deterioration of the status of waters.

(32) There may be grounds for exemptions from the requirement to prevent further deterioration or to achieve good status under specific conditions, if the failure is the result of unforeseen or exceptional circumstances, in particular floods and droughts, or, for reasons of overriding public interest, of new modifications to the physical characteristics of a surface water body or alterations to the level of bodies of groundwater, provided that all practicable steps are taken to mitigate the adverse impact on the status of the body of water.
(Underlining made by us).

We are of the opinion that the (Norwegian) Cultural Heritage Act and other legal measures in force for protection or listing of cultural heritage must be interpreted as such "reasons of overriding public interest". This leads us to conclude that the directive may not automatically be applied where its intentions come in conflict with aforementioned cultural heritage interests.

Seen together, sections 31 and 32 raise the question of how to interpret the term "unreasonably expensive". The directive states that the answer is given by applying a cost-benefit analysis. The use of cost-benefit analysis therefore raises the questions of how cost and benefit will be defined when applied to cultural heritage objects. Therefore the cost-benefit method must contain clear definitions and guidelines for application when applied to cultural heritage relevant situations. How is value to be ascribed to the cultural heritage in the cost-benefit analysis? What values should be included? *As the text of the directive supplies no precisions or definitions that are applicable to such cases and the matter is therefore, perforce left to the competencies of national authorities.*

Such considerations and definitions must therefore be clearly operatively defined in the National Guidelines and Management Plans to be developed.

In Article 2., Definitions, section 33 the gives the following definition of pollution:

33. "Pollution" means the direct or indirect introduction, as a result of human activity, of substances or heat into the air, water or land which may be harmful to human health or the quality of aquatic ecosystems or terrestrial ecosystems directly depending on aquatic ecosystems, which result in damage to material property, or which impair or interfere with amenities and other legitimate uses of the environment.

This definition is for us somewhat unclear in relation to cultural heritage situated in or connected to rivers or water. One of Norway's main UNESCO world Heritage sites⁴⁹ could easily be prey to the measures the directive then prescribes when applying this definition.

We are especially worried about the wording "or which impair or interfere with amenities and other legitimate uses of the environment". As neither "environment", nor "other legitimate uses of the environment" is defined in the directive it becomes unclear how cultural heritage is evaluated in this connection.

In other EU legislative acts Environment has been interpreted in a restricted and narrow sense; i.e. only as the 'natural environment' or 'nature made environment'⁵⁰. In recent years the concept of environment has tended to be defined more broadly as is demonstrated by the new [European Landscape](#)

49 The mining mountain settlement of Røros.

50 Examples: Environmental Impact Assessment 85/337/EEC, Natural Habitats 92/43/EEC

Convention⁵¹ which defines environment as the combination of the natural habitat and the man made habitat (culture) which interact with each other to create eco-habitats. So in this wider definition of environment man made remains are included. These man made remains make up the physical heritage or the cultural heritage.

In Article 4 on Environmental objectives, the directive reads:

1. In making operational the programmes of measures specified in the river basin management plans:

(a) for surface waters

(i) Member States shall implement the necessary measures to prevent deterioration of the status of all bodies of surface water, subject to the application of paragraphs 6 and 7 and without prejudice to paragraph 8;

(ii) Member States shall protect, enhance and restore all bodies of surface water, subject to the application of subparagraph (iii) for artificial and heavily modified bodies of water, with the aim of achieving good surface water status at the latest 15 years after the date of entry into force of this Directive, in accordance with the provisions laid down in Annex V, subject to the application of extensions determined in accordance with paragraph 4 and to the application of paragraphs 5, 6 and 7 without prejudice to paragraph 8;

(iii) Member States shall protect and enhance all artificial and heavily modified bodies of water, with the aim of achieving good ecological potential and good surface water chemical status at the latest 15 years from the date of entry into force of this Directive, in accordance with the provisions laid down in Annex V, subject to the application of extensions determined in accordance with paragraph 4 and to the application of paragraphs 5, 6 and 7 without prejudice to paragraph 8;

(Underlining by us)

The wording “restore all bodies of surface water”, “.for artificial and heavily modified bodies of water” and “shall protect and enhance all artificial and heavily modified bodies of water” give reasons for concern about cultural heritage; specially for man made constructions such as dams, ruins of old mills or saws and the like connected to a water course or source, artificial lakes other artificial bodies or courses of water in connection with historical gardens or parks, water castles, moaths, etc.

For the sections ii) and iii) reference is made to 5, 6, 7, and 8⁵². It is stated that it will not be a breach of the directive

52 5. Member States may aim to achieve less stringent environmental objectives than those required under paragraph 1 for specific bodies of water when they are so affected by human activity, as determined in accordance with Article 5(1), or their natural condition is such that the achievement of these objectives would be infeasible or disproportionately expensive, and all the following conditions are met:

Article 4.

5. Member States may aim to achieve less stringent environmental objectives than those required under paragraph 1 for specific bodies of water when they are so affected by human activity, as determined in accordance with Article 5(1), or their natural condition is such that the achievement of these objectives would be infeasible or disproportionately expensive, and all the following conditions are met:

(a) the environmental and socioeconomic needs served by such human activity cannot be achieved by other means, which are a significantly better environmental option not entailing disproportionate costs;

(b) Member States ensure,

- for surface water, the highest ecological and chemical status possible is achieved, given impacts that could not reasonably have been avoided due to the nature of the human activity or pollution,

- for groundwater, the least possible changes to good groundwater status, given impacts that could not reasonably have been avoided due to the nature of the human activity or pollution;

(c) no further deterioration occurs in the status of the affected body of water;

(d) the establishment of less stringent environmental objectives, and the reasons for it, are specifically mentioned in the river basin management plan required under Article 13 and those objectives are reviewed every six years.

6. Temporary deterioration in the status of bodies of water shall not be in breach of the requirements of this Directive if this is the result of circumstances of natural cause or force majeure which are exceptional or could not reasonably have been foreseen, in particular extreme floods and prolonged droughts, or the result of circumstances due to accidents which could not reasonably have been foreseen, when all of the following conditions have been met:

(a) all practicable steps are taken to prevent further deterioration in status and in order not to compromise the achievement of the objectives of this Directive in other bodies of water not affected by those circumstances;

(b) the conditions under which circumstances that are exceptional or that could not reasonably have been foreseen may be declared, including the adoption of the appropriate indicators, are stated in the river basin management plan;

(c) the measures to be taken under such exceptional circumstances are included in the programme of measures and will not compromise the recovery of the quality of the body of water once the circumstances are over;

(d) the effects of the circumstances that are exceptional or that could not reasonably have been foreseen are reviewed annually and, subject to the reasons set out in paragraph 4(a), all practicable measures are taken with the aim of restoring the body of water to its status prior to the effects of those circumstances as soon as reasonably practicable, and

(e) a summary of the effects of the circumstances and of such measures taken or to be taken in accordance with paragraphs (a) and (d) are included in the next update of the river basin management plan.

7. Member States will not be in breach of this Directive when:

51 The European Landscape Convention CETS No.: 176 . English text:
http://www.coe.int/T/E/Cultural_Co-operation/Environment/Landscape/Reference_texts/Convention_UnitedKingdom.asp#TopOfPage

when less stringent environmental objectives than those required under paragraph 1 are applied when such measures are "disproportionately expensive " or "environmental and socioeconomic needs served by such human activity cannot be achieved by other means" or "the reasons for those modifications or alterations are of overriding public interest" or "the reasons for those modifications or alterations are specifically set out and explained in the river basin management plan required under Article 13" .

Article 7, and specifically section d.) states that measures "which are a significantly better environmental option." are acceptable under specific conditions. This must be interpreted to authorise that the cultural heritage (defined as an integral part of the environment) is given adequate consideration when enforcing the provisions of the directive.

We conclude that existing human made alterations to natural or other watercourses, which are considered as cultural heritage, will not be affected by the implementation of the Directive. This, under the condition that 31) and 32) of Article

- failure to achieve good groundwater status, good ecological status or, where relevant, good ecological potential or to prevent deterioration in the status of a body of surface water or groundwater is the result of new modifications to the physical characteristics of a surface water body or alterations to the level of bodies of groundwater, or

- failure to prevent deterioration from high status to good status of a body of surface water is the result of new sustainable human development activities

and all the following conditions are met:

(a) all practicable steps are taken to mitigate the adverse impact on the status of the body of water;

(b) the reasons for those modifications or alterations are specifically set out and explained in the river basin management plan required under Article 13 and the objectives are reviewed every six years;

(c) the reasons for those modifications or alterations are of overriding public interest and/or the benefits to the environment and to society of achieving the objectives set out in paragraph 1 are outweighed by the benefits of the new modifications or alterations to human health, to the maintenance of human safety or to sustainable development, and

(d) the beneficial objectives served by those modifications or alterations of the water body cannot for reasons of technical feasibility or disproportionate cost be achieved by other means, which are a significantly better environmental option.

8. When applying paragraphs 3, 4, 5, 6 and 7, a Member State shall ensure that the application does not permanently exclude or compromise the achievement of the objectives of this Directive in other bodies of water within the same river basin district and is consistent with the implementation of other Community environmental legislation.

The full text of the Directive is available in Html format at:

<http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:32000L0060:EN:HTML>

February 27. 2006-02-27

1. are met. We wish the competent authority for the implementation of the Water directive to confirm such an interpretation.

Article 1. of the Directive states that the directive also applies to "the protection of territorial and marine waters," . In this context it is important that those obligations that have been entered into by the national governments for such waters and their cultural heritage remains are taken into consideration. These Conventions grant special protection to man made remains; i.e. archeological and historic material in such waters⁵³. This must be reflected in the guidelines accompanying the implementation of the directive.

To conclude:

We are of the opinion that a special treatment of cultural heritage is authorised by the content of the directive, when in keeping with the conditions mentioned in this memorandum⁵⁴.

Rules that are applicable for removal of man made hindrances or the restoration of water sources from a cultural to a natural condition shall therefore not be to the detriment of, or cause damage to, national cultural heritage.

The Directive, and the general legal provisions of the EU Treaty, authorises special considerations for cultural heritage objects. When such remains of sustainable and/or historic man made structures could be affected by the demands of the directive they must be subjected to evaluations and measures which grant them special consideration and special status as national treasures of historic and / or cultural value. This is both in keeping with the overriding legal framework of the EU Treaty and the provisions of by the Water Directive 2000/60/EC which authorises such specific and special considerations.

Such legal precedents and the obligations that ensue from them must be reflected in National Guidelines and

53 United Nations Convention on the Law of the Sea (UNCLOS) 1982 by Articles 149 and 303(1) of that Convention. The UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001, particularly those set out in the Annex, and noting that the Rules in the Annex represent internationally accepted standards of archaeological good practice. Reference: Society of Antiquaries of London, Burlington House, London, on 28 October 2005.

54 Which is basically the result of a cost-benefit analysis to argue for removal or non removal of the object in question. The results of this analysis may, in any case, be overridden by overriding public interest or legitimate use of the environment, when no substantial pollution to, or additional deterioration of the water is caused thereby.

Management plans which are provisions of the directive⁵⁵. Further in cases which are of a specially complex nature, the provisions for specific protected areas could be applied as stated in Article 7.⁵⁶ National Guidelines and Management plans must contain specific and operational rules for applying cost-benefit analysis and the drawing of conclusions where cultural heritage is concerned.

Edited version of hearing memorandum on the Water Directive 2000/60/EC from Riksantikvaren, Directorate for Cultural Heritage, Norway. T. Nypan (Dr.).



55 Article 13, River basin management plans

1. Member States shall ensure that a river basin management plan is produced for each river basin district lying entirely within their territory.

56 Article 7 3. Member States shall ensure the necessary protection for the bodies of water identified with the aim of avoiding deterioration in their quality in order to reduce the level of purification treatment required in the production of drinking water. Member States may establish safeguard zones for those bodies of water.

A.4 The Traditional Craft of Pipe Organ Building, is affected by EU Directive 2002 95/EC RoHS (Risk of Hazardous Substances) and EU Directive 2002 96/EC WEEE (Waste Electrical and Electronic Equipment)

Preamble

WEEE and RoHS Directives are not intended to restrict organ building, but in their current format, they would appear to have the potential to do so. The lead products are listed in an annex, which means that they are currently able to be used. However as part of the normal course of reviewing legislation, the EU is now asking, if since the directive was first introduced, whether there are any acceptable alternatives developed for the "offending" products. One of which is lead used for organ pipes. If there is a strong chorus of people stating that there is no acceptable alternative, things should stay as they are. Even if this possibility to use is restricted to 4 years, it is important to "buy" this time. Advice on how to support the organ building tradition available is found at the end of this communication.

"The Problem (Text from <http://www.pipes4organs.org/>)
An error in the drafting of the Directives⁵⁷ will ban the making of traditional pipe organs for cathedrals, concert halls, colleges and churches from 1st July 2006.
If no action is taken, this will destroy a unique cultural art form across the entire EU and lead to job losses throughout Britain, including East London and NE England.
The problem arises due to the essential use of lead in the manufacture of organ pipes. These pipes are in no way comparable to the electronic circuit boards which the Directives are intended to address.

Recommendations

The Institute of British Organbuilding, supported by the International Society of Organbuilders, recommends to the Department of Trade and Industry that it should modify its guidance to specifically exclude pipe organ building, or at the least, the organ pipes themselves.

⁵⁷ Secretariat comment: It's not really an error in the drafting of the Directive, more an error of interpretation, to put it simply.



It is our view that the purpose of the legislation would not be altered or perverted if the organ pipes were to be declared as outside the Directive. Furthermore, the intention of the legislation would not be frustrated or avoided if organ pipes were so excluded.

Facts

Pipe Organ Building is a craft industry, represented in all EU/EEA Member countries from the UK to the Baltic countries. It is a unique cultural art form with iconic examples to be found throughout the world from Westminster Abbey and the Albert Hall to the recently restored Dresden Frauenkirche and the new Disney Concert Hall, Los Angeles. Despite the economic strictures of modern times the work of British organbuilders continues to flourish, with new organs being built both at home and for export across the world. British Organbuilding is a world leader in this field.

The Anomalies

A completely mechanical, hand blown organ is not covered by the Directive.
The same organ fitted with any element of electrical control is subject to the Directive.

Environmental Issues

The RoHS and WEEE Directives are intended to restrict the dumping of items such as circuit boards, mobile phones etc. into landfill sites, and to achieve this by limiting the use of

hazardous substances (including lead) in the manufacture of electrical and electronic equipment.

Due to their extreme longevity, organ pipes need never enter the landfill waste system and can always be recycled by organ builders into more pipes.

The use of lead in organ pipes is recognised as having no adverse environmental effects.

Where pipe organs do contain electronic circuitry, our suppliers are working towards full compliance with the Directives.

Why do organ pipes contain lead?

Organ pipes are made from tin/lead alloy. The properties of this metal contribute to the unique tone of the pipe organ. The alloy is malleable, enabling precise adjustments which determine the 'voicing' or sound of the pipes.

Tin/lead alloy is uniquely suited to the hand production of pipes in the many sizes which make up the very wide pitch range of notes in an organ. It has the structural strength to support its own weight for centuries." Text and picture from <http://www.pipes4organs.org/overview.html>

What to do? Proposal from Secretariat:

The Secretariat⁵⁸ proposes you follow the advice of English Heritage:

"There is only one thing to do and that is to respond governmentally and otherwise, to the EU stakeholder consultation being run from the DG Environment.

See

http://europa.eu.int/comm/environment/waste/rohs_5_consult.htm

As you can see from the text of the consultation, these items listed are currently exempted from Directive 2002//95/EC and the consultation is mostly about enquiring whether there are any feasible substitutes for the particular substances. So what they need to be told is why any substitutes are not possible for the use we are concerned about – ie organ pipes (is it all organ pipes or only historic ones?).

If they don't hear any evidence from the historic organ sector it is possible that they will take the substance out of the annex – ie make it subject to the Directive banning it. So it's important not just to talk about it, but to get a submission in to Brussels. **Before 15 May."**

Please circulate this notification as widely as possible.

For the Secretariat
Working Group on EU Directives and Cultural Heritage
T. Nypan



58 Secretariat of the Working Group on EU Directives and Cultural Heritage.

A.5 Convention for the protection of the architectural heritage of Europe

Granada, 3.10.1985

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose, inter alia, of safeguarding and realising the ideals and principles which are their common heritage;

Recognising that the architectural heritage constitutes an irreplaceable expression of the richness and diversity of Europe's cultural heritage, bears inestimable witness to our past and is a common heritage of all Europeans;

Having regard to the European Cultural Convention signed in Paris on 19 December 1954 and in particular to Article 1 thereof;

Having regard to the European Charter of the Architectural Heritage adopted by the Committee of Ministers of the Council of Europe on 26 September 1975 and to Resolution (76) 28, adopted on 14 April 1976, concerning the adaptation of laws and regulations to the requirements of integrated conservation of the architectural heritage;

Having regard to Recommendation 880 (1979) of the Parliamentary Assembly of the Council of Europe on the conservation of the European architectural heritage;

Having regard to Recommendation No. R (80) 16 of the Committee of Ministers to member States on the specialised training of architects, town planners, civil engineers and landscape designers, and to Recommendation No. R (81) 13 of the Committee of Ministers, adopted on 1 July 1981, on action in aid of certain declining craft trades in the context of the craft activity;

Recalling the importance of handing down to future generations a system of cultural references, improving the urban and rural environment and thereby fostering the economic, social and cultural development of States and regions;

Acknowledging the importance of reaching agreement on the main thrust of a common policy for the conservation and enhancement of the architectural heritage,
Have agreed as follows:

Definition of the architectural heritage

Article 1

For the purposes of this Convention, the expression "architectural heritage" shall be considered to comprise the following permanent properties:

monuments: all buildings and structures of conspicuous historical, archaeological, artistic, scientific, social or technical interest, including their fixtures and fittings;
groups of buildings: homogeneous groups of urban or rural buildings conspicuous for their historical, archaeological, artistic, scientific, social or technical interest which are sufficiently coherent to form topographically definable units;
sites: the combined works of man and nature, being areas which are partially built upon and sufficiently distinctive and homogeneous to be topographically definable and are of conspicuous historical, archaeological, artistic, scientific, social or technical interest.

Identification of properties to be protected

Article 2

For the purpose of precise identification of the monuments, groups of buildings and sites to be protected, each Party undertakes to maintain inventories and in the event of threats to the properties concerned, to prepare appropriate documentation at the earliest opportunity.

Statutory protection procedures

Article 3

Each Party undertakes:

to take statutory measures to protect the architectural heritage;
within the framework of such measures and by means specific to each State or region, to make provision for the protection of monuments, groups of buildings and sites.

Article 4

Each Party undertakes:

to implement appropriate supervision and authorisation procedures as required by the legal protection of the properties in question;
to prevent the disfigurement, dilapidation or demolition of protected properties. To this end, each Party undertakes to introduce, if it has not already done so, legislation which:

a. requires the submission to a competent authority of any scheme for the demolition or alteration of monuments which are already protected, or in respect of which protection proceedings have been instituted, as well as any scheme affecting their surroundings;

b. requires the submission to a competent authority of any scheme affecting a group of buildings or a part thereof or a site which involves

-demolition of buildings

-the erection of new buildings

-substantial alterations which impair the character of the buildings or the site;

c. permits public authorities to require the owner of a protected property to carry out work or to carry out such work itself if the owner fails to do so;

d. allows compulsory purchase of a protected property.

Article 5

Each Party undertakes to prohibit the removal, in whole or in part, of any protected monument, except where the material safeguarding of such monuments makes removal imperative. In these circumstances the competent authority shall take the necessary precautions for its dismantling, transfer and reinstatement at a suitable location.

Ancillary measures

Article 6

Each Party undertakes:

to provide financial support by the public authorities for maintaining and restoring the architectural heritage on its territory, in accordance with the national, regional and local competence and within the limitations of the budgets available;

to resort, if necessary, to fiscal measures to facilitate the conservation of this heritage;

to encourage private initiatives for maintaining and restoring the architectural heritage.

Article 7

In the surroundings of monuments, within groups of buildings and within sites, each Party undertakes to promote measures for the general enhancement of the environment.

Article 8

With a view to limiting the risks of the physical deterioration of the architectural heritage, each Party undertakes:

to support scientific research for identifying and analysing the harmful effects of pollution and for defining ways and means to reduce or eradicate these effects;

to take into consideration the special problems of conservation of the architectural heritage in anti pollution policies.

Sanctions

Article 9

Each Party undertakes to ensure within the power available to it that infringements of the law protecting the architectural heritage are met with a relevant and adequate response by the competent authority. This response may in appropriate circumstances entail an obligation on the offender to demolish a newly erected building which fails to comply with the requirements or to restore a protected property to its former condition.

Conservation policies

Article 10

Each Party undertakes to adopt integrated conservation policies which:

include the protection of the architectural heritage as an essential town and country planning objective and ensure that this requirement is taken into account at all stages both in the drawing up of development plans and in the procedures for authorising work;

promote programmes for the restoration and maintenance of the architectural heritage;

make the conservation, promotion and enhancement of the architectural heritage a major feature of cultural, environmental and planning policies;

facilitate whenever possible in the town and country planning process the conservation and use of certain buildings whose intrinsic importance would not warrant protection within the meaning of Article 3, paragraph 1, of this Convention but which are of interest from the point of view of their setting in the urban or rural environment and of the quality of life;

foster, as being essential to the future of the architectural heritage, the application and development of traditional skills and materials.

Article 11

Due regard being had to the architectural and historical character of the heritage, each Party undertakes to foster:

- the use of protected properties in the light of the needs of contemporary life;
- the adaptation when appropriate of old buildings for new uses.

Article 12

While recognising the value of permitting public access to protected properties, each Party undertakes to take such action as may be necessary to ensure that the consequences of permitting this access, especially any structural development, do not adversely affect the architectural and historical character of such properties and their surroundings.

Article 13

In order to facilitate the implementation of these policies, each Party undertakes to foster, within its own political and administrative structure, effective co operation at all levels between conservation, cultural, environmental and planning activities.

Participation and associations

Article 14

With a view to widening the impact of public authority measures for the identification, protection, restoration, maintenance, management and promotion of the architectural heritage, each Party undertakes:

- to establish in the various stages of the decision-making process, appropriate machinery for the supply of information, consultation and co operation between the State, the regional and local authorities, cultural institutions and associations, and the public;
- to foster the development of sponsorship and of non profit making associations working in this field.

Information and training

Article 15

Each Party undertakes:

- to develop public awareness of the value of conserving the architectural heritage, both as an element of cultural identity and as a source of inspiration and creativity for present and future generations;
- to this end, to promote policies for disseminating information and fostering increased awareness, especially by the use of

modern communication and promotion techniques, aimed in particular:

- at awakening or increasing public interest, as from school age, in the protection of the heritage, the quality of the built environment and architecture;
- at demonstrating the unity of the cultural heritage and the links that exist between architecture, the arts, popular traditions and ways of life at European, national and regional levels alike.

Article 16

Each Party undertakes to promote training in the various occupations and craft trades involved in the conservation of the architectural heritage.

European coordination of conservation policies

Article 17

The Parties undertake to exchange information on their conservation policies concerning such matters as:

- the methods to be adopted for the survey, protection and conservation of properties having regard to historic developments and to any increase in the number of properties concerned;
- the ways in which the need to protect the architectural heritage can best be reconciled with the needs of contemporary economic, social and cultural activities;
- the possibilities afforded by new technologies for identifying and recording the architectural heritage and combating the deterioration of materials as well as in the fields of scientific research, restoration work and methods of managing and promoting the heritage;
- ways of promoting architectural creation as our age's contribution to the European heritage.

Article 18

The Parties undertake to afford, whenever necessary, mutual technical assistance in the form of exchanges of experience and of experts in the conservation of the architectural heritage.

Article 19

The Parties undertake, within the framework of the relevant national legislation, or the international agreements, to encourage European exchanges of specialists in the

conservation of the architectural heritage, including those responsible for further training.

Article 20

For the purposes of this Convention, a Committee of Experts set up by the Committee of Ministers of the Council of Europe pursuant to Article 17 of the Statute of the Council of Europe shall monitor the application of the Convention and in particular:

report periodically to the Committee of Ministers of the Council of Europe on the situation of architectural heritage conservation policies in the States Parties to the Convention, on the implementation of the principles embodied in the Convention and on its own activities;

propose to the Committee of Ministers of the Council of Europe measures for the implementation of the Convention's provisions, such measures being deemed to include multilateral activities, revision or amendment of the Convention and public information about the purpose of the Convention;

make recommendations to the Committee of Ministers of the Council of Europe regarding invitations to States which are not members of the Council of Europe to accede to this Convention.

Article 21

The provisions of this Convention shall not prejudice the application of such specific more favourable provisions concerning the protection of the properties described in Article 1 as are embodied in:

- the Convention for the Protection of World Cultural and Natural Heritage of 16 November 1972;
- the European Convention on the Protection of the Archaeological Heritage of 6 May 1969.

Final clauses

Article 22

This Convention shall be open for signature by the member States of the Council of Europe. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which three member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of the preceding paragraph.

In respect of any member State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 23

After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council and the European Economic Community to accede to this Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.

In respect of any acceding State or, should it accede, the European Economic Community, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 24

Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of such notification by the Secretary General.

Article 25

Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it reserves the right not to comply, in whole or in part, with the provisions of Article 4, paragraphs c and d. No other reservations may be made.

Any Contracting State which has made a reservation under the preceding paragraph may wholly or partly withdraw it by means of a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall take effect on the date of receipt of such notification by the Secretary General.

A Party which has made a reservation in respect of the provisions mentioned in paragraph 1 above may not claim the application of that provision by any other Party; it may, however, if its reservation is partial or conditional, claim the application of that provision in so far as it has itself accepted it.

Article 26

Any Party may at any time denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of such notification by the Secretary General.

Article 27

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, any State which has acceded to this Convention and the European Economic Community if it has acceded, of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this Convention in accordance with Articles 22, 23 and 24;
- d. any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Granada, this 3rd day of October 1985, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of

Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State or to the European Economic Community invited to accede to this Convention.

Source:

<http://conventions.coe.int/Treaty/en/Treaties/Html/121.htm>

A.6 European Landscape Convention

Florence, 20.X.2000

Preamble

The member States of the Council of Europe signatory hereto, Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage, and that this aim is pursued in particular through agreements in the economic and social fields;

Concerned to achieve sustainable development based on a balanced and harmonious relationship between social needs, economic activity and the environment;

Noting that the landscape has an important public interest role in the cultural, ecological, environmental and social fields, and constitutes a resource favourable to economic activity and whose protection, management and planning can contribute to job creation;

Aware that the landscape contributes to the formation of local cultures and that it is a basic component of the European natural and cultural heritage, contributing to human well-being and consolidation of the European identity;

Acknowledging that the landscape is an important part of the quality of life for people everywhere: in urban areas and in the countryside, in degraded areas as well as in areas of high quality, in areas recognised as being of outstanding beauty as well as everyday areas;

Noting that developments in agriculture, forestry, industrial and mineral production techniques and in regional planning, town planning, transport, infrastructure, tourism and recreation and, at a more general level, changes in the world economy are in many cases accelerating the transformation of landscapes;

Wishing to respond to the public's wish to enjoy high quality landscapes and to play an active part in the development of landscapes;

Believing that the landscape is a key element of individual and social well-being and that its protection, management and planning entail rights and responsibilities for everyone;
Having regard to the legal texts existing at international level in the field of protection and management of the natural and

cultural heritage, regional and spatial planning, local self-government and transfrontier co-operation, in particular the [Convention on the Conservation of European Wildlife and Natural Habitats](#) (Bern, 19 September 1979), the [Convention for the Protection of the Architectural Heritage of Europe](#) (Granada, 3 October 1985), the [European Convention on the Protection of the Archaeological Heritage \(revised\)](#) (Valletta, 16 January 1992), the [European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities](#) (Madrid, 21 May 1980) and its additional protocols, the [European Charter of Local Self-government](#) (Strasbourg, 15 October 1985), the Convention on Biological Diversity (Rio, 5 June 1992), the Convention concerning the Protection of the World Cultural and Natural Heritage (Paris, 16 November 1972), and the Convention on Access to Information, Public Participation in Decision-making and Access to Justice on Environmental Matters (Aarhus, 25 June 1998);

Acknowledging that the quality and diversity of European landscapes constitute a common resource, and that it is important to co-operate towards its protection, management and planning;

Wishing to provide a new instrument devoted exclusively to the protection, management and planning of all landscapes in Europe,

Have agreed as follows:

Chapter I – General provisions

Article 1 – Definitions

For the purposes of the Convention:

- a "Landscape" means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors;
- b "Landscape policy" means an expression by the competent public authorities of general principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of landscapes;
- c "Landscape quality objective" means, for a specific landscape, the formulation by the competent public authorities of the aspirations of the public with regard to the landscape features of their surroundings;
- d "Landscape protection" means actions to conserve and maintain the significant or characteristic features of a landscape, justified by its heritage value derived from its natural configuration and/or from human activity;
- e "Landscape management" means action, from a perspective of sustainable development, to ensure the regular upkeep of a landscape, so as to guide and harmonise changes which are

brought about by social, economic and environmental processes;
f "Landscape planning" means strong forward-looking action to enhance, restore or create landscapes.

Article 2 – Scope

Subject to the provisions contained in Article 15, this Convention applies to the entire territory of the Parties and covers natural, rural, urban and peri-urban areas. It includes land, inland water and marine areas. It concerns landscapes that might be considered outstanding as well as everyday or degraded landscapes.

Article 3 – Aims

The aims of this Convention are to promote landscape protection, management and planning, and to organise European co-operation on landscape issues.

Chapter II – National measures

Article 4 – Division of responsibilities

Each Party shall implement this Convention, in particular Articles 5 and 6, according to its own division of powers, in conformity with its constitutional principles and administrative arrangements, and respecting the principle of subsidiarity, taking into account the European Charter of Local Self-government. Without derogating from the provisions of this Convention, each Party shall harmonise the implementation of this Convention with its own policies.

Article 5 – General measures

Each Party undertakes:

- a to recognise landscapes in law as an essential component of people's surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;
- b to establish and implement landscape policies aimed at landscape protection, management and planning through the adoption of the specific measures set out in Article 6;
- c to establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies mentioned in paragraph b above;
- d to integrate landscape into its regional and town planning policies and in its cultural, environmental, agricultural, social and economic policies, as well as in any other policies with possible direct or indirect impact on landscape.

Article 6 – Specific measures

A Awareness-raising

Each Party undertakes to increase awareness among the civil society, private organisations, and public authorities of the value of landscapes, their role and changes to them.

B Training and education

Each Party undertakes to promote:

training for specialists in landscape appraisal and operations; multidisciplinary training programmes in landscape policy, protection, management and planning, for professionals in the private and public sectors and for associations concerned; school and university courses which, in the relevant subject areas, address the values attaching to landscapes and the issues raised by their protection, management and planning.

C Identification and assessment

1 With the active participation of the interested parties, as stipulated in Article 5.c, and with a view to improving knowledge of its landscapes, each Party undertakes:

- a
 - i to identify its own landscapes throughout its territory;
 - ii to analyse their characteristics and the forces and pressures transforming them;
 - iii to take note of changes;
- b to assess the landscapes thus identified, taking into account the particular values assigned to them by the interested parties and the population concerned.

2 These identification and assessment procedures shall be guided by the exchanges of experience and methodology, organised between the Parties at European level pursuant to Article 8.

D Landscape quality objectives

Each Party undertakes to define landscape quality objectives for the landscapes identified and assessed, after public consultation in accordance with Article 5.c.

E Implementation

To put landscape policies into effect, each Party undertakes to introduce instruments aimed at protecting, managing and/or planning the landscape.

Chapter III – European Co-Operation

Article 7 – International policies and programmes

Parties undertake to co-operate in the consideration of the landscape dimension of international policies and programmes, and to recommend, where relevant, the inclusion in them of landscape considerations.

Article 8 – Mutual assistance and exchange of information

The Parties undertake to co-operate in order to enhance the effectiveness of measures taken under other articles of this Convention, and in particular:

to render each other technical and scientific assistance in landscape matters through the pooling and exchange of experience, and the results of research projects;

to promote the exchange of landscape specialists in particular for training and information purposes;

to exchange information on all matters covered by the provisions of the Convention.

Article 9 – Transfrontier landscapes

The Parties shall encourage transfrontier co-operation on local and regional level and, wherever necessary, prepare and implement joint landscape programmes.

Article 10 – Monitoring of the implementation of the Convention

Existing competent Committees of Experts set up under Article 17 of the Statute of the Council of Europe shall be designated by the Committee of Ministers of the Council of Europe to be responsible for monitoring the implementation of the Convention.

Following each meeting of the Committees of Experts, the Secretary General of the Council of Europe shall transmit a report on the work carried out and on the operation of the Convention to the Committee of Ministers.

The Committees of Experts shall propose to the Committee of Ministers the criteria for conferring and the rules governing the Landscape award of the Council of Europe.

Article 11 – Landscape award of the Council of Europe

The Landscape award of the Council of Europe is a distinction which may be conferred on local and regional authorities and their groupings that have instituted, as part of the landscape policy of a Party to this Convention, a policy or measures to protect, manage and/or plan their landscape, which have proved lastingly effective and can thus serve as an example to other territorial authorities in Europe. The distinction may be also conferred on non-governmental organisations having made particularly remarkable contributions to landscape protection, management or planning.

Applications for the Landscape award of the Council of Europe shall be submitted to the Committees of Experts mentioned in Article 10 by the Parties. Transfrontier local and regional authorities and groupings of local and regional authorities concerned, may apply provided that they jointly manage the landscape in question.

On proposals from the Committees of Experts mentioned in Article 10 the Committee of Ministers shall define and publish

the criteria for conferring the Landscape award of the Council of Europe, adopt the relevant rules and confer the Award.

The granting of the Landscape award of the Council of Europe is to encourage those receiving the award to ensure the sustainable protection, management and/or planning of the landscape areas concerned.

Chapter IV – Final clauses

Article 12 – Relationship with other instruments

The provisions of this Convention shall not prejudice stricter provisions concerning landscape protection, management and planning contained in other existing or future binding national or international instruments.

Article 13 – Signature, ratification and entry into force

1 This Convention shall be open for signature by the member States of the Council of Europe. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2 The Convention shall enter into force on the first day of the month following the expiry of a period of three months after the date on which ten member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of the preceding paragraph.

3 In respect of any signatory State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiry of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 14 – Accession

1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite the European Community and any European State which is not a member of the Council of Europe, to accede to the Convention by a majority decision as provided in Article 20.d of the Council of Europe Statute, and by the unanimous vote of the States parties entitled to hold seats in the Committee of Ministers.

2 In respect of any acceding State, or the European Community in the event of its accession, this Convention shall enter into force on the first day of the month following the expiry of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 15 – Territorial application

1 Any State or the European Community may, at the time of signature or when depositing its instrument of

ratification, acceptance, approval or accession, specify the territory or territories to which the Convention shall apply.

2 Any Party may, at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. The Convention shall take effect in respect of such territory on the first day of the month following the expiry of a period of three months after the date of receipt of the declaration by the Secretary General.

3 Any declaration made under the two paragraphs above may, in respect of any territory mentioned in such declaration, be withdrawn by notification addressed to the Secretary General of the Council of Europe. Such withdrawal shall become effective on the first day of the month following the expiry of a period of three months after the date of receipt of the notification by the Secretary General.

Article 16 – Denunciation

1 Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2 Such denunciation shall become effective on the first day of the month following the expiry of a period of three months after the date of receipt of the notification by the Secretary General.

Article 17 – Amendments

1 Any Party or the Committees of Experts mentioned in Article 10 may propose amendments to this Convention.

2 Any proposal for amendment shall be notified to the Secretary General of the Council of Europe who shall communicate it to the member States of the Council of Europe, to the other Parties, and to any European non-member State which has been invited to accede to this Convention in accordance with the provisions of Article 14.

3 The Committees of Experts mentioned in Article 10 shall examine any amendment proposed and submit the text adopted by a majority of three-quarters of the Parties' representatives to the Committee of Ministers for adoption. Following its adoption by the Committee of Ministers by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the States parties entitled to hold seats in the Committee of Ministers, the text shall be forwarded to the Parties for acceptance.

4 Any amendment shall enter into force in respect of the Parties which have accepted it on the first day of the month following the expiry of a period of three months after the date on which three Council of Europe member States have informed the Secretary General of their acceptance. In respect of any Party which subsequently accepts it, such amendment shall enter into force on the first day of the month following

the expiry of a period of three months after the date on which the said Party has informed the Secretary General of its acceptance.

Article 18 – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, any State or the European Community having acceded to this Convention, of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Convention in accordance with Articles 13, 14 and 15;
- d any declaration made under Article 15;
- e any denunciation made under Article 16;
- f any proposal for amendment, any amendment adopted pursuant to Article 17 and the date on which it comes into force;
- g any other act, notification, information or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Florence, this 20th day of October 2000, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State or to the European Community invited to accede to this Convention.

<http://conventions.coe.int/Treaty/en/Treaties/Html/176.htm>

A.7 The London declaration

European Conference Declaration on Sustaining Cultural heritage Research

An initiative to protect and safeguard European Cultural heritage through scientific and technological research

EUROPE has many reasons to celebrate its great cultural diversity and the thousands of outstanding examples of ancient architecture, artefacts and landscapes which attract millions of tourists to renowned cities and historic sites. The importance of this cultural wealth can be measured in economic and social terms, in employment, job creation and a unique quality of life. Failure to fund research into the conservation and protection of these treasures for future generations will be reflected in loss of cultural patrimony, reduced quality of life, loss of identity, lower revenues and fewer jobs for all European citizens. Greater efforts are necessary at a political and scientific level to guarantee a sustainable heritage.

An International Conference, *Sustaining Europe's Cultural Heritage: From Research to Policy* was organized by University College London between 1-3 September 2004 in London with the financial support of the European Commission and the advice of a distinguished International Scientific Committee⁵⁹.

The Conference participants from 26 countries including 21 Member States recognizing that cultural heritage plays an essential role for Europe, in particular in enhancing the integration process of the new enlarged Europe with its complex cultural diversity, and that cultural heritage has a considerable impact in many areas of economic and regional development, environment, construction, tourism, job creation, education, improving skills through technological innovation and social identity

Made the following recommendations:

⁵⁹ The Conference was held on the 1st and 2nd September in London. The main themes under discussion included Applying the Results of Research, Involving Stakeholders, Policy Impacts of EC Research and New and Emerging European Research. The International Scientific Committee was composed of representatives of the University of Liege (Belgium), the Academy of Sciences (Czech Republic), the German Federal Foundation for the Environment (Germany), the National Research Council - CNR (Italy), the University of Malta (Malta), the Polish Academy of Sciences (Poland), the National Heritage Board (Sweden), the University of Ljubljana (Slovenia), English Heritage, the University of East Anglia and University College London (UK)

To increase multidisciplinary cultural heritage research at a European level in order to maintain EU world leadership in this area and to contribute to Europe's Lisbon goals;

For better collaboration and coordination between the EU Member States, the European Commission, and other International Organisations with common goals, aiming to promote the excellence of European research applied to Cultural Heritage, to achieve European added value;

To reinforce the contribution of cultural heritage research, aiming at including **cultural heritage protection in EU directives** and to promote favourable educational, training and knowledge transfer programmes;

To develop further with stakeholders, industry and small and medium size enterprises (SMEs), research efforts in environment, construction and information technologies, biotechnology, nanotechnology and technology infrastructure to enhance European competitiveness and skills through innovation;

To support an integrated and sustainable development and maintenance of the European urban and rural environments through research designed to protect, conserve and enhance the movable and immovable heritage for improved quality of life.

The participants expressed their conviction that scientific and technological research for cultural heritage meets fully the orientations of the European Commission Communication on *Science and technology, the key to Europe's future*⁶⁰. Research for cultural heritage fulfils the aims of the European Research Area and reinforces the implementation of the objectives of the EC Treaty⁶¹ on the conservation and safeguarding of cultural heritage of European significance.

The present Declaration was approved by the participants of the Conference and will be communicated to Member States of the European Union, in particular to The Netherlands holding the Presidency, to the European Parliament and to the European Commission especially in the context of preparations for the EU 7th Framework Programme for Research.

September 2, 2004

⁶⁰ COM (2004)353, adopted by the European Commission on 16th June 2004 in preparation of the 7th Framework Programme on Research

⁶¹ Article 151 of the EC Treaty

A.8 Competent authorities and other Contact points in relation to directive 98/8/EC (Biocidal Product), May 2003

Contacts

Belgium

Co-ordinating Competent Authority: Ministry of Environment
(De Minister van Leefmilieu)
Address: Vesaliusgebouw V2/3, RAC, Pachecolaan 19
PB5, B - 1010 Brussels
Contact Person: R. HUYSMAN
Tel/fax/ +322210.48.81/+322 10.48.84
Email/web-site: robert.huysman@health.fgov.be
Areas of competence: all biocides

Further Contact Points:

Authority: Wetenschappelijk secretariaat van de Hoge
Gezondheidsraad
Address: R.A.C.- Esplanadegebouw Bureau 718
Pachecolaan, 19, Bus 5 – 1010 Brussels
Contact Person: K. DUMORTIER, E. NIJS
Tel/fax/ 32.2.642.51.51
Email/web-site: kdumortier@iph.fgov.be,
enijs@iph.fgov.be
Areas of competence: Evaluation dossiers

Denmark

Co-ordinating Competent Authority: Danish Environmental
Protection Agency (Miljøstyrelsen)
Address: Strandgade 29, DK - 1401 Copenhagen
Contact person: Inger BERGMANN
Tel/fax: +45 32 66 01 00 / +45 32 66 04 79
E-mail/web-site: ib@mst.dk / http://www.mst.dk
Areas of competence: Co-ordination authority. Receive
applications for authorisations of biocidal products with the
exclusion of fungi, micro-organisms and viruses.

Competent Authority: The Danish Forest and Nature Agency
(Skov- og Naturstyrelsen)
Address: Haraldsgade 53, DK - 2100 Copenhagen O
Contact person:

Tel/fax: +45 39472000/+45 39279899
E-mail/web-site: sns@sns.dk / www.sns.dk
Areas of competence: Receive applications for authorisations
of biocidal products that are fungi, micro-organisms and
viruses.

Poison control: The product Register (Produktregistret)
Address: Landskronagade 33, DK - 2100 København Ø
Contact person:
Tel/fax: +45 39 16 52 00/ +45 39 29 97 12
E-mail/web-site: http://www.arbejdstilsynet.dk/

Germany

Competent Authority: Bundesministerium für Umwelt,
Naturschutz and Reaktorsicherheit,
Address: Heinrich von Stephan Str. 1, D - 53175 Bonn
Contact person: Sabine GÄRTNER
Tel/fax: +49 2283052741/ +49 228 305 3524
E-mail/web-site: sabine.gaertner@bmu.bund.de
Areas of competence: Legal and political issues in relation to
Directive 98/8/EC

Competent Authority: Bundesanstalt für Arbeitsschutz und
Arbeitsmedizin (BauA)
Address: Friedrich-Henkel-Weg 1, Postfach, D - 44149
Dortmund
Contact Person: Dr Ernst GOEDECKE
Tel/fax/: +49 231 9071548 / +49 231 90 71679
E-mail/web-site: chemg@baua.bund.de
Areas of competence: Receiving authority, co-ordination of
the evaluation process, contact point to Commission,
applicants and competent authorities of other Member States.

Contact point: Sächsisches Staatsministerium für Umwelt und
Landwirtschaft
Address: D - 01075 Dresden
Contact Person: Dr. Bernd MAURER
Tel/fax : +49 351 564 2096/+49 351 564 2069
E-mail: bernd.maurer@smul.sachsen.de
Area of competence: Representative of the Council of the
Bundesländer (Bundesrat) in the area of chemicals policy

Greece

Co-ordinating Competent Authority: Ministry of Health,
National Drug Organisation
Address: 284 Messogion Str, EL - 15562 Cholargos
Athens
Contact Person: Dr. Catherine MORAITI

Tel/fax: +301 6507 222 / 6547 002
E-mail/web-site: kmoraiti@eof.gr
Areas of competence: Product types 1-7, 11, 20, 22

Competent Authority: Ministry of Agriculture
Address: 3-5 Ippokratous Str., EL - 10164 Athens
Name: Joanna KARANIKOLOU
Tel/fax: +301 2124504/3617 103 - 3013637457
Email/web-site: J.Karanikolou@minagr.gr
Areas of competence: Product types 8-10, 12-19, 21, 23

Co-ordinating Competent Authority: Ministry of Health,
National Drug Organisation
Address: 284 Messogion Str, EL - 15562 Chologos
Athens
Contact Person: Ms Maria GEORGIADOU-PAPX
Tel/fax: +301 6507 374 / 6547 002
E-mail/web-site: georgiadou@eof.gr
Areas of competence: Product types 1-7, 11, 20, 22
Comment: The Ministry of Health and the Ministry of
Agriculture as CAs for biocides, in order to ensure the correct
application of the Directive will co-ordinate tasks with other
Ministries when it is needed

Spain

Co-ordinating Competent Authority: Ministerio de Sanidad y
Consumo. Dirección General de Salud Pública y Consumo
Address: Paseo del Prado 18-20, E - 28071 Madrid
Contact Person(s): Dr. Covadonga CABALLO DIÉGUEZ.
Subdirección General de Sanidad Ambiental y Salud Laboral
Dr. Francisco Marqués.Marqués Subdirector General de
Sanidad Ambiental y Salud Laboral
Tel/fax: +34-91-5964446 or +34-91-5961444 / +34-91-
3601341
Email/web-site: sgsasl@msc.es / ccaballo@msc.es /
www.msc.es

Areas of competence: Risk assessment for human health.
Authorisation and Registration for placing on the market of
biocidal products. So, the applications for authorisations of
biocidal products should be submitted to Ministry of Health. In
addition to that, the Ministry of Health will be the
representative in the standing committee.

Competent Authority: Ministerio de Medio Ambiente
Address: Plaza San Juan de la Cruz S/N, E 28071 Madrid
Contact person: Ana FRESNO RUIZ (Appointed for the
Standing Committee)
Soledad Aycart
Dirección General de Calidad y Evaluación Ambiental
Tel/fax: +34 91 597 64 23/+34 91 597 58 16

Email/web-site: ana.fresno@sgiapr.mma.es/
soledad.aycart@sgiaor.mma.es
Areas of competence: All aspects related to the environment

Competent Authority: Ministerio de Agricultura, Pesca y
Alimentacion
S. General de Sanidad Animal de la Dirección General de
Ganadería
Address: Corazón de Maria, 8, E - 28071 Madrid
Contact Person: D. Ignacio SANCHEZ ESTEBAN
Tel/fax: +34 91 347 82 95 / +34 91 347 82 99
E-mail/web-site: isanchez@mapya.es
Areas of competence: Animal Safety
Comment: The General Direction of Public Health and
Consumer of the Ministry of Health and Consumer Affairs is
the responsible department for the transposition and
enforcement of the Directive 98/8/CE. In order to assure the
correct application of the Directive, the Ministry of Health will
co-ordinate its tasks with others Ministries involved (Ministry
of Environmental and Ministry of Agriculture, Fishery and
Food).

France

Co-ordinating Competent Authority: The CA is not yet
definitively decided
Address: Ministère de l'environnement
20 av. De Ségur – 75302 Paris 07SP
Contact person: Emilie DERIVIERE
Tel/fax: 33 1 42191543/33 1 42191468
Email/web-site: emilie.deriviere@environnement.gouv.fr
Areas of competence: Chemicals

Further Contact Points:
Authority: INERIS
Address: BP n°2 – 60550 Verneuil en Halatte
Contact Person: Marie-Hélène LAMY
Tel/fax/ 33 344 556744/33.344 5567 67
Email/web-site: Marie-Helene.Lamy@ineris.fr
Areas of competence: Risk assessment
Authority: Ministère de l'Environnement
Address: 20 av. De Ségur – 75312 Paris 075 P
Contact Person: Bertrand BROHON
Tel/fax/ 33.1.42.19.14.68 (fax)
Email/web-site; bertrand.brohon@environnement.gouv.fr
Areas of competence: chemicals

Ireland

Co-ordinating Competent Authority: Pesticides Control Service (PCS), Department of Agriculture, Food and Rural Development
Address: Abbotstown, Castleknock, Dublin
Contact person: Dr. Brendan DOLAN
Tel/fax: +353-1-6072611/+353-1-8204260
Email/web-site: brendan.dolan@agriculture.gov.ie
Areas of competence: all areas of biocides including enforcement

Italy

Co-ordinating Competent Authority: Ministry of Health Directorate-General for the Assessment of Medicinal Products and Drugs Surveillance
Address: Viale Civiltà Romana 7, I - 00144 Roma
Contact Person: Mirella COLELLA
Tel/fax: +39 06 5994 3722 /+39 06 5994 3285
Email/web-site: m.colella@sanita.it
Areas of competence: Competent for all activities foreseen by the Directive excluding refusals of mutual recognition of authorisations for product types 15, 17 and 23

Competent Authority: Ministry of Environment
Address: Via C. Colombo 44, I - 00147 Rome
Contact Person: Carlo ZAGHI
Tel/fax: +39 06 5722 3060/ +39 06 5722 3090
Email/web-site: zaghi.carlo@minambiente.it
Areas of competence: Evaluation of the effects on the environment including refusals of mutual recognition of authorisations for product types 15, 17 and 23.

Luxembourg

Co-ordinating Competent Authority: Ministère de la Santé
Address: L-2935 Luxembourg
Contact person: Mr Raymond MOUSTY
Tel/fax: 003524785527/ 00352467963
Email/web-site: Sylvie.Demoulling-Schiltz@ms.etat.lu

Netherlands

Co-ordinating Competent Authority: Ministry of Public Health, Welfare and Sport
Address: P.O. Box 20350, NL – 2500 EJ The Hague
Contact Person: J.W. TAS
Tel/fax: +31 70 340 6365 / +31 70 340 5087
Email/web-site: j.w.tas@minvws.nl
Areas of competence: Law and policy

Competent Authority: College voor de toelating van bestrijdingsmiddelen - CTB
Address: Stadsbrink 5, P.O. Box 217, NL - 6700 AE Wageningen
Contact Person: Ad MEIJS
Tel/fax: +31 317 471 862 / +31 317 471 899
Email/web-site: a.w.h.m.meijs@ctb.agro.nl/
http:\www\agarlin.nl\ctb
Areas of competence: Notification, risk assessment, evaluation.

Austria

Co-ordinating Competent Authority: Federal Ministry of Agriculture, Forestry, Environment and Water Management - Div. V/3
Address: Stubenbastei 5, A - 1010 Vienna
Contact Person: Edmund PLATTNER
Tel/fax: +43 1 515 222346/+43 1 515 227352
Email/web-site: edmund.plattner@bmlfuw.gv.at
Areas of competence: 'Everything' between general policy and detailed decisions to be taken (registration, authorisation etc.) regarding the enforcement of the Austrian Biocidal-Products Law. Representing the Austrian delegation at the relevant Commission meetings.

Co-ordinating Competent Authority: Federal Ministry of Agriculture, Forestry, Environment and Water Management - Div. V/3
Address: Stubenbastei 5, A - 1010 Vienna
Contact Person: Susanna SCHRAGNER
Tel/fax: +43 1 515222348/+43 1 51316791481
Email/web-site: susanna.schragner@bmlfuw.gv.at

Portugal

Competent Authority: Direcção-Geral da Saúde
Address: Alameda D. Afonso Henriques, 45, 1049-005 Lisboa
Contact person: Dr Cesaltina Maria CORREIA RAMOS or Dr. Teresa BORGES
Tel/fax: +351 21 8430500 / +351 21 8430503
Email/web-site: filomena@dgsaude.min-saude.pt
cramos@dgsaude.min-saude.pt
tborges@dgsaude.min-saude.pt
http://www.dgsaude.pt
Areas of competence: Biocides

Finland

Competent Authority: Finnish Environment Institute
Address: P.O. Box 140, FIN - 00251 Helsinki
Contact Person: Hannu BRAUNSCHWEILER
Tel/fax: +358 9 403 000 / +358 9 403 00 591
Email/web-site: syke_kem_biosinfo@ymparisto.fi
http://www.ymparisto.fi/eng/syke/syke.htm
http://www.vyh.fi/ympsuo/kemik/biosidir.htm (in Finnish)
http://www.vyh.fi/eng/syke/chem/bio.htm (in English)
Areas of competence: Product types 8, 10-12, 14-17, 21, 23: authorisations, registrations, provisions related to R&D etc.
Issues related to environmental hazards and risks.

Competent Authority: National Product Control Agency for Welfare and Health
Address: P.O. Box 210, FIN - 00531 Helsinki
Contact Person: Kimmo KARHI
Tel/fax: +358 9 3967 2728 +358 9 3967 2797
Email/web-site: kimmo.karhi@sttv.fi / www.sttv.fi (in Finnish)
Areas of competence: Product types 1-7, 9, 13, 18-20, 22: authorisations, registrations, provisions related to R&D etc.
Issues related to physical chemical properties, human health, hazards and risks

Sweden

Co-ordinating Competent Authority: National Chemicals Inspectorate
Address: Box 1384, S - 171 27 Solna
Contact Person: Dr. Mary FITZPATRICK (maternity leave)
Mrs Helena CASABONA
Tel/fax: +46 8 783 1258 / +46 8 735 7698

Email/web-site: helena.casabona@kemi.se
(mary.Fitzpatrick@kemi.se) /www.kemi.se
Areas of competence: All product types

Co-ordinating Competent Authority: National Chemicals Inspectorate
Address: Box 1384, S - 171 27 Solna
Contact Person: Mr Bobby ARASH
Tel/fax: +46 8 783 1146 / +46 8 735 7698
Email/web-site: bobby.arash@kemi.se /www.kemi.se

Co-ordinating Competent Authority: National Chemicals Inspectorate
Address: Box 1384, S - 171 27 Solna
Contact Person: Mrs Helena CASANOBA
Tel/fax: +46 8 783 1146 / +46 8 735 7698
Email/web-site: helena.casanoba@kemi.se
www.kemi.se

United Kingdom

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A.9 Proposals from Finland related to minor uses of biocidal products

Finnish Environment Institute

National Product Control Agency for Welfare and Health

Finland

Directive 98/8 -Follow-up actions after the 13th CA-meeting, 23 January 2003 (ref: CA-Jan03-Room Document)

As requested in the 13th Competent Authorities meeting for the implementation of Directive 98/8/EC, we submit the following written comments on minor uses of biocidal products. This paper describes real examples from Finland on applications that could be regarded as minor or low volume use and where the changes in market situations have led to public concerns.

These proposals have been prepared by the Finnish Competent Authorities for Directive 98/8/EC, the Finnish Environment Institute and the National Product Control Agency for Welfare and Health, in cooperation with other related parties such as the Sub-committee on Biocides at the Advisory Committee on Chemicals and the Finnish National Board of Antiquities.

1. Minor uses of traditional biocidal products for protection of objects of cultural and historical interest

According to the second Review Regulation the placing on the market of pine tar for wood preservation is no more possible after 1st September 2006. In Finland the most severe impact will be that a key part of our national heritage, old wooden churches and traditional wooden objects, could no longer be treated with wood tar. There are no suitable alternative chemicals for the treatment of wooden shingle roofs and of other traditional Finnish wooden objects. The possible destruction of the valuable objects once the ban has entered into force is not acceptable.

Background

Pine tar has been used for treatment of shingle roofs in churches for hundreds of years, oldest pieces have been found from 15th century. 276 Finnish churches and 379 bell towers have a pine tar treated wooden roof. In addition, other historical and traditional wooden objects such as mansions and

big village boats used for travelling to church have been treated with pine tar. Further traditional uses are smaller wooden boats. Wood tar is used in a similar manner also in Denmark, Germany, Norway and Sweden. Pine tar stays soft also after the wood has been treated and is the only chemical that can be used for such treatment. Alternative chemicals such as coal tar make the wooden shingles and panels hard and crack. The cracks in the wooden roof let rain water enter the building and damage it. Neither is the use of creosote oil possible due to its chemical and other properties. Furthermore, from the point of view of historical and cultural authenticity, no substitute for pine tar exists. If the pine tar treated shingle roofs need to be renewed with untreated timber in Finland this is estimated to cost at least 160 million euros, in addition to the loss of historical and architectural indispensable values.

The historical value of pine tar is enormous in Finland. Archaeological findings indicating use of wood tar in Finland are thousands of years old. Production of pine tar provided for nurture for a great part of the country and was our most important export product from 17th to 19th century. European shipbuilders were very dependent on Finnish pine tar in those days as most of Central-European conifer forests had been clear cut. North-Eastern Finland was the most important pine tar producing area in Europe.

Current situation

To assess the effects of the Biocides Directive on the use of pine tar we first considered if pine tar falls under the scope of the Directive at all. Efficacy of pine tar for wood treatment is mainly based on physically blocking of the porous structure of the wood material and making the material water proof. The treated wood can resist wood destroying fungi because the water concentration in the wood is kept low enough. However, the BPD Working Group on scope issues discussed this in its meeting on 25th September 2001 as well as at the 9th CA-meeting on 12 -13 December 2001 and concluded that wood treatment with pine tar is to be regulated under the Directive because it could not be proven that the mode of action of pine tar would be solely physical. The Commission recommended at the CA-meeting that in all such cases, the active substance should at least be identified. The problems could then be discussed in a dedicated working group with participants from the Commission, Member States, industry, and other stakeholders in the light of the concrete identifications received. The working group shall work towards finding acceptable solutions that strike the right balance between the protection of health and the environment and other considerations. As an intermediate solution the Finnish National Board of Antiquities then identified pine tar to the Commission according to Regulation 1896/2000/EC in order to get the transitional period for non-notified active substances

until 1st September 2006. Pine tar (CAS no. 8011-48-1, EINECS no. 232-374-8) is listed in Annex I and III of the second Review Regulation. Now we request that this problem should be solved before the end of the phase-out period.

Finland, as a Member State, also considered the possibility to notify pine tar as an existing active substance on the basis of Article 5(3) of Regulation 1896/2000/EC. However, this was not regarded as a feasible solution because the costs of compiling the required dossier are too high compared to the volumes of pine tar used on the limited group of objects of cultural and historical interest. The traditional method of manufacturing pine tar is dry distillation of pine wood in a ground pit. This type of handicraft manufacturing process means that there are many single producers, the volumes per producer are very small and type and composition of the products may vary a lot. Data generation for such products, application for authorisation and evaluation of such complex mixtures is not possible in practice.

The major part of pine tar currently produced in Finland is used for church roofs. One such roof requires typically about 1000 litres of pine tar and the treatment must be repeated every few years. Yearly production of pine tar is on average 20 000 to 30 000 litres in Finland. In the major pine tar producing region 10-20 000 litres of distillate is produced per year giving a locally important income of about 160 000 euros for this rural region. Finnish countryside tourism is much based on the mansions, churches, other historical sites and their events many of which present production and use of pine tar with the traditional method.

European institutes and authorities related to protection of cultural heritage have established a working group "Consequences of EU Directives Unintentionally Creating Problems for Maintenance and Valorisation of European Cultural Heritage". Members of the group are indicated in the Appendix. The group has so far listed adverse effects from 13 EU directives, including the BPD.

Proposal

The Finnish National Board of Antiquities is very concerned on the possibility that the BPD would stop the traditional use of pine tar in conservation of wooden constructions of historical and cultural value. This concern is shared by their Nordic colleagues. During this summer, the future phasing-out of traditional biocidal uses of pine tar has also caused a wide public debate and political pressure in Finland, up to the Minister of the Environment and the Finnish Parliament. We have found as the main solution for this so-called minor use problem the following proposal to amend the Directive, as

already indicated in our related proposal dated 30 December 2002⁶².

Proposal for solution: Adding a derogation procedure to Art. 15 of the Directive (98/8/EC) for biocidal products intended for protection of objects of cultural and historical interest

The current derogation provisions from normal authorisation of biocidal products in the Biocides Directive do not include biocidal products intended for protection of objects of cultural and historical interest. In order to be able to preserve such objects with traditional biocides also in the future, the current derogation provisions on temporal authorisation in the Biocides Directive Art. 15.1 should be expanded to cover this new proposed derogation. The best way to do this could be to add a new paragraph to Art. 15 with comparable provisions to Art.15.1 but amended to enable a Member State to authorize a biocidal product necessary for preservation of objects of cultural and historical interest. In justified cases such objects could be for example old traditional buildings, museum pieces of vulnerable materials or traditional wooden boats. Minimum data requirements for such an authorisation should ensure chemical safety by requiring normal classification, labelling and safety data sheet procedures etc.

A similar kind of derogation for biocidal uses on objects of cultural and historical interest was adopted in Directive 91/173/EC⁶³. It allowed that by way of special exception to the general use restrictions of pentachlorophenol, Member States were able on a case-by-case basis, to authorize on their territory specialized professionals to carry out a remedial treatment of timber and masonry for buildings of cultural, artistic and historical interest infected by dry rot fungus (*Serpula lacrymans*) and cubic rot fungi.

2. Minor uses of basic chemicals, herbs and foodstuffs as biocidal products or their composites

The following list contains examples that can be used in discussing minor use cases in view of the BPD. In Finland basic chemicals such as acetic acid, stronger acids and various bases, such as different hydroxides, are used and partly also

62 SYKE and STTV: Directive 98/8 -Follow-up actions after CA-meeting 8-9 July 2002. Proposals from Finland for amendments of Directive 98/8/EC. 30 December 2002.

63 Council Directive of 21 March 1991 amending for the ninth time 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 (91/173/EEC). Official Journal L 085, 05/04/1991. P. 34-36.

marketed as multipurpose cleaning agents with antibacterial effects. Oxalic acid is marketed and used as insecticide against varroa mite living on honey bee. Soaps are used and partly also marketed as household insecticides. Different herbs such as tansy, sage and lavender extracts are also marketed and used as insecticides. Furthermore, natural oils such as coconut oil and citronella oil are marketed and used as mosquito or moth repellents. Also foodstuffs such as honey, sugar and beer are used as insect and mollusc attractants.

Current situation

Acetic and oxalic acids are only on the list of identified active substances in the second Review Regulation. Also some of the herbs extracts have been identified such as lavender and thyme. The notification of citronella oil was not accepted. No substances have been notified as basic substances which indicates that the basic substances approach of the Directive does not work at all. This is probably mainly due to the high costs associated with the Annex IB entry procedure in relation to the fact that basic substances cannot be marketed as biocides to compensate for these costs. Substitution of these substances is possible in many of the products but causes significant effort for the small companies marketing them. However, some repellent uses of citronella oil and similar oils are more difficult to substitute because currently no major active substance is formulated for candles. Some of the companies are profiled as marketing products of natural origin, so, substitution by man-made substances will be problematic for them. An important point is also that biocidal efficacy of many of these substances is not well established or tends to be less than efficacy of substances specifically developed for biocidal purposes.

Sales volume of citronella oil, the main active substance of these minor repellent uses, was 5% of all insect repellent active substances sold in Finland in 2001. The total sales volume of all repellents was 9 tonnes of active substances and the value of the sales of all repellent products was 2.1 million euros. Insecticide sales volume of oxalic acid, main active substance of these minor uses, was 7 kg in Finland in 2001. The total sales volume of all non-agricultural insecticides was about 5 tonnes of active substances and the value of the sales of all non-agricultural insecticide products was less than 4.5 million euros. Sales or use volume data is not available for the other examples of these minor uses.

Proposal

A major problem related to several of the above mentioned minor uses is that many of these substances are used as biocides by consumers regardless whether they are marketed

as biocides and covered by the provisions of the Directive or not. Basic substances approach has not been able to solve such unapproved uses of biocides. Consequently, the question is, how such use should be regulated, and how this should affect marketing (and control of it) of such products. We have so far found only the following partial solution to this question.

Proposal for solution: Changing the interpretation of the definition of a biocidal product

The Directive, Art. 2(1)(a) defines a biocidal product as "Active substances and preparations containing one or more active substances, put up in the form in which they are supplied to the user, intended to destroy, deter, render harmless, prevent the action of, or otherwise exert a controlling effect on any harmful organism by chemical or biological means."

As a partial solution to this minor use problem the interpretation of this definition could be changed to more clearly exclude products with very low or minor biocidal efficacy from the authorisation according to the Directive. Many of those products control their target organisms mainly by non-chemical and non-biological means. Therefore, if a product has only minor / insignificant controlling action by chemical and biological means it would not fall under the scope of the Directive or fulfil the pre-requisites for authorisation of a biocidal product. However, marketing of such non-biocidal products should not be allowed to use claims indicating biocidal activity.

Clear and pragmatic guidance should be given to the companies on how to proceed in such unclear cases and what their outcome can be.

First of all the mechanism of the action of the substance on the target organisms should be clarified qualitatively.

Secondly the controlling effects should be quantified in comparison with a well-known biocide used currently for the same purpose, with the help of standard efficacy tests or equivalent means where possible.

Thirdly the company should submit the case for a Competent Authority for judgment. The CA should consider the pre-requisites of the case as described in Art. 5(1)(b)(i) of the Directive for the conditions of authorisations, similarly as if the efficacy data were in an application on authorisation. When the decision would be that the product is not sufficiently effective by chemical and biological means only, the product could be marketed and used as proposed excluding biocidal claims. When the decision would be that the product is sufficiently effective by chemical or biological means only, the company should decide whether to compile the required dossier on the

active substance and biocidal product or to cease marketing of the product for biocidal uses.

Other solutions, such as amendment to the Directive, to minor uses problems should be discussed in the working group on the basis of national examples and the overview of minor uses approaches to be given by the Commission. It should also be discussed how

minor uses which will be considered not to be within the scope of the BPD would fall under the new REACH system. Furthermore, the working group could look at if the planned volume and tiered testing based REACH system would have tools that could be applied for biocidal minor uses under the BPD.

A.10 Essential use application form for biocides⁶⁴

European Commission

Environment Directorate-General

1. Member States and EEA States

Austria	<input type="checkbox"/>	Belgium	<input type="checkbox"/>	Cyprus	<input type="checkbox"/>	Czech Republic	<input type="checkbox"/>	Denmark	<input type="checkbox"/>
Estonia	<input type="checkbox"/>	Finland	<input checked="" type="checkbox"/>	France	<input type="checkbox"/>	Germany	<input type="checkbox"/>	Greece	<input type="checkbox"/>
Hungary	<input type="checkbox"/>	Ireland	<input type="checkbox"/>	Italy	<input type="checkbox"/>	Latvia	<input type="checkbox"/>	Lithuania	<input type="checkbox"/>
Luxemburg	<input type="checkbox"/>	Malta	<input type="checkbox"/>	The Netherlands	<input type="checkbox"/>	Poland	<input type="checkbox"/>	Portugal	<input type="checkbox"/>
Slovenia	<input type="checkbox"/>	Slovakia	<input type="checkbox"/>	Spain	<input type="checkbox"/>	Sweden	<input type="checkbox"/>	United Kingdom	<input type="checkbox"/>
Iceland	<input type="checkbox"/>	Norway	<input checked="" type="checkbox"/>						

2. Active substance

2.1. Common name	Tar, pine / Pine wood tar
2.2. EC and/or CAS N°	EC no. 232-374-8, CAS No. 8011-48-1
2.3. Molecular and Structural formula (including details on isomeric composition) – molecular mass	<p>Tar, a complex combination distillate containing thousands of substances (one estimate is up to 8000-15000 substances), produced by the high temperature carbonization of pine wood in anoxic conditions (dry distillation). It consists primarily of aromatic hydrocarbons, tar acids and tar bases (Simomaa et. al 2000, Lehtonen & Hotti 2001, Egenberg 2003). Components of tar vary according to the pyrolytic process (e.g. method, duration, temperature) and origin of the wood (e.g. age of pine trees, type of soil and moisture conditions during tree growth). The choice of wood, design of kiln, burning and collection of the tar can vary from burning to burning. Only stumps and roots of pine can be used for traditional production of pine tar.</p> <p>Wood cellulose creates at 240-375 oC aliphatic hydrocarbons such as fats and their esters and paraffins in the tar. Lignin creates aromatic hydrocarbons such as phenols, cresols and guaiacols at 350-500 oC. Pine tar also contains turpentine and resin acids formed from pine resin. Content of phenolic compounds in the pine tar samples analysed has been about 2.4–6.3%. Pine tar contains several kinds of polycyclic aromatic hydrocarbons (PAHs) because pine tar is produced by a pyrolytic process in "unfavourable" conditions where PAHs are known to be formed. Duration of the distillation at 300-400 oC seem to affect the PAH content of wood tar. The higher the temperature in the kiln and the more reduced the firing, the more aromatisation of the tricyclic components will take place. However, a part of the PAHs will be emitted to the air during production (as local, intermittent emissions) and will not have effect on the final product. Traditionally produced pine tar contains 8-18% volatile substances. The distillation temperature starts from 200 to over 400 oC. The tar fractions from an early stage of the burning are very different from the fractions from a later stage of the burning probably as a result of the increase in temperature and the relatively reducing conditions under which the production takes place. Light tars are produced from 280 oC above and heavy tars above 350 oC. Maximum production of acid distillates is</p>

⁶⁴ Competent authorities and other Contact points in relation to directive 98/8/EC (Biocidal Product) in chapter A.5

	<p>achieved at 270 oC and above 350 oC only little acids are formed.</p> <p>The composition of pine tar is instable because its composition changes in chemical reactions over time, e.g. through polymerisation. Sometimes up to 40-50% of pine tar is oligo- or polymeric material from resin acids and other diterpenes or from phenolic material.</p>
2.4. Method of manufacture (in brief terms)	<p>Pine wood gives tar in quantities of about 7% of the dry wood weight. Pine tar is produced by traditional or more industrial methods. The traditional manufacturing method is a kiln made of stone or wooden stocks. In the latter case the stocks are both the building material of the kiln and starting material for the carbonization process. Dried stumps and roots of pine cut in pieces can be used for this production. The wood is stapled in radial form from the centre outwards in the kiln. It has to be covered carefully by turf before the burning. The tar is collected through a whole in the middle at the bottom of the kiln. The burning takes several days at <100-390 oC and has to be thoroughly surveyed.</p> <p>Another manufacturing method is the retort process which is a more modern version of the traditional way of producing tar. The kiln is then a closed iron basin called retort ("tar oven") which is heated externally without letting the pine wood inside the retort to burn. The process parameters can be better controlled than in the traditional methods. Distillation temperature may increase over 400 oC in the end.</p>
2.5. Specification of purity in g/kg or g/l as appropriate	<p>Main components of traditional kiln made pine tar:</p> <ul style="list-style-type: none"> - resin acids and aldehydes (e.g. dehydroabietic acid, abietic acid, palustric acid, pimaric acid) 19% - decarboxylated resin acids and alkylphenantrenes (e.g. retene) 7.5-9.5% - fatty acids (mainly C14-18) 8% - phenols (e.g. methyl- and ethylguaiacol, guaiacol, cresols, phenol) <5% - monoterpenoids (e.g. alfa-pinene, 3-carene, limonene, camphene) <5% <p>Main components of pine tar made in retort process:</p> <ul style="list-style-type: none"> - monoterpenoids 18% - resin acids and aldehydes 16% - decarboxylated resin acids and alkylphenantrenes 13% - fatty acids 7% - phenols 6% <p>Note that the percentages given above are from very few analysis and therefore not representative but only indicative. Retort tar contains higher contents of components with low boiling point such as turpentine compared to traditional kiln made tar. Retort tar contains also hydrocarbons with higher C:O and C:H ratios, and higher proportion of double bonds compared to traditional pine tar, indicating higher proportion of reduced firing.</p>
2.6. Identity of impurities and additives – including stabilisers	<p>No specific impurities can be listed separately but they are part of the complex combination distillate (c.f. point 2.3).</p> <p>Wood tar distillation fraction produced at 300/350-450 oC is water insoluble, viscous and is called A-type tar. Wood tar fraction produced at 250-350 oC is water soluble, more liquid and is called B-type tar. The water soluble wood tar distillation fraction contains in addition to B-type tar also methanol, acetic acid and acetone. Raw wood tar is a mixture of A and B type tars and B-type compounds are separated e.g. by storing the raw tar for a year.</p>

	Composition of the tar will also vary from batch to batch since the choice of wood, design of kiln, burning and collection of the tar can vary from burning to burning.
2.7. Origin of sub-stance (in case of a natural substance)	Pine tar is not a natural substance because it is modified during the pyrolytic process.
2.8. Physical chemical properties in accordance with Annex IIA, Point III, to Directive 98/8/EC, as appropriate	The colour of the tar is in varying shades from black to brown. The flashpoint may be around 150 °C. The density >1 (maybe around 1.033 to 1.09). Pine tar has a strong distinct odour and is in practice not water soluble (contains only 2 - 6% water soluble substances). pH in water solution is 3-4. Viscosity is about 980-9160 mm ² /s ranging from low viscous to high viscous oil.
2.9. A summary or toxicological and ecotoxicological information for the substance	<p>Toxicological information</p> <p>The "Opinion of the Scientific Committee on Cosmetic Products and Non-Food Products Intended for Consumers (SCCNFP) concerning wood tars and wood tar preparations" (SCCNFP/0646/03) focused on the carcinogenic and genotoxic potential of pine tar and other wood tars. The analysis was based on:</p> <ol style="list-style-type: none"> 1) The composition of pine tar: PAH-compounds, ca. 50 ppm (0.0005%), comprising e.g. benzo(a)pyrene (5.3 to 9.7 ppm) which is classified as a cat. 2 carcinogen, cat. 2 mutagen and cat 2 reprotoxin. 2) Mutagenicity/Genotoxicity, in vitro: Pine tar resin have not been found to induce mutations in <i>S. typhimurium</i>. Guaiacol has induced CSE in human lymphocytes in vitro. 3) Carcinogenicity . A) Animal studies: The carcinogenicity of pine tar (with 48 ppm BaP) and other tar-containing skin drugs was investigated with mice (Hirohata et al. 1973). Pine tar induced not only skin papilloma, but also skin squamous carcinoma. It was also concluded that the frequency of skin tumours increases nearly linearly with the concentration of benzo(a)pyrene in the preparations. Many of the PAHs known to exist in wood tars have been evaluated by IARC with the conclusion that there is sufficient evidence for carcinogenic effects in animals. B) Human studies. No data were available. Several studies have demonstrated tumour induction in relation to tar and creosote (coal tar), in most cases the latter. However, it is unclear whether some studies possibly also involved wood tar or wood tar preparations. The SCCPNFP concluded that wood tar preparations induced both benign and malignant skin tumours in mice, possibly by non-threshold mechanism. The dermal route was relevant here. <p>Other studies/data</p> <p>According to Elliot D.C. (1987) pine tar induced carcinomas in animal tests. This carcinogenic potential increased as a function of the temperature of production. This study has not been critically evaluated. The chemical composition of Finnish pine tars gives some information on their toxicity. However, many of the thousands of components have not been identified. Some of the major components have been classified as harmful (Xn) or sensitising. The concentration of PAHs in the Nordic pine tars has not been determined although they are known to exist in pine tars. The carcinogenicity of the pine tars has not been evaluated. Based on the available information, carcinogenicity of the pine tar cannot be excluded.</p> <p>Ecotoxicological information</p> <p>There is very sparse ecotoxicological information available on pine tar. The resin acids of pine tar are acutely toxic to aquatic organisms in concentrations below 1 mg/l where they have caused e.g. histopathologic changes in liver and harmful effects on erythrocytes in fish. For example, abietic acid has a LC50 for rainbow trout of 0.7 mg/l, dehydroabietic acid LC50 for rainbow trout of 0.77 mg/l and pimanic acid LC50 for rainbow trout of 0.33 mg/l. Some polycyclic hydrocarbon components of pine tar are classified as dangerous for the environment (N, R50-53 or N, R50).</p>

	Some relevant information can be found from the environmental risk assessment of certain creosote compounds the log octanol-water partitioning coefficient (logKow) of which is 0.5-2.0. These are hydrocarbons containing one aromatic ring such as cresols and phenols. Their boiling point is about 175-210 °C, they are volatile, very water soluble, mobile in the soil (Koc 2.8-148), biodegradable, and partly potentially bioaccumulating. Their aquatic toxicity is moderate in acute exposure (EC50 >8.3 mg/l) and slight in chronic exposure (NOEC>0.75 mg/l, LOEC >0.2 mg/l).
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3. Available information on the essential use

3.1. Product type and use(s) for which the derogation is required	<p>Pine tar is a surface treatment wood preservative in Product type 8.</p> <p>Pine tar produced in traditional kilns is used to preserve the protected historic buildings for instance stave churches in Norway and churches and bell towers with shingled roofs in Finland. Furthermore, in Finland pine tar produced in a retort process is also used for these essential use applications (but to a minor extent) because the production by the traditional method is not sufficient to cover completely the demand of essential uses of pine tar. The application of pine tar is needed to keep the surfaces, the materials and the colours of the buildings in good condition and their original appearance. In those places where wood tar was traditionally used such as vernacular architecture and timber buildings especially on country side, the use of other products to preserve the wooden historic buildings is highly unsafe and can lead to the destruction of the buildings through cracking of the wood etc. (see also Section 5.2).</p> <p>Pine tar produced in traditional kilns is also used to preserve traditional arts and crafts such as traditional wooden boats in Finland. Recreational Craft Directive 94/25/EC Art. 1(3)(e) mentions the "original and individual replicas of historical craft designed before 1950, built predominantly with the original materials and labelled as such by the manufacturer" and provides for that these shall be excluded from the scope of this Directive. This kind of boats needs to be treated with traditional pine tar.</p> <p>The guide to the Recreational Craft Directive explains that according to the exclusion in point (e) builders of historical craft are able to build the same authentic bygone design, one boat after another. These boats are still unique and individual, when built using methods and materials consistent with the original design, and retain their aesthetic charm and characteristics. All Member States have individual boats designs that are peculiar to the State or region thereof, e.g "pattini" in Italy or "treehandiri" in Greece. These boats are generally of a design pre-dating 1950 and built in specialist yards of original materials. The Member State must be satisfied that such an exclusion from the Recreational Craft Directive would not give carte blanche for series production.</p>
3.2. Method(s) of application	Pine tar is applied by a big brush. It is recommended to keep the tar container warm (e.g. in a hot water bath of about 70-80 °C) and applying thick layers of tar to protect the wooden buildings/objects from water penetration and degradation by weathering.
3.3. Number and timing of applications	<p>Pine tar has to be applied every 1-25 years to give the surface sufficient protection depending on the tar quality, building and construction details, the orientation and the local conditions.</p> <p>Use of pine tar has a long tradition. Already in the 13th century a law stated that stave churches should be treated with pine tar every three years. In old papers it is also stated that wooden objects should be "painted" with pine tar in the autumn after the leaves had fallen, but before the snow falls. The advantage of this timing is that the pine tar can be applied in thicker layers and thus give a better protection.</p>
3.4. Classification & Labelling	Pine tar is proposed to be classified as "Harmful by inhalation, in contact with skin and if swallowed. Irritating to eyes, respiratory system and skin. May cause sensitization by skin contact. Toxic to aquatic organisms. May

	<p>cause long-term adverse effects in the aquatic environment." Xn, N; R20/21/22, R36/37/38, R43, R51-53.</p> <p>Some polycyclic and other hydrocarbon components of pine tar are classified as dangerous for the environment (N, R50-53; N, R50 or R51-53). Their concentration sum is above 2.5% and will cause pine tar to be classified as dangerous for the environment: N, R51-53.</p> <p>Classification of some components of pine tar according to Annex V of Directive 67/548/EEC or available information: Turpentine/turpentine oil, especially C10-terpenes and other terpenes (which may be more than 5% in retort pine tar) are classified as Xn N, R10, R20/21/22, R36/38, R43, R51/53, R65. Resin acids and esters with glycerol (which may be more than 15% in pine tar) are classified as Xn; R20/21/22. Abietic acid, dehydroabietic acid and pimaric acid are classified as N, R50. Pure phenol is classified as T; R24/25; C, R34. Cresols (which may be more than 1.3% in pine tar) are classified as T; R24/25; C, R34. Limonene is classified as Xi, R10; R38, R43; N, R50-53.</p>
<p>3.5. Available data on effects on human or animal health and the environment (including exposure and risk assessment and proposals for risk mitigation) from the use</p>	<p>Human health</p> <p>Pine tars from different sources are heterogeneous in composition, due to variations in the starting materials and especially in production processes. The relation of different pine tars to particular health effects is not clear.</p> <p>No exposure measurements have been carried out in Finland. However, it can be estimated that in the most traditional process of producing of pine tar, the workers are exposed to the vapours maximally for period of a week in a year. Information on adverse effects is not available. In a retort process the exposure to gases can be avoided although production periods can be much more numerous.</p> <p>Users (e.g. painters of the roof shingles) of pine tar are potentially exposed by inhalation (especially if tar needs warming up) or through the dermal route, unless properly protected. Information exists on occasional dermal reactions observed on the hands of the workers.</p> <p>The treated surface after drying is not considered to be a significant source of human exposure.</p> <p>During the long history of production and use of pine tar for a wide variety of purposes, carcinogenic or other serious health effects for humans or animals have not been reported in Finland. The exclusively outdoor uses for wood protection effectively minimise the exposure of humans and animals to the harmful components of tar.</p> <p>Pine tar may occasionally cause irritation of skin or eyes and respiratory symptoms, if the user is exposed dermally or to fumes from fresh tar or tar warmed up. Fragmentary data on respiratory symptoms are typically related to indoor exposure which is a misuse of pine tar or resulting from other kind of use than that related to wood preservation. Sensitisation as the cause of some of the skin symptoms cannot be excluded. Some of the claimed symptoms likely result from coal tar or other petrochemicals added in the product.</p> <p>Environment</p> <p>Pine tar treated buildings will cause local emissions of pine tar components to the surrounding soil. Pine tar treated wooden boats will cause local emissions similar to antifouling products to lakes, coastal areas and other such water courses. Available biocides emission scenarios could be used for such exposure assessment but the data on leaching rates of pine tar components is lacking. Therefore, a quantitative risk characterisation for these environments cannot be made. Emissions to air occur especially during production of pine tar.</p> <p>Possibilities for risk mitigation</p> <p>-Correct labelling of products, with proper R phrases, emphasising the outdoor use and avoidance of inhalation of fumes of the product, and avoiding of skin contact when applied.</p>

3.6. Information on efficacy	<p>Very little data exists on efficacy of different kinds of pine tars (compared to variation in the composition of pine tar batches) and it is difficult to conclude if pine tar is an effective surface treatment wood preservative.</p> <p>A test by the laboratory "Mycoteam A.S." (Mattsson, J; Holøs, S. B. & Whist, C. M.) from 1995 shows that pine tar gives a little, but very low protection towards fungi and algae compared to mordant oil and also compared to birch tar. From this test they conclude that other properties of pine tar as water protecting effect probably are more important for its ability to protect the wooden objects.</p> <p>The article from Poland "Application of Wood Tars in Wood Protection" by Lutomski, K , 1997 shows among others that softwood tars such as pine tar have less antifungal toxicity than hardwood tars and much less than creosote oil. The article also states that stripping the softwood tars of the more volatile compounds decreases even further the already low antifungal toxicity of these tars.</p> <p>The decay test by the Finnish VTT from 1981 shows that pine tar surface treatment did not inhibit the growth of brown rot fungus <i>Gloeophyllum trabeum</i>, and protection effect was non-existent (Kaila, Vihavainen & Ekbohm, 1987, p. 67).</p> <p>In the test carried out by the VTT in 2004, the effect of various pine tars added as 0.5 % into the malt agar medium varied according to the fungus. The most sensitive to pine tars was the brown rot fungus <i>Coniophora puteana</i>, the radial growth of which slowed down considerably. The effect on the growth rate of white rot fungus <i>Coriolus versicolor</i> was very low. The commercial boron containing surface treatment wood preservative product tested inhibited totally the growth of <i>C. puteana</i> and <i>C. versicolor</i> and decreased more than pine tars the growth of <i>Aureobasidium pullulans</i>. The commercial zinc containing surface treatment wood preservative product inhibited totally the growth of <i>C. puteana</i> and decreased very strongly the growth of <i>C. versicolor</i> and <i>A. pullulans</i>.</p> <p>In another VTT test from 2004, where a piece of pine tar treated veneer was placed on malt agar medium in Petri dish at the same time of inoculation with fungus, the effect of pine tars on the growth rate of mycelium was very low. No inhibition zones are observed. The mycelium of fungi tested (<i>Coniophora puteana</i>, <i>Coriolus versicolor</i> and <i>Aureobasidium pullulans</i>) covered the dish, the growth on the treated veneer was slowed down only with <i>Coniophora puteana</i>. The commercial boron containing preservative product induced inhibition zones and zinc containing product slowed down the growth of fungi. The tests are still continuing in autumn 2004 and the results will be used to clarify in more detail if pine tar is a biocidal active substance or not.</p>
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4. Justification of the essential use

Significance of the harmful organism

Efficacy of pine tar for wood treatment is mainly based on physically blocking the porous structure of the wood material and making the material water proof. The treated wood can resist wood destroying fungi because the water concentration in the wood is kept low enough. Pine tars may have a slight biocidal effect on some fungi species. If the wood stays moist due to rainwater etc. fungi will start to grow and rot or discolour the wood leading to its destruction. Principal harmful organisms on such wood are brown rot fungi (e.g. *Coniophora puteana*, *Gloeophyllum trabeum* and *Poria placenta*), white rot fungi (e.g. *Coriolus versicolor*) and moulds and bluestain fungi (e.g. *Aureobasidium pullulans*). On the other hand, the slight biocidal effect of some pine tars has no practical significance because only a thick pine tar coating layer is an effective protection for the wood. If the pine tar layer is cracked or otherwise defective the wood will get moist and fungi will attack the wood through the cracks.

The role of the above mentioned fungi species in decay of old pine tar treated wood pieces will be studied in autumn 2004.

Importance of the intended use and estimated scale of use - maximum quantity of active substance per year

The major part of pine tar currently produced in Finland is used for church roofs. One such roof requires typically about 1000 litres of pine tar and the treatment must be repeated every few years. 276 Finnish churches and 103 bell towers have a pine tar treated wooden roof. In addition, other historic and traditional wooden objects such as mansions, buildings and constructions of vernacular architecture and big village boats used for travelling to church have been treated with pine tar. Further traditional uses are smaller wooden boats.

Yearly production of pine tar is on average 20 000 to 30 000 litres in Finland. In the major pine tar producing region 10-20 000 litres of distillate is produced per year giving a locally important income of about 160 000 euros for this rural region. Finnish countryside tourism is much based on the mansions, churches, other historic sites and the related events many of which exhibit production and use of pine tar with the traditional method.

In Norway local Historical Societies and a few farmers around the country produce pine tar in the traditional way on a voluntary basis to demonstrate old craft and keep the tradition alive. The Society for the Preservation of Norwegian Ancient Monuments is buying the tar to a fixed price from the

Historical Societies for use on protected historic buildings. The production of pine tar in this way is not commercial and only in small volumes, but we have not exact production data.

Pine tar is also used by some other European museums for maintenance old wooden ships. It is also marketed in the USA where it is called "Stockholm tar". (C.f. e.g. <http://www.maritime.org/conf/conf-kaye-tar.htm>)

If the essential use is not permitted, what would be the consequences for health, safety, protection of cultural heritage or the functioning of society (including cultural and intellectual aspects)?

According to the second Review Regulation the placing on the market of pine tar for wood preservation is no more possible after 1st September 2006. In Finland the most severe impact will be that a key part of our national heritage, old wooden churches and traditional wooden objects such as wooden boats, could no longer be treated with wood tar. There are no suitable alternative chemicals for the treatment of wooden shingle roofs and of other traditional Finnish wooden objects. The possible destruction of the valuable objects once the ban has entered into force is not acceptable. (See also Section 5.2).

The historical value of pine tar is enormous in Finland. Archaeological findings indicating use of wood tar in Finland are thousands of years old. Production of pine tar provided for nurture for a great part of the country and was our most important export product from the 17th to 19th century. European shipbuilders were very dependent on Finnish pine tar in those days as most of Central-European conifer forests had been clear cut. North-Eastern Finland was the most important pine tar producing area in Europe. Therefore, pine tar has even today a great and widely recognised national sentimental value and is considered to be part of the Finnish national spirit.

From the point of view of historical and cultural authenticity, no substitute for pine tar exists.

Norway has 28 stave churches which are 800-900 years old and also a number of other old wooden buildings. If these buildings cannot be treated with pine tar, decay gradually will take place and in the long run the buildings will be ruined completely. These buildings, especially the stave churches, are of irreplaceable value.

The loss of cultural heritage objects and cultural environment as a consequence of destruction or lacking maintenance cannot be accepted because of the significant socio-economic

impact which cultural tourism has to the society. Cultural heritage is instrumental in generating employment.

Need for the biocidal product / active substance in resistance or other pest management programmes (for example integrated pest management)

Not applicable to pine tar because it is not used in resistance or other pest management programmes.

5. Why the use of this active substance is essential

Active substances currently used [elsewhere in the EU/worldwide] to control the problem described in chapter 4 and their approval/authorisation status

About 15 active substances of those about 37 substances that will be evaluated in the BPD Review Programme exist currently on the market for general surface treatment of wood against wood destroying fungi. However, these substances do not provide the very important physical blocking of the porous structure of the wood material making the material water proof which pine tar does. Furthermore, these cannot substitute pine tar because from the point of view of historical and cultural authenticity, no substitute for pine tar exists.

Evidence that there are no available technically and economically feasible alternatives or substitutes that could be acceptable from the standpoint of environment and health

Pine tar stays soft also after the wood has been treated and is the only chemical that can be used for such treatment. Alternative chemicals such as coal tar make the wooden shingles and panels hard and crack. The cracks in the wooden roof let rain water enter the building and damage it. Neither is the use of creosote oil possible due to its chemical and other properties. Once tarred surface cannot be treated with any other substances due to either their reaction with tar or their structural behaviour.

If the pine tar treated shingle roofs had to be replaced in Finland with new wood treated with modern preservative impregnation this is estimated to cost at least 160 million euros, in addition to the loss of historic and architectural irreplaceable values.

European countries are State Parties of the Unesco World Heritage Convention. Instructions and guidelines given in

"Bernard M. Feilden and Jukka Jokilehto,1993. Management Guidelines for World Heritage Sites. ICCROM, Italy." should be followed in the maintenance and conservation of these sites. On its p. 70-71 guidance is given on treatments related to authenticity in workmanship and maintenance: "The repair of heritage resources using compatible traditional skills and materials is of prime importance....In the case of vernacular architecture, which often consists of short-lived or vulnerable materials... the same type of materials and traditional skills should be used for the repairs and restoration of worn and decayed parts."

According to the recommendations and guidelines of ICCROM (International Centre for the Study of the Preservation and restoration of Cultural Property) and ICOMOS (International Council on Monuments and Sites) International Scientific Wood Committee Principles for the Preservation of Historic Timber Buildings the surfaces has to be treated on a like-a-like basis. "Craftsmanship and construction technology, including the use of dressing tool or machinery, should correspond with those used originally. Surface finishes ... should be duplicated as far as possible". Similar recommendations come also from the European Council Granada Convention 1985.

The Competent Authorities for these conventions are in Finland the National Board of Antiquities and the Directorate of Cultural Heritage in Norway which very strictly recommend the protected buildings to be treated with pine tar in order to protect the buildings. So these essential uses of pine tar cannot be replaced by alternative materials for economic and cultural reasons and substitution is impossible also for technical reasons.

6. Proposed plan for a more permanent solution

Evidence of a plan to submit a dossier for the evaluation and inclusion of the active substance in one of the annexes to Directive 98/8/EC

A dossier submission for the evaluation and inclusion of pine tar in Annex I to Directive 98/8/EC has not been regarded as a feasible solution because the costs of compiling the required dossier are too high compared to the volumes of pine tar used on the limited group of objects of cultural and historical interest. The traditional method of manufacturing pine tar means that there are many single producers, the volumes per producer are very small and type and composition of the products may vary a lot. Data generation for such products, application for authorisation and evaluation of such complex mixtures is not possible in practice. On the basis of current

principles of risk assessment for biocides complex hydrocarbon mixtures such as pine tar are evaluated on the basis of similar hydrocarbon groups (or "blocks") in the mixture since hydrocarbons of similar structure will have similar physico-chemical properties and similar distributions and fates within a given environment (c.f. the Hydrocarbon Block Evaluation Method in the Technical Guidance Document on risk assessment, Annex IX to Part II). In pine tar at least five different hydrocarbon blocks need to be tested and evaluated. This means that the data generation costs would be many times higher than for a normal biocidal active substance. In addition the variation between the "hand-made" production batches of pine tar would need to be addressed in the dossier and evaluation. The volumes of pine tar used may seem to be relatively high but it should be noted that the biocidal product contains 100% of the active substance the specific biocidal activity of which is very low.

PROPOSED PLAN FOR A MORE PERMANENT SOLUTION

As from the point of view of historic and cultural authenticity no substitute for pine tar exists, the only permanent solution for this pine tar essential use problem is to amend the Directive by adding a derogation procedure for example to Art. 15 of the Directive (98/8/EC) for biocidal products intended for protection of objects of cultural and historical interest. The current derogation provisions from normal authorisation of biocidal products in the Biocides Directive do not include biocidal products intended for protection of objects of cultural and historical interest. In order to be able to preserve such objects with traditional biocides also in the future, the current derogation provisions on temporal authorisation in the Biocides Directive Art. 15.1 should be expanded to cover this new proposed derogation. The best way to do this could be to add a new paragraph to Art. 15 with comparable provisions to Art.15.1 but amended to enable a Member State to authorise a biocide product necessary for preservation of objects of cultural and historical interest. In justified cases such objects could be for example old traditional buildings, museum pieces of vulnerable materials or traditional wooden boats.

This amendment of the Directive could be done in the framework of a substantial revision of the Directive following presentation by the Commission of the 10-year report called for in Article 18(5) of the Directive in 2007 - if essential uses of pine tar will be allowed to be continued until May 2010.

Any outline of work carried out to develop an alternative or substitute to the active substance

The only chemicals similar enough to pine tar are creosote oil and other coal tar distillates. They have been evaluated as

alternatives to pine tar but were not found suitable (see point 5).

7. Other information

E.g.:

- Steps that are being taken to minimise the proposed uses
- Steps to minimise the emissions and human exposure associated with the proposed uses and waste management related to the biocidal product
- Acceptability of the active substance in light of the criteria in Annex VI of Directive 98/8/EC

STEPS THAT ARE BEING TAKEN TO MINIMISE THE PROPOSED USES, AND THE EMISSIONS AND HUMAN EXPOSURE ASSOCIATED WITH THE PROPOSED USES AND WASTE MANAGEMENT

Such steps have been considered only little so far because the traditional uses of pine tar has not required such evaluation. Proposed uses of pine tar cannot be much minimised because it is the only appropriate application for the conservation and maintenance of certain types of traditional objects and buildings.

- Correct labelling of products, with proper R phrases, emphasising the outdoor use and avoidance of inhalation of fumes of product, and avoiding of skin contact.
- National provisions to control the biocidal essential uses will be applied during the transitional period of the Directive.

ACCEPTABILITY OF PINE TAR IN LIGHT OF THE CRITERIA IN ANNEX VI OF DIRECTIVE 98/8/EC

This evaluation can be done only in very general terms giving some indications on acceptability of pine tar because data on detailed composition of pine tar and its variation with different manufacturing conditions, and data on the toxicological and ecotoxicological effects of pine tar are lacking.

Human health

The conclusion of the SCCPNFP (i.e. "wood tar and wood tar preparations contain genotoxic carcinogens – and pose a health risk. Wood tar preparations induced both benign and malignant skin tumours in mice, possibly by non-threshold mechanism") concerned the use of wood tars in cosmetic products. The relevance of the conclusion with respect to pine tar as a wood preservative is unclear due to different exposure patterns and to different compositions. As the pine tars contain minor amounts of PAH's, the carcinogenicity of the tar cannot be excluded. However, there are no reports on carcinogenicity or other serious health effects in humans or domestic animals. The dermal or inhalatory reactions that are

likely related to the harmful, irritating, or sensitising components have been occasionally observed. After application, no significant exposure to the painted surface is normally to be expected.

Some pine tar batches exceed the maximum concentration limit for water extractable phenols set in the Creosote Directive (Commission Directive 2001/90/EC). It requires that the creosote to be placed on the EU market should contain water extractable phenols at a concentration of less than 3 % by mass.

Based on the available information on the toxicity and exposure, pine tar can be regarded as an acceptable substance for essential use wood preservation in outdoor conditions, provided that the substance is properly labelled and used.

Environment

The resin acids of pine tar are acutely toxic to aquatic organisms in low concentrations. Some polycyclic hydrocarbon components of pine tar are classified as dangerous for the environment. However, a quantitative risk characterisation for the environment cannot be made due to lack of data.

Other aspects

The biological and chemical *efficacy* of pine tar against some brown rot fungi and wood discolouring fungi is very poor. However, there are no guidelines for evaluation of the performance of active substances in surface treatment of wood.

A *comparative assessment* according to Art. 10.5 of the BPD cannot be made because no substitute for pine tar exists in these essential uses

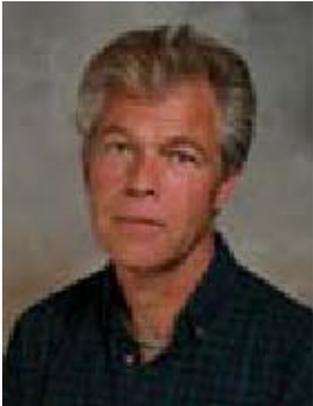
Competent authorities and other Contact points in relation to directive 98/8/EC (Biocidal Product) in chapter A.5

A.11 Authors biographies

Terje Nypan

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Mr. Nypan has a PhD in Sociology; specialising in the sociology of organisations. He has worked as a research Manager in Sri Lanka for 2 years. Following this he entered the business sector and a career in business management for 12 years. He worked for some of Norway's largest companies and international companies like Coca-Cola and APV Passilac. For 5 years he was CEO of a medium sized consultancy and for 2 years he worked as a senior project manager for the world leader in 'PR and Communication'; Burson-Marsteller.

In 1996 he joined the Royal Norwegian Ministry of Environment as a project head. He has been working as an advisor to the Cultural Heritage authorities since 2000. Since 2003 he chairs the 'European Working Group on EU Directives and Cultural Heritage'. He presently works with policy questions, EU policy, project management and questions concerning valorising of the built heritage.

Alfredo M. Ronchi

Politecnico di Milano / Italy



Alfredo M. Ronchi is professor of Multimedia Publishing (Politecnico di Milano Eng. Fac. & Inf. Science Dept. State Univ.) & Techniques and tools for multimedia (Politecnico Industrial Design Fac.). He is Director of a set of post-degree courses in the field of multimedia and digital communication. Alfredo Ronchi has developed his interests in 3 main converging sectors: Comp. Graphics & IVR, Hypermedia and Networking. Co-founder and Coordinator of the Computer Aided Architectural Design Laboratory (1984/1990), Founding Director of the HyperMediaGroup Laboratory (since 1990). AM Ronchi has developed and coordinated both European research and development projects (De Architectura, MOSAIC, Peripatetic, MIMS, MEDICI Framework, etc) and extra European (EuroSinosoft, Microsoft EMWAC).

Founding Chair of the Virtual Project October 93, 94 (BolognaFiere), [Prog. Chair of ACM Workshop on Multimedia Virtual Exhibition: Models, Technologies and Applications](#) (99 Orlando), Program Chair of the Cultural Track IX World Wide Web Conference (Amsterdam), Chair of panels "On culture in a world wide information society" WWW Conferences 2000-04 Founding Chair of the Intl Conf. Cultural Heritage Networks Hypermedia (1996-04 Milan), Co-Chair of Infopoverty Conf. (2001-04), Founding Chair of the panel "Business opportunities from cultural heritage" CeBIT (1998-04 Hannover). He had active roles in events promoted by [The World Bank](#), [Council of Europe](#), European Commission, IEEE.

AM Ronchi contributed as active member of "Multimedia Access to Cultural Heritage Memorandum of Understanding", he is actually technical secretary of the European Commission MEDICI Framework, European Commission expert both in the EU Telematics, e-Content and IST programmes, Council of Europe and CNR expert enlisted in "Gran Albo dei Referee".

Alfredo M. Ronchi is a member of the UNESCO OCCAM Mediterranean Programme, Infopoverty, Fondazione Italiana Nuove Comunicazioni, Global Forum, Sacred World Foundation Scientific Committee.

Jacques Akerboom

Monumentenwacht Noord – Brabant



Jacques Akerboom, chairman national management board Monumentenwacht Netherlands. Monumentenwacht was established about 30 years ago and is at the moment the largest private organisation in the field of maintenance of cultural heritage in the Netherlands.

In June 2004 Monumentenwacht Netherlands received the Europa Nostra / European Union award for cultural heritage.

Christina Five Berg

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Christina Five Berg has a law degree from the University of Oslo, and an LLM from the University of Southampton. She is currently working as an associate in the Oslo based law firm of Haavind Vislie AS, where she is dealing partly with environmental law issues. She has formerly practiced as principal executive officer in the legal department of the Directorate for Cultural Heritage, dealing with different aspects of cultural heritage law. She has also worked as a trainee for the EFTA Surveillance Authority in Brussels.

Finn Arnesen

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The Centre for European Law was established in 1989 and is part of the Faculty of Law at the University of Oslo, Norway. The objectives of the Centre are, inter alia, to encourage research and facilitate contact amongst lawyers by providing seminars, lectures and courses. The Centre is common to all the Institutes at the Faculty of Law and serves everyone, both inside and outside the Law Faculty, who work with European Community law or the law related to the European Economic Area.

After finishing his Law studies in 1989, Finn Arnesen joined the Faculty of Law at the University of Oslo as a research fellow. He was awarded the Dr. juris for "Statlig styring og EØS-rettslige skranker" ("EEA Law barriers to State Governance) in 1996, and has since 1998 been a professor in European Law at the University of Oslo. In 2002 and 2003 he was a senior associate with one of the major Norwegian Law firms before returning to the Law Faculty as Dean of studies in 2004.

His Royal Highness the Prince Consort of Denmark, President of Europa Nostra

Born 1934 in Talence, Bordeaux, France. Henri-Marie-Jean-André de Laborde de Monpezat, son of Count André de Laborde de Monpezat and Countess, born Renée Doursenot. Married to Princess Margrethe, then Heiress to the Throne of Denmark, on the 10 of June 1967. Officially referred to as His Royal Highness the Prince Consort of Denmark.

Apart from France, the Prince Consort's family owned estates and industry plants in Indo-China. The Prince lived there 1934-39 and 1950-52. He graduated from the Sorbonne University in 1957 and from the Paris School of Oriental languages with proficiency in Chinese and Vietnamese. Spent a year at Hong Kong university 1958-59. Military service in France and Algeria 1959-62. Entered the French Foreign Ministry in 1963 and was appointed later to the French Embassy in London as third Secretary.

The Prince Consort has been Honorary Commissioner in the Danish Red Cross since 1969 and patron from 2001. President for the Danish branch of the Worldwide Fund for Nature since 1972 and President for Europa Nostra, European Association for preservation of architectural and natural heritage since 1991. The Prince is President and Patron for numerous Danish and International organisations. The Prince has been an active pilot until 1994 and holds the honorary ranks of General in the Royal Danish Army and Royal Danish Air Force and Admiral in the Royal Danish Navy.

The Prince speaks Danish and French but also Chinese, Vietnamese and English. Hobbies includes music, accomplished pianist and organist, horsemanship, yachting, shooting, skiing and tennis. He travels a lot both privately and officially. The Prince Consort takes an active interest in Danish trade promotion overseas, and in economic symposiums for his country. The Prince runs a wine estate in Cahors in France, where Château de Caix produces yearly an average of 120,000 bottles of red, 15,000 bottles of white and rosé wine distributed all over the world.

Together with Her Majesty the Queen, he has translated a novel from French into Danish "Tous les hommes sont mortels" by Simone de Beauvoir. The Prince has also published books of poems "Chemin Faisant" 1982 and "Cantabile" 2000 as well as memoirs "Destin oblige" 1996 and a book about gastronomy 1999.



Erika Johansson

Ph.D. candidate

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Ms. Erika Johansson received her B.Sc. degree in paintings conservation at the Institute of Conservation, Göteborg University in 1999. She has international experience both as a Paintings Conservator and Architectural Conservator, and she has participated in a wide range of projects, including the conservation of historic buildings, easel and mural paintings, as well as other works of art.

As a Fulbright scholar and Fellow of the American-Scandinavian Foundation, Ms. Johansson was a resident of the United States from 1999-2004, where she pursued research for her Ph.D. at Columbia University, School of Architecture, Planning and Preservation in New York. Following her studies at Columbia, she worked as an Architectural Conservator for the firm Page Ayres Cowley Architects LLC in Manhattan for three years. Her projects have included both laboratory and fieldwork that were integrated into larger reports, working alongside architects, engineers, and archaeologists. She has knowledge in the design and management of projects, as well in the investigation and assessment of historic structures.

Ms. Johansson is since 1994 a Ph.D. candidate in combined Conservation and Environmental Science at NMK Enterprising Research School, Natural, Sustainable and Conservation Materials, Chalmers University of Technology and Göteborg University in Sweden. This project is part of a long-term development and joint venture between NMK and public as well as private entities within the construction industry. The main goal of her research is to develop a career model for craftsmen; to assess the very limited educational provision and opportunities for career advancement in the building trades and heritage sector in Sweden and to highlight the need for an integrated and holistic approach to education in conservation and sustainable construction at large. Part of the research will be to develop a model for a new higher education program for the building trades, i.e. the "House Master School".

Wolfgang Kippes

Schonbrunn Castle Director



Born: 23rd September 1948 in Krems/Donau (Lower Austria).

Education: Technical University Vienna – Civil Engineering, diploma 1976, doctoral thesis on “Indoor Climate Monitoring and Control in Historic Buildings”, 1999.

Since 1992: Technical director of Schloß Schönbrunn Kultur- und BetriebsgesmbH. responsible for project development,

investment, restoration and conservation, research, documentation.

Seija Linnanmäki

National Board of Antiquities
FINLAND

Seija Linnanmäki is a Senior advisor RA (architecture), FM (architectural history), MA (building conservation) at the Finnish National Board of Antiquities, Department of Monuments and Sites.

The National Board of Antiquities preserves Finland's material cultural heritage: collects, studies and distributes knowledge of it. The Board is a cultural and research institution, but also a government authority charged with the protection of archaeological sites, built heritage, culturally and historically valuable environments and cultural property, in collaboration with other official and museums. The Board offers a wide and diversified range of services to the general public as well as a professional staff of specialists.

The National Board of Antiquities is attached to the Ministry of Education.

Seija Linnanmäki worked 10 years as a researcher at the World Heritage Site of Suomenlinna Fortress and is now a member of the Directorate of the Governing Body of Suomenlinna, which is the governmental organisation responsible for the conservation and maintenance of the Site.

Today, her main responsibility at the National Board of Antiquities is to guide and supervise the conservation of State-owned protected buildings in Finland. In addition to that, she has been developing and proceeding cultural heritage education in Finland for 6 years in a joint-project with the National Board of Education and the Ministry of the Environment.

She has been a member of ICOMOS Finnish National Committee for 13 years and worked as a Secretary and a Vice-president.

Shinji Matsumoto

UNESCO, Sector for Culture
Cultural diversity and e-culture



Culture and cultural diversity are central challenges of our time and issues in the international debate for the building of knowledge societies. A particularly important aspect to highlight is the relationship of the new concept of intangible cultural heritage to cultural diversity and its impact on the understanding of cultural heritage as a whole.

As for tangible cultural heritage a lot of endeavours for its conservation, preservation, and awakening of public awareness on its importance and significance have been made by UNESCO since its creation. A series of conventions such as the Hague Convention (Convention on the Protection of Cultural Property in the Event of Armed Conflict, 1954), Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970, Convention for the Protection of the World Cultural and Natural Heritage, 1972, Convention on the Protection of the Underwater Cultural Heritage, 2001, are some examples of the outcome of such efforts. All such conventions and other international standards are aimed at the heritage which has physical shape.

In contrast with such heritage, cultural heritage without physical shape, such as oral traditions and expressions; performing arts; social practices, rituals and festive events; knowledge and practices concerning nature and universe; traditional craftsmanship has not been the object of conservation and preservation until recently. Hence, the Convention for the Safeguarding of the Intangible Cultural Heritage was adopted in the 2003 autumn session of the General Conference of UNESCO, which has recognized the distinctive character of intangible cultural heritage. Activities aimed at protecting World Heritage have thus two modi operandi now, i.e., existing “world heritage” and “intangible cultural heritage”.

Most cultural expressions and cultural events that are now called “intangible cultural heritage” are the results of long series of historical experiences and influences from other cultures. They have a cultural distinctiveness of their own but

at the same time, they may hold meaning for peoples from neighbouring cultural communities.

Similarly, cultural digital contents are the result of interaction between the producer and the user and they give birth to spaces of collaboration and exchanges. Our heritage approach is being reshaped by the sense of flow inherent to digital culture and to intangible cultural heritage. Both reflect the cultural relatedness of all groups around the world and propose a functional role of cultural diversity in e-culture horizons.

Pär Meiling

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Mr. Pär Meiling received his MA/Sc degree at the Institute of Conservation, Göteborg University in Sweden 2004, with focus on conservation of mural paintings. Earlier Mr. Meiling studied the Fine Arts at The Nordic Art School in Kokkola, Finland. These studies resulted in a traveling bursary from

Otto and Charlotte Mannheimer's Scholarship fund in Göteborg financing studies of the frescoes by Giotto and Piero della Francesca in Assisi and Arezzo, as well as Spanish art at museums in Madrid and Barcelona. Mr. Meiling has been a professional trainee at the Centre for Historic Building and Craft on the Island of Gotland, Sweden, under supervision of conservator Maria Ihrsén. The conservation projects during the period on Gotland comprised conservation of historic murals as well as distemper wall paintings.

Mr. Meiling is currently a Ph.D. candidate in combined Conservation and Environmental Science at NMK Enterprising Research School, Chalmers University of Technology and Göteborg University in Sweden. The subject of research is Conservation of Modern Architecture with focus on public residential housing from the 1960s and 70s in Göteborg, Sweden.

Antonia Moropoulou

NTUA - National Technical University of Athens



Antonia Moropoulou is Full Professor at the National Technical University of Athens in Materials Science and Engineering Section, School of Chemical Engineering. She is the Studies Director of the NTUA MSE for the "Protection of Monuments and Sites" in the direction "Materials and Techniques for Conservation Interventions". She has been Visiting Professor at the Universities of Antwerp, Rome, Venice and Princeton.

She is the author of more than 230 scientific papers and has been responsible for 57 National and International Research Programs. Her international activities include participation as expert in OECD, UNESCO, INSULA, EU, ICOMOS et al. She is member of the EAG "City of Tomorrow and Cultural Heritage" of the EC DG XII. She has been advisor to the Prime Minister's office, as well as other Ministers, and has recently been elected as General Secretary of the Technical Chamber of Greece.

Anita Pollack

Head of European Liaison, English Heritage, United Kingdom

Anita Pollack is a former London Labour MEP (1989-1999) and has been Head of European Policy at English Heritage since January 2000. Prior to becoming an MEP she was political adviser to Barbara Castle and worked in advertising and book editing in both London and Australia. She has a Master's degree in Political Sociology from London University.

During her period in the European Parliament she worked primarily on the Committee for Environment, Public Health and Consumer Affairs, where she specialised in urban environment and air pollution issues and took part in the European delegation to the climate change conference at Kyoto. She contributed the environment chapter in a book, *Changing States*, published by Mandarin in the mid 1990s.

Since working at English Heritage she has encouraged the organisation to become involved in European activities. There have now been more than 20 trans-national European projects involving English Heritage, including some as lead partner, covering a range of funds: Culture 2000, INTERREG, Research and Leonardo. Actively lobbying in Brussels for the historic environment to be taken into account in policy making has had some successes, but more remains to be done. Anita represents English Heritage on the Council of Europa Nostra, a pan-European organisation campaigning for preservation of our cultural heritage.

Jan Rosvall

Professor in Conservation

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In 1978, Professor Jan Rosvall, jointly with Senior Lecturer Nanne Engelbrektsson, initiated the first interdisciplinary and cross-faculty Institute of Conservation at Göteborg University in Sweden. As the institute's Director for more than two decades, he was responsible for programs and research on both the Bachelor's, Master's and Ph.D. level.

Professor Rosvall has contributed to the establishment of core principles in conservation theory and to both theoretical and application-oriented research, including: ethics and principles of conservation; integrated socio-cultural planning; environmental pollution; stone conservation; methods of surveying, monitoring and documentation of cultural heritage and the built environment.

He has had numerous national and international commissions, including e.g. an instrumental role as Founding President of EUROCARE (1986-), i.e. the EUREKA "umbrella" for RTD in application-oriented conservation technology for the European industry, SME's, universities and related agencies, and as President of the Swedish strategically oriented and market-based non-profit foundation "Save Historic Göteborg".

Through his long-term relationship with various institutions throughout Italy (mainly in Milan, Naples and Rome) he was responsible for preparing the first international conference on "Air Pollution and Conservation" in 1985, among many other engagements. In 1996 he was appointed the very first "Visiting Professorship in Conservation" ever offered at the Swedish Institute in Rome (i.e. Istituto Svedese di Studi Classici a Roma).

Since 2001, Professor Rosvall has a strategic position as "Professor in Conservation" at the interfaculty centre GMV, Centre for Environment and Sustainability, Chalmers University of Technology and Göteborg University, where he is the co-founder of the post-graduate program NMK Enterprising

Research School - Natural, Sustainable and Conservation Materials.

Further, he recently was appointed faculty member and Professor at the University of Malta.

Donovan Rypkema

President, Heritage Strategies International

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Heritage Strategies International was established in 2004 as a companion firm to PlaceEconomics, a consulting firm of which Rypkema is the principal. PlaceEconomics – widely recognized as the industry leader in the economics of historic preservation – specializes in services to public and NGO clients

who are dealing with center city and neighborhood commercial district revitalization and the reuse of heritage structures. Rypkema has worked with communities in 49 States and 19 countries. He is the author of numerous articles and publications as well as a book, *The Economics of Historic Preservation: A Community Leader's Guide*. Rypkema holds a Master of Science degree in Historic Preservation from Columbia University. He served on the Board of Advisors of the National Trust for Historic Preservation, is currently on the Board of Directors of Global Urban Development, and teaches a graduate course on the economics of historic preservation at the University of Pennsylvania.

Images





Gyöngyös, Orczy kastély. Restoring such painting would in many cases prove impossible if using original pigments and mixes due to 2002/96/EC or 76/769/EEC on Hazardous wastes and Toxic products. If volatile organic compounds are involved exemptions are possible 99/13/EC.

© Ernyey Katalin



Gödöllő, Grassalkovich kastély (manor). Possible conflict with Energy Performance in Buildings 2002/91/EC, Construction Products 89/106/EEC, Energy Efficiency 93/76/EEC, Energy Performance in Buildings 2002/91/EC.

© Bozóki Lajos



Erdőtelek, Butler kastély. Possible conflict with Energy Performance in Buildings 2002/91/EC, Construction Products 89/106/EEC, Energy Efficiency 93/76/EEC, Energy Performance in Buildings 2002/91/EC.

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Gödöllő, Grassalkovich kastély (manor). Possible conflict with Energy Performance in Buildings 2002/91/EC, Construction Products 89/106/EEC, Energy Efficiency 93/76/EEC, Energy Performance in Buildings 2002/91/EC.

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lakóház, Táncsics M. u. 15, Budapest. Possible conflict with Energy Performance in Buildings 2002/91/EC, Construction Products 89/106/EEC, Energy Efficiency 93/76/EEC, Energy Performance in Buildings 2002/91/EC.
© Ernyey Katalin



Nagyboldogasszony- (Mátyás-) templom, Budapest. Possible conflict with Energy Performance in Buildings 2002/91/EC, Construction Products 89/106/EEC, Energy Efficiency 93/76/EEC, Energy Performance in Buildings 2002/91/EC.
© Ernyey Katalin



Nore stave church; Norway. One of the latest and smallest of all remaining 28 stave churches. Will be affected by Biocidal Products 98/8/EC, prohibiting commercial sales of traditional wood tar.

© Riksantikvaren



Heddal stave church; Norway. One of the earliest and most impressive of all remaining 28 stave churches. Will be affected by Biocidal Products 98/8/EC, prohibiting commercial sales of traditional wood tar.

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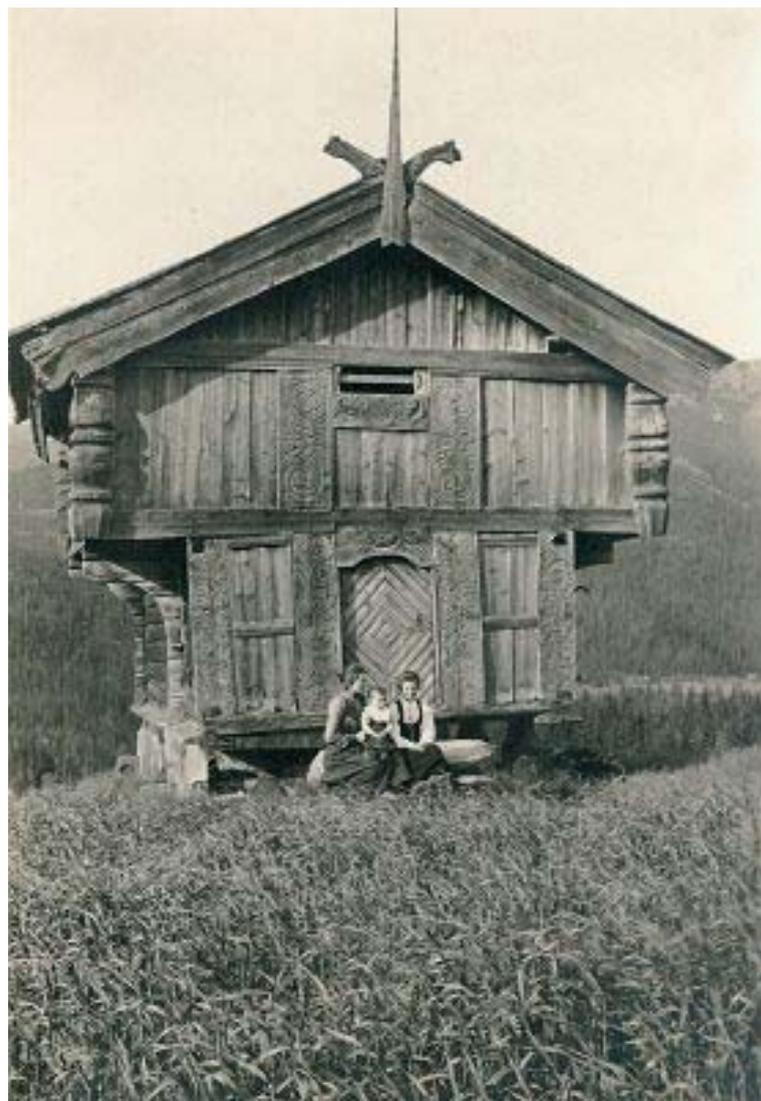
Urnes stave church; Norway Will be affected by Biocidal Products 98/8/EC, prohibiting commercial sales of traditional wood tar

© Riksantikvaren



Røros, World Heritage Site, traditional buildings in winter. Possible conflict with Energy Performance in Buildings 2002/91/EC, Construction Products 89/106/EEC, and for the church roof by Biocidal Products 98/8/EC

© Riksantikvaren



Bergland, Vinje in Telemark, a traditional farm store house (loft). Possible conflict with Construction Products 89/106/EEC and Biocidal Products 98/8/EC

© Riksantikvaren



Kelheim, Landkreis Kelheim, Regierungsbezirk Niederbayern, Freistaat Bayern, Deutschland. View from the Danube by Kelheim to the Befreiungshalle (liberation hall), built by Ludwig I., King of Bavaria. A cultural heritage object that would face problems related to, amongst others, Environmental Impact Assessment 85/337/EEC, Natural Habitats 92/43/EEC.

© BLfD



München, Landeshauptstadt München, Regierungsbezirk Oberbayern, Freistaat Bayern, Deutschland. The Max-Joseph-Platz in front of the Bavarian State Opera and the Residence. A cultural heritage object that would face problems related to, amongst others, Toxic Products 76/769/EEC.

© Joseph Sowieja



Regensburg, Stadt Regensburg, Regierungsbezirk Oberpfalz, Freistaat Bayern, Deutschland. View at Regensburg and the "Steinerne Brücke", stone bridge over the Danube built between 1135 and 1146; historic photo from 1880 and 2004. A cultural heritage object that would face problems related to, amongst others, Construction Products 89/106/EEC. © BLfD, Markus Hundemer



Rothenburg ob der Tauber, Landkreis Ansbach, Regierungsbezirk Mittelfranken, Freistaat Bayern, Deutschland. View over the roofs from Rothenburg ob der Tauber. A cultural heritage object that would face problems related to, amongst others, Construction Products 89/106/EEC, Energy Efficiency 93/76/EEC, Energy Performance in Buildings 2002/91/EC, Lifts 95/16/EEC, Working Places 89/391/EEC. © Vincenz Mayr



Viscri - Deutsch Weiskirch; Transylvania, Romania, built by the Siebenburger Saxons in 1280. All wood elements are treated with traditional tar. Similarly many European medieval castles and fortifications have exterior wooden structures treated with traditional tar. Where these structures are still intact sound conservation practises demand continued treatment with similar tar.

© Riksantikvaren / T. Nypan



Kalmar slot. A number of directives affect the maintenance and restoration of this renaissance castle if they were to be applied to the letter. The castle is of immense importance in Nordic history as it was the location of the Treaty of Kalmar in 1397 uniting the 3 kingdoms of Sweden, Denmark and Norway

© National Heritage Board, Sweden



Wallfahrtskirche zum Geißelten Heiland auf der Wies (Pilgrimage Church of the Scourged Saviour), Landkreis Weilheim-Schongau, Regierungsbezirk Oberbayern, Freistaat Bayern, Deutschland.

Outside: view at the Wies-Church, Rokoko church, built between 1746 and 1754. A cultural heritage object that would face problems related to, amongst others, Toxic Products 76/769/EEC, Working Places 89/391/EEC.

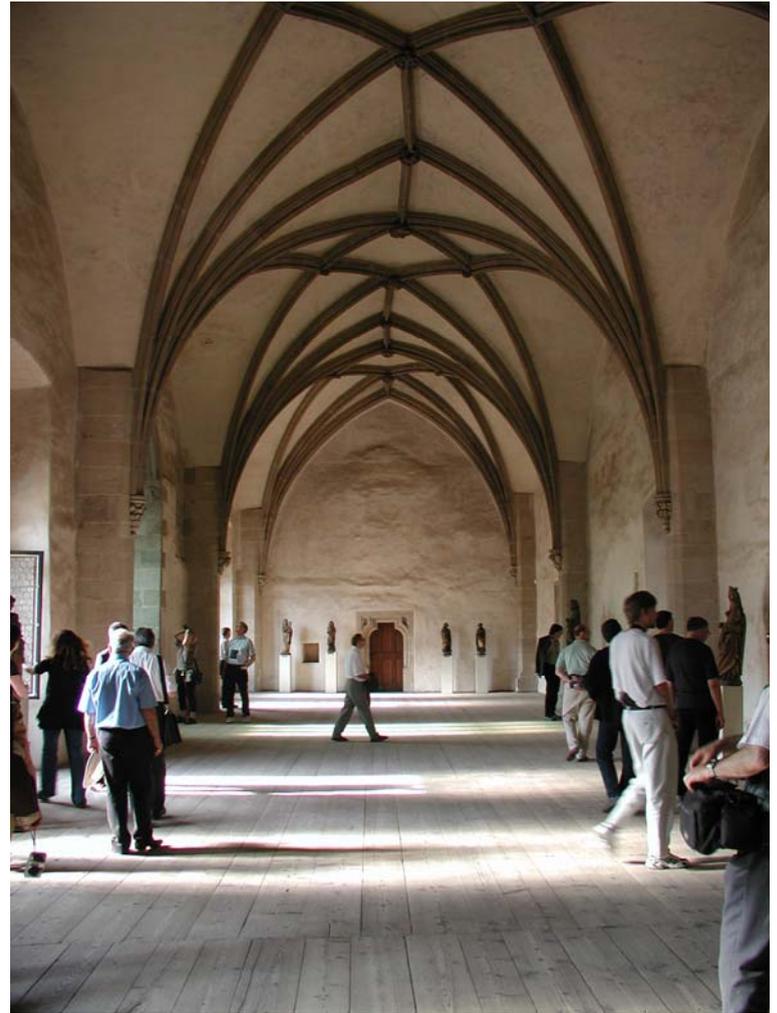
Inside: Detail View from the inner site of the Wies-Church. A cultural heritage object that would face problems related to, amongst others, Toxic Products 76/769/EEC, Limitation of Volatile Organic Compounds 99/13/EC.

© Achim Bunz



Borgund stave church, Norway Will be affected by Biocidal Products 98/8/EC, prohibiting commercial sales of traditional wood tar

© Riksantikvaren



Křivoklát Castle. A cultural heritage object that would face problems related to, amongst others, Construction Products 89/106/EEC, Purchasing Directive (Directive COM (2003) 503)
© Tomas Drdacky



Telč. UNESCO World Heritage Town

A cultural heritage object that would face problems related to, amongst others, Construction Products 89/106/EEC, Purchasing Directive (Directive COM (2003) 503)

© Tomas Drdacky



Český Krumlov, UNESCO World Heritage City

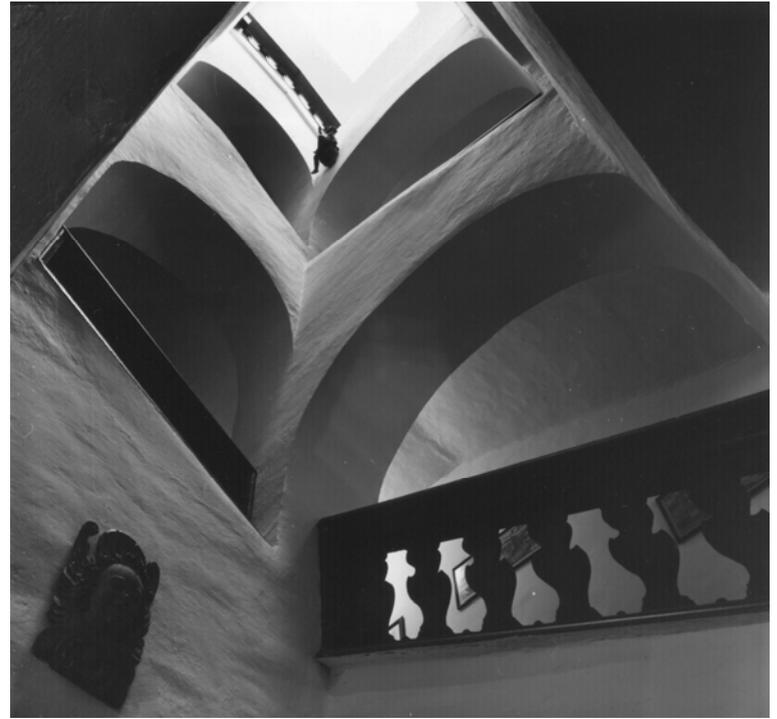
A cultural heritage object that would face problems related to, amongst others, Construction Products 89/106/EEC, Purchasing Directive (Directive COM (2003) 503)

© Tomas Drdacky 1996, 2004



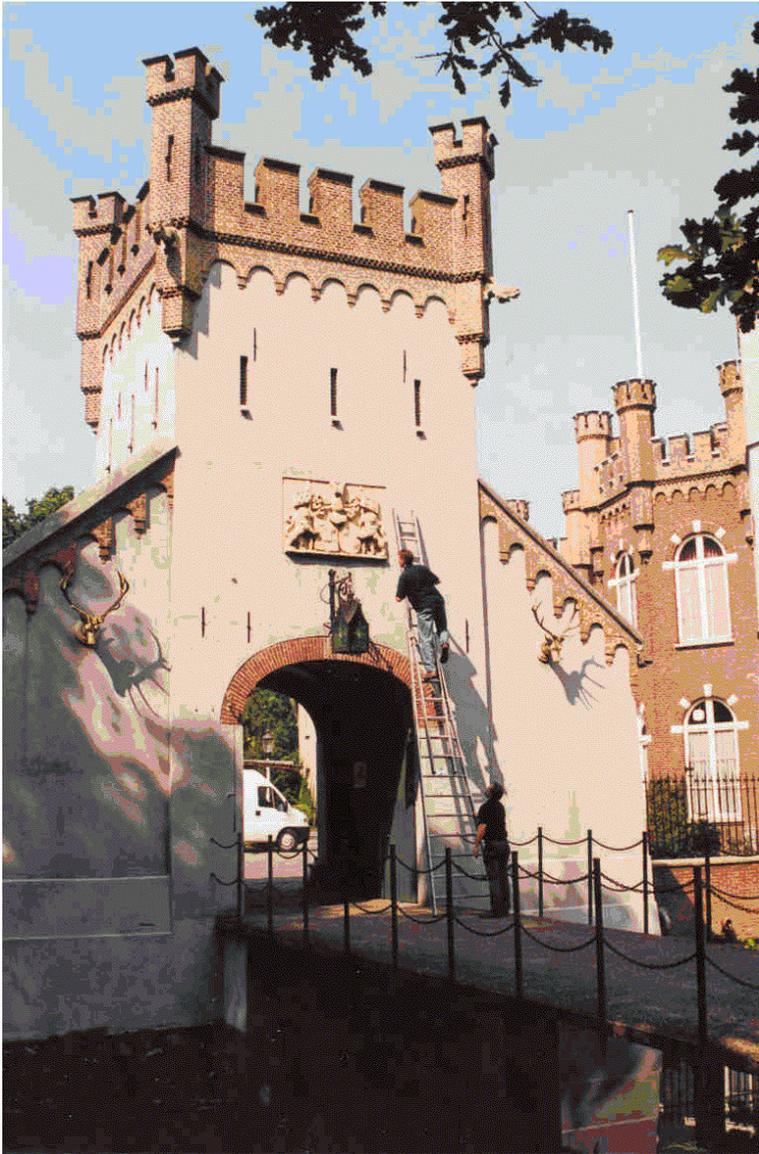
München, Burg Straße 8, Landeshauptstadt München, Regierungsbezirk Oberbayern, Freistaat Bayern, Deutschland. Gothic staircase, a so-called "Himmelsleiter" (ladder to heaven), in a historic middle-class house in the Old town of Munich. A cultural heritage object that would face problems related to, amongst others, Lifts 95/16/EEC, Working Places 89/391/EEC.

© BLfD, Michael Forstner



Stadt Garmisch-Partenkirchen, Landkreis Garmisch-Partenkirchen, Regierungsbezirk Oberbayern, Freistaat Bayern, Deutschland. Historic staircase in the werdenfelser museum. A cultural heritage object that would face problems related to, amongst others, Lifts 95/16/EEC.

© BLfD, Joseph Sowieja



Stapelen castle Boxtel ,2005 NL. Traditional ladders can also be used instead of prescribed scaffolding. Note the man securing the ladder at ground level. Secure working is one of the major issues during the work of the inspectors.
© Monumentenwacht Noord-Brabant



Stapelen castle Boxtel, 2005 NL Roof inspection for damages, using climbing safety gear and ladders. During the inspections, small-scale repair work might also be carried out by the inspectors.
© Monumentenwacht Noord-Brabant

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Alfredo M. Ronchi

EUROPEAN LEGISLATION AND CULTURAL HERITAGE

A growing challenge for sustainable Cultural Heritage management and use

The European Working Group on EU Directives and Cultural Heritage was born in the spring of 2003 around the common kernel of different working groups related to monument conservation and management, some of them in the framework of Eurocare some just cooperating on voluntary basis.

The activity in the field of planned conservation and risk evaluation carried out at extended Europe basis outlined the potential relevant impact due to EU directives on cultural heritage preservation and management. Of course negative impact is not due to the will of legislators but sometimes it is real and may jeopardise the preservation of cultural assets.

The number of directives creating problems for the sector are increasing. It is therefore important for the cultural heritage sector to be able to influence the Directives process at a early stage. Only in this manner can we influence and counter negative effect of such directives. It is true that cultural heritage is the responsibility of the individual member nations. But Directives related to other sectors increasingly impact on the management of the European Cultural Heritage. In many cases such Directives have consequences that are in contradiction to the obligations the members countries have as signatories of the Granada Convention .

This is the reason for the need to establish some kind of observatory function to monitor the creation and revision of Directives. The meeting in Milan has as focus the needs for such an observatory and how this can be done.



Alfredo M. Ronchi, expert in communication, digital content and knowledge management, is the General Secretary of the European Commission-MEDICI Framework, Secretary of the Working Group on EU Directives and Cultural Heritage and head of the representative of OCCAM NGO at UNO International Centre in Vienna. He is appointed by ICNM as a member of the World Summit Award Grand Jury and President of eContentAwardItaly the Italian pre-selection of the World Summit Award. He is the programme Chair of the Cultural Track of the IX International World Wide Web Conference, May 2000 Amsterdam (NL), Chair of panels "On culture in a world wide information society" WWW Conferences 2001-2005 Founding Chair of the International Conference Cultural Heritage Networks Hypermedia, September 96-05 Milan, Co-Chair of Infopoverty Conferences 2001-06 Founding Chair of the panel "Business opportunities from cultural heritage" CeBIT 98-06 Hannover (D). He had active roles in events promoted by The World Bank, Council of Europe, European Commission, IEEE. Alfredo M. Ronchi is appointed as an expert c/o the European Commission, the Council of Europe, CNR and member of the Scientific Committee c/o Infopoverty, Fondazione Italiana Nuove Comunicazioni, Global Forum, Sacred World Foundation.

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