

Report 2008-09 from EHLF; European Heritage Legal Forum

Meetings and organisational work.

The EHLF is now a forum with 19 members from competent EU/EEA cultural heritage authorities. In September 2008 a founding meeting was convened in Brussels to start work with the EU legislation. The meeting voted the Operational Guidelines for the EHLF (see Addendum 2.) underlining that

“2.3 The EHLF may not, as a body, undertake political lobby activities. Such activity remains the prerogative of the national competent authority and their national governments.”

At the meeting a number of Directives were singled out for work in the next half year. A web site was set up. The address is www.ra.no/ehlf.

In April 2009, a second meeting was convened in Zagreb. The major themes of the meeting were country reports, updates and exchange of opinions and a longer session on legal procedures in Brussels, how to follow developments, use of available computer tools and building networks with other national authorities.

A 3rd meeting will be held in the French delegation in Brussels on October 8-9 2009.

Directives in work.

The following directives or regulations have been reviewed:

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| <ol style="list-style-type: none">1. Harmonising Certification of Building Construction Products.ⁱ2. Energy performance. Revised versionⁱⁱ3. Dichloromethane. Paint remover.ⁱⁱⁱ4. Electrical bulbs.^{iv}5. Reduced VAT for for cultural heritage. | <ol style="list-style-type: none">6. Rules on state aid and transfer of cultural heritage properties to non-profit organisations.7. REACH; continuous revisions upcoming. Exemption for lead-white paints expires June 2009.8. Impact Assessment Procedures (IAP) in the Commission^v. |
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The Directive for building material certification is a major challenge for certification of traditional materials, for small series and individually produced units. Non certified materials can not be purchased with public money according to rules on public purchase.

The new Energy Efficiency regulations contain a conditional exemption for protected buildings. But a number of elements in the proposed regulations point to major challenges as major renovations and any works on buildings demanding a building permission states that the building is then considered as a new construction! This Directive opens up for extensive interpretations at the national level, where the final decisions are made. The Commission procedures for Impact Assessment now contain cultural heritage as one explicit aspect to consider. But how and by whom is this to be done?

Achievements and short term challenges.

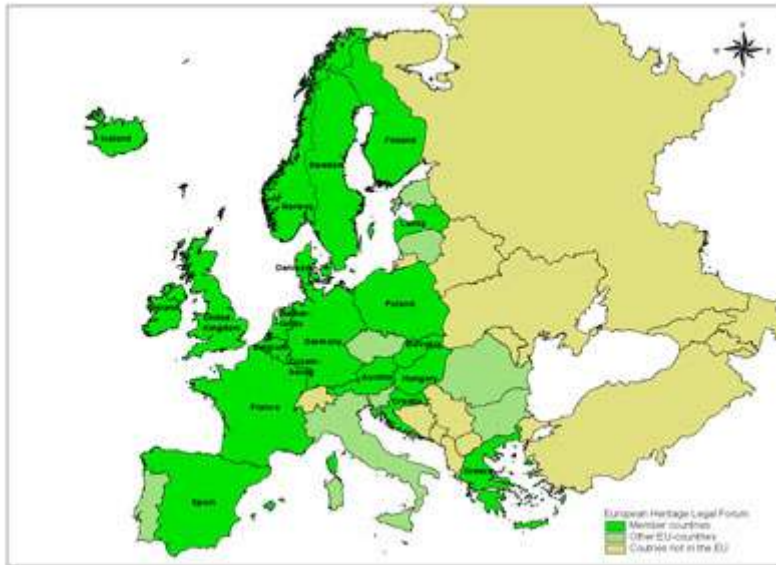
Achievements

- Permission for use of paint remover, dichloromethane, in cultural heritage works.
- Exemptions for officially protected buildings in new energy efficiency directive. Probably achieved removal of clause that forbids public investment in buildings that do not comply with directive from 2012.
- Explicit formulation of cultural heritage as a criterion in new Commission Impact Assessment Manual.
- The Forum network gradually contributes to increased consciousness and intra European cooperation.

Shortcomings

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

Members



The Secretariat consists of: Finland, France, Netherlands, Norway and United Kingdom.

Members:

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

See: <http://www.ra.no/filestore/EHLFListofparticipantsSeptember2008.pdf>

Operational Guidelines:

http://www.ra.no/Norsk/Prosjekter/European_Heritage_Legal_Forum/Operational_Guidelines/

Notes:

ⁱ [Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL LAYING DOWN HARMONISED CONDITIONS FOR THE MARKETING OF THE CONSTRUCTION PRODUCTS, COM\(2008\) 311 final, 2008/0098 \(COD\) \(pdf\) »](#)

ⁱⁱ Energy Efficiency 93/76/EEC revised proposal 2008. Directive 2002/91/EC.

ⁱⁱⁱ Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations.

http://ec.europa.eu/enterprise/chemicals/legislation/markrestr/index_en.htm

^{iv} Implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps, and repealing Directive 2000/55/EC of the European Parliament and of the Council. Preparatory Studies for Eco-design Requirements for EuPs. Lot 8: Office Lighting (April 2007) Lot 9: Public Street Lighting (January 2007). Both by VITO and subcontractors. Available from the EUROPA website:

http://ec.europa.eu/energy/demand/legislation/eco_design_en.htm

^v European Commission IMPACT ASSESSMENT GUIDELINES. 15 January 2009. SEC(2009) 92