



**UPDATES FROM THE  
EUROPEAN HERITAGE  
LEGAL FORUM** A STANDING  
COMMITTEE OF THE EUROPEAN HERITAGE HEADS  
FORUM (EHHF).

TOVE ELISE IHLER  
CHAIR EHLF

In support of the 20th anniversary  
of the 2003 Convention

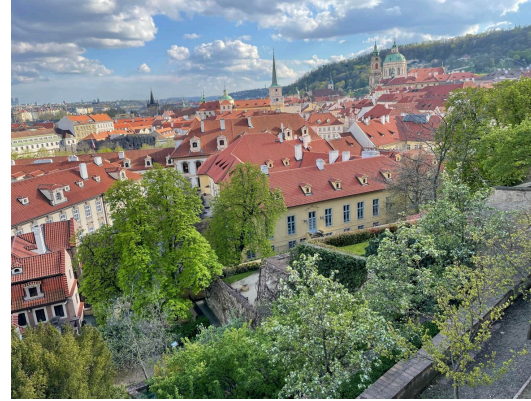


**unesco**  
Intangible Cultural Heritage



Wolfgang Göhner Chair EHLF 2012 – 2023 New adventures: Appointed as the  
Head of Department 56 Feed Monitoring - at the Government of Upper  
Bavaria July 2023





**A.  
PRESENTATION OF OUR WORK**

**B.  
FOCUS AND RESULTS PASSED PERIOD**

**C.  
WORK AHEAD, WORKING GROUP COMPETITION LAW**



*Currently chaired by:*

**Ms. Tove Ihler**  
Senior Adviser  
Norwegian Directorate for Cultural

The European Heritage Legal Forum (EHLF) was founded in 2008 following the EHHF annual meeting held in Copenhagen, Denmark. The Heads agreed in their Final Statement to the creation of a sub-committee to improve their capacity for early identification of EU legislation which may cause a potential threat to cultural heritage. A forum of legal experts and policy officers appointed by the national competent authorities was subsequently formed which reports to the EHHF.

The mission of the EHLF is to ensure that relevant information on the development and potential consequences of proposed legislation developed by the European Union is circulated in a timely manner to heritage state authorities. In addition to this monitoring task, the EHLF may make recommendations to the EHHF for revised wording of the draft legislation and possible exemptions for cultural heritage.

The EHLF operational guidelines were reviewed in 2019 in Berlin. The European Heritage Legal Forum gathers once or twice a year in average and is currently chaired by Ms. Tove Ihler (Norway). For the period 2023-2025, the members nominated a new secretariat composed of Vera Ameels (Belgique \_ Flandres), Jacek Buonaventura Brudnicki (Poland), Juha Maaperä (Finland) and Margarita Cruz (Spain).

## FOLLOW EU LAW



**Observatory** Early identification of EU legislation which may cause – indirectly or directly - a potential threat to cultural heritage.

**Green Deal/ Renovation wave** - presented in 2020, RW contains an actionplan with concrete regulatory, financing and enabling measures with the objective to at least double the renovation rate of buildings by 2030 and to foster deep renovation in more than 35 million buildings.

**Circulate material** Ensure that relevant information on this topic to be circulated within the group and to heritage state authorities.

**Produce alternative texts and rhetoric to influence EU** Suggest revised wording of the draft legislation, and also exemptions for cultural heritage. NB! Input to the EU is sent from each country according to mandate. EHLF has no competence on its own.

## SUCCESSCRITERIA

To succeed and make and make an impact pro CH.

- Know – how from various fields of CH, as you know a broad field, find mitigating measures and bonuses according to EU objectives
- Legal expertise – to detect challenges and produce alternative legislative text
- Know – how regarding the EU legislation processes, timelines, working groups etc
- TIME set apart to be active in the network.

## CIRCULATE BEST PRACTICE NATIONAL LAW



The EHLF operational guidelines were reviewed in 2019 in Berlin and changed to also include sharing best practice and discuss challenges with national law (included implemented EU – law).

This is especially helpful in MSs revision of Cultural Heritage Acts throughout Europe. Other topics: insurance, guidelines on energy efficiency, illegal challenges to new use of built heritage etc. Thank you, Juliette for collecting our best practice sharing in a knowledge bank!

Also, bigger legal/economic task can be shared amongst the group, for ex procedures according to EU state aid regulation, i.a. notification of funding or documentation to register to pre – approved funding following GBER among other things. Potentially saving huge amounts of time for your institution.

**Join us!**

Whats in it for you? Appointet task, costeffective, be able to answer media, NGOs and government – and safeguard CH!

# WORK & RESULTS 2022 - 2023

Member States shall take the necessary measures to ensure that minimum energy performance requirements and renovation obligations are set for all building elements that have a significant impact on the energy performance of the building when they are replaced or retrofitted, with a view to achieving at least cost-optimal levels, and higher reference values, at least for energy building requirements and zero-emission building requirements. The energy performance of building elements shall be calculated in accordance with the methodology referred to in Article 4.

When setting requirements, Member States may differentiate between new and existing buildings and between different categories of buildings.

Those requirements shall take account of healthy indoor climate conditions based on optimal indoor environmental quality as well as local conditions and the design of the building.

Member States shall review their minimum energy performance requirements at regular intervals which shall not be longer than five years and shall, if necessary update them in order to reflect technical progress in the building sector, the results of the cost-optimal calculation set out in Article 6, and updated national energy and climate targets and policies.

1a. Member States may adopt an intermediate minimum energy performance requirement, including the achievement of a minimum building envelope efficiency level, the maximum energy use per kWh/m<sup>2</sup>/y, the readiness to operate low temperature heating, heat pumps or flexible electric space heating, and minimum demand response capacity.

2. Member States may decide not to set or not to apply the requirements referred to in paragraph 1 to buildings officially protected as part of a designated environment or because of their special architectural or historical merit, in so far as compliance with certain minimum energy performance requirements would unacceptably alter their character or appearance. Member States shall ensure that the renovation of monuments is carried out in accordance with national conservation rules, international conservation standards and the original architecture of the monuments concerned. [Am. 6]

3. Member States may decide not to set or apply the requirements referred to in paragraph 1 to the following categories of buildings:

(a) buildings used as places of worship and for religious activities;

(b) stations, substations, pressure control plants, railway constructions, as well as non-residential agricultural buildings which are used, respectively, for a limited annual time of use and with an expected energy

EPBD [https://www.europarl.europa.eu/doceo/document/TA-9-2023-0068\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2023-0068_EN.html) FIKA reference

RED [Texts adopted - Renewable Energy Directive - Tuesday, 12 September 2023 \(europa.eu\)](https://www.europa.eu)

LEAD



## NITROGEN

We sent the application to EFTA's monitoring body ESA for an exemption in accordance with the Biocides Regulation's Article 55(3). Now we have finally received a positive answer. This means that Norway, in the same way as a number of EU countries, has been granted a temporary exemption until 31 December 2024 so that we can approve the use of in situ nitrogen for cultural heritage purposes. The process of obtaining a permanent listing of in situ nitrogen on Annex I to the Biocides Regulation is underway. We hope it will be in place before our exemption expires, but it will not cause any problems anyway.

BEST PRACTICE NATIONAL LAW / REVISION CULTURAL HERITAGE ACTS/ ENERGY/ LEGAL ISSUES PRACTICAL SOLUTIONS, ETC ETC ETC

## MEETINGS

FIKA/ NEW BOARD VOTED IN AT FULL MEETING PRAUGE APRIL 2023

# Passion.: CONCRETE RESULTS FOR OWNERS OF – AND FOR - CULTURAL HERITAGE



**Vera Ameels**

BELGIUM

Policy officer for the Flanders Heritage Agency responsible for the follow-up of the policy themes archaeology, landscape and heritage initiatives of the EU.

Board member EHLF, Flanders representative in the EAC (European Archaeological Council), Secretariat of the Reflection Group EU and Heritage, Member of the Flemish Commission for UNESCO (VUC), Flemish heritage collaborator Belgian EU Presidency 2024.



**Jacek Brudnicki**

POLAND

Lawyer, art historian and writer

Legal work at the National Institute of Cultural Heritage in Poland



**Juha Maaparä**

FINLAND

Juha Maaperä is a Legal Advisor for the Finnish Heritage Agency. Juha specializes in matters pertaining to the protection of the cultural environment.

Recently Juha was a secretary for a working group tasked to draft a reform of the Finnish Antiquities Act.



**Margarita Cruz**

SPAIN

WELCOME!

Legal regime / European Programs

General Subdirectorate of Management and Coordination of Cultural Assets

General Directorate of Cultural Heritage and Fine Arts

Ministry of Culture and Sports Ministry of Culture and Sport



**Tove Elise Ihler**

NORWAY

Senior Adviser at the Norwegian Directorate for Cultural Heritage.

Chair EHLF

# WORK AHEAD - WORKING GROUP AND FOCUS



More digital meeting on theme

3- 4



Sharing of knowledge and best practice

Lead exemption process

World heritage – how to implement and regulate at National level – Best practice



Workinggroup: craftsmen at owners service / competition law



Observatory - follow as usual new initiatives – routine

Observatory 101



*WE REMAIN AT YOUR SERVICE,  
PLEASE USE US!*

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<https://ehhf.eu/standing-bodies/european-heritage-legal-forum/>