



## EUROPEAN HERITAGE LEGAL FORUM (EHLF)

Annual Meeting, April 29-30<sup>th</sup>, 2024

Time: 13.00 - 16.30 CET (Brussels time) and 09.00 - 15.00 CET (Brussels time)

Location: **Herman Teirlinck building** - 88 Avenue du Port, 1000 Brussels.

### ATTENDANCE LIST

	<b>Name</b>	<b>Country</b>	<b>Presence</b>
1	Tove Elise Ihler	Norway	On site
2	Vera Ameels	Belgium - Flanders	On site
3	Juha Maapera	Finland	On site
4	Gísli Óskarsson	Iceland	<i>Online</i>
5	Margarita Cruz	Spain	<i>Online</i>
6	Manuel Valdecantos	Spain	<i>Online</i>
7	Jeannette Klit Thomasberg	Denmark	On site
8	Jeanine Rizzo	Malta	<i>Online</i>
9	Ulla Hegnar	Norway	On site
10	Hanna Leodolter	Austria	<i>Online</i>
11	Agnese Rituma	Latvia	On site
12	Tereza Kučerová Tvardíková	Czech Republic	<i>Online</i>
13	Romana Klasová	Slovak Republic	<i>Online</i>
14	Maria Westergren	Sweden	<i>Online</i>
15	Valentina Fratto	EUR-Lex	<i>Online</i>
16	Juliette Toussaint	EHHF Secretariat	On site

## Minutes

### Acceptance of the minutes-taking

- Minute-taking: The EHHF Administrative secretary, Juliette Toussaint, was in charge of the minutes.

### Adoption of the agenda for the meeting

- Agenda: On the proposal of Ms Tove Elise Ihler the agenda for the 14th EHLF meeting was adopted.

### Welcome note from Tove Elise Ihler (Chair of the EHLF)

Tove Elise Ihle, Senior Adviser at the Norwegian Directorate for Cultural Heritage and Chair of the EHLF, welcomed the members on site and online to the **Annual Meeting of the European Heritage Legal Forum** (EHLF) taking place on April 29-30, 2024. She highlighted the great opportunity to gather, thanks to the Flemish Heritage Agency, at the Herman Teirlinck building in Brussels to discuss vital topics concerning our cultural heritage and legal frameworks. She thanked Vera Ameels from the Flemish Heritage Agency and Juliette Toussaint from the EHHF secretariat for their support in organising the meeting, and EUR-LEX for joining and supporting our team.

Tove presented the **agenda** which kicked off on Monday afternoon with an introduction to the EHLF Observatory function and a presentation on cultural heritage themes and EU law. The afternoon is dedicated to a crash course on EUR-Lex tailored for the cultural heritage sector given by Ms. Valentina Fratto from the Publications Office of the European Union. This crashcourse aims at giving additional competences to the members, to give some concrete aspect to their work. For the members attending on site, the group will conclude the day with a visit to the Art Nouveau *Hotel Van Eetvelde*.

On Tuesday, discussions will focus on the EU Taxonomy, the function of alerts, and regulatory insights from various countries. The group will conduct a workshop on writing alerts and their communication, followed by sessions on the competition working group, an input gathering for the EHLF session in Krakow, and sharing ways to support Ukraine.

Tove precised that she was looking forward to active participation and **insightful contributions** throughout the meeting, even though English is not the members' first language, the exchange of information can be fruitful, with patience and translation-tools.

Tove welcomed EUR – LEX and reminded that members could **use EUR-Lex as a tool** for their work in their respective countries and share information. It is senseful to work together and we, as well as our national institutions, should benefit from this work.

**MAIN GOAL:** developing the legal forum in a way that follows our mandate, makes it easy for members to contribute and give concrete added value to the Heads. EHLF can add competence, like courses and explain tools, but not demand work and time from its members.

In Sevilla, the Heads recognized that **they need the legal forum** to respond to their questions, to propose solutions, to get active to write proposals. Some topics dealt with by the EHLF are more and more present in the media and our directors need to know what is going on, and how to deal with these matters. We should be able to answer their questions. On the other hand: in order to secure this development, the directors need to secure time in your workday for these contributions. The board will try to advocate for this in the HEADS-meeting.

### TOPIC 1 : EHLF Observatory and function. Cultural Heritage themes and mandate.

Based on the operational guidelines of the EHLF determined in 2019 in Berlin, Tove Elise Ihler provided the members with a reminder of the task and mandate of the EHLF.

#### **Task and mandate of the EHLF**

The European Heritage Legal Forum (EHLF) was established to ensure that national competent authorities receive **timely and accurate information** on EU legal acts that may impact cultural heritage. Its main tasks include monitoring EU policies relevant to cultural heritage, sharing best practices, and addressing challenges in national legislation and management practices. The EHLF acts as a standing committee within the European Heritage Heads Forum (EHHF), focusing on information gathering and impact assessment rather than political lobbying. Members, mandated by their national authorities, are responsible for cross-sectorial cooperation, conducting national impact assessments, and disseminating relevant information. They are also expected to participate in annual meetings and can be appointed to the Secretariat, with costs for their participation borne by their respective national authorities.

The full operational guidelines of the EHLF are available here:

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

## TOPIC 2 - EU law in the making

Presentation by Ms Ulla Hegnar

"EU Law in the Making" was a presentation focusing on the complex process of creating European Union legislation. Despite Norway not being formally part of the EU, Ms. Ulla Hegnar from the Norwegian Directorate for Cultural Heritage, aimed to shed light on this intricate system.

The council of the European Union proposes on its website a video entitled: "How do proposals become Eu law". [Video available here](#).

Ulla's presentation explored the process presented in the video, highlighting the following points:

1. **Main Actors and Procedures:** It highlighted the key actors in the legislative process, including the EU Commission, European Parliament, and Council. The procedure involves the Commission proposing legislation, which is then adopted by the Parliament and Council, often involving multiple readings and a conciliation committee if necessary.
2. **Types of Legal Acts:** The presentation explained the different types of legal acts, such as regulations, directives, and decisions, and their binding nature.

Overall, the presentation served as a comprehensive guide to understanding the EU legislative process. This quick overview also aimed at attendees to maximize their understanding through the upcoming EUR-Lex course.

See presentation available here: <https://ehhf.eu/ehlf-assembly-2024/>

**Password:** LibraryEHHF22

## TOPIC 3 - EUR-Lex crashcourse for the cultural heritage sector

Presentation by Ms Valentina Fratto

This "EUR-Lex Crash Course for the Cultural Heritage Sector" was presented by Ms. Valentina Fratto from the Publications Office of the European Union in Luxembourg. It focused on providing practical guidance on accessing and navigating EU law, especially tailored for the cultural heritage sector and to **enhance the EHLF members' competences** in their "alert function".

Key points of the intervention included:

1. **Introduction to EUR-Lex:** The presentation began with an overview of the [EUR-Lex website](#), highlighting its role as the official source of EU law, publication of the authentic electronic Official Journal and its aim to facilitate understanding and transparency within the EU.
2. **EU legal system and EUR-Lex content:** Ms. Fratto outlined the various sources of EU law, including treaties, the Charter of Fundamental Rights, general principles, regulations,

directives, and decisions. She emphasised as well the interconnectedness of these legal instruments within the EU legal system and the added value of EUR-Lex in showing them.

3. **EU law making procedure:** The intervention explained the different actors in the law making procedure a, in particular, with three EU institutions, the Council, Commission, and Parliament, representing various interests within the EU, being the main actors.
4. **Features of EUR-Lex:** The presentation highlighted the features of EUR-Lex, such as easy navigation, access to EU law in 24 languages, and the availability of authentic official journals. It also showed all the information related to a document (multilingual display, bibliographical information about the document, relations with other documents, its summary). Participants also discovered the usefulness and various functions available when creating a personal space on the EUR-Lex website as well as the possibility to receive alerts via RSS feeds on a document in a certain topic. In case of directives, she showed how you can find on EUR-Lex how and when Member States have applied this directive, with the availability in some cases to access directly from EUR-Lex the national law transposing the directive. With the help of a translation tool, national law can be more easily accessed.
5. **Consolidated Texts and Summaries:** Ms. Fratto explained the importance of consolidated texts in understanding EU legislation, as they provide a comprehensive view of all modifications to a particular legal act over time. She also discussed the usefulness of summaries of EU legislation in providing an overview of complex legal documents in a plain language.
6. **Live demonstration:** The intervention included practical exercises on using EUR-Lex, such as searching for specific documents, using the quick search, the advanced search features, browsing by Institutions and exploring different types of legal acts and their procedures.
7. **New Features and Feedback:** Ms. Fratto introduced new or incoming features of EUR-Lex, such as video tutorials, and email notifications. To conclude, Ms Fratto encouraged feedback from users to improve the platform and tailor it to their needs via the online survey available on EUR-Lex. For any enquiry on EUR-Lex range of features, the help pages of EUR-Lex is the place to go.

Overall, the intervention aimed to equip participants from the cultural heritage sector with the necessary skills to effectively navigate EUR-Lex and access relevant EU legal information for their work.

See Ms Valentina Fratto's presentation available here: <https://ehhf.eu/ehlf-assembly-2024/>

**Password:** LibraryEHHF22

**Contact:** [Valentina.FRATTO@ec.europa.eu](mailto:Valentina.FRATTO@ec.europa.eu)

## TOPIC 4 - EU Taxonomy – loans to restore historic buildings.

Presentation by Mr Juha Mäpära

The intervention on "EU Taxonomy – Loans to Restore Historic Buildings" brought together the participants to discuss the implementation of the Taxonomy Regulation and its impact on loans for restoring historic buildings.

Juha Mäpära first gave an introduction on the topic of EU Taxonomy regarding Cultural Heritage and historic buildings. He delved into specific matters of particular interest for the CH sector, such as the link to energy efficiency or the definition of "environmentally sustainable".

See presentation available here: <https://ehhf.eu/ehlf-assembly-2024/>

**Password:** LibraryEHHF22

Here is a summary of each participant's intervention regarding Taxonomy in their own countries:

**Finland** - Reported on the challenges faced by certain landlords in obtaining loans for the restoration of protected buildings, citing a lack of information on this matter in Finland.

**Czech Republic** - Had not encountered any information regarding the Taxonomy Regulation in CH field.

**Denmark** - Shared challenges regarding loans for listed buildings in Denmark, including difficulties in obtaining support from banks due to varying property values and the structure of loan schemes. For instance, it is more difficult for buildings outside of the cities, in small villages and for properties in bad state, or badly maintained. Discussed tax regulations and financial support mechanisms in Denmark, including issues related to property value discrepancies and limited funding for non-traditional heritage buildings.

Mentioned a pilot project that gives bigger amounts of loans and offering them at the beginning of the project so that owners do not have to go to the bank, while in the current system they are usually paid out when the work is done and approved. It is giving mainly positive results so far.

**Malta** - Provided information on various government incentives and schemes in Malta related to heritage restoration and conservation. There is a good website with all the incentives listed, given below by means of information:

<https://www.servizz.gov.mt/en/Pages/Tax-and-Finance/Taxation/Tax/WEB05382/default.aspx>

<https://www.servizz.gov.mt/en/Pages/Environment -Energy -Agriculture-and-Fisheries/Environment/Building -Planning/WEB-03869/default.aspx>

**Slovakia** - Mentioned no issues with the Taxonomy Regulation in Slovakia.

**Spain** - Margarita highlighted the gap between the public and private sectors in Spain, affecting visibility and coordination on heritage conservation financing. Regarding the public sector, from the Ministry of Culture, they are aware of several tax exemptions and funding lines provided by several public institutions both at state and regional level. Reaching a full perspective of the taxonomy obstacles that might exist within the private sector is more difficult to achieve if not by undertaking field research.

**Norway** - Discussed concerns raised by stakeholders, such as developers and NGOs, regarding the Taxonomy Regulation's impact on loan availability and energy performance requirements.

**Flanders** - is not familiar with the taxonomy regulation.

Participatiemaatschappij Vlaanderen (PMV) manages the heritage loan in Flanders. PMV has an annual amount of up to €7 million available for granting heritage loans. The heritage loan has a low interest rate and can be used **for works on protected heritage properties** or buildings included in the established architectural heritage inventory. The loan is **not intended for the purchase of a property**.

Restoration or renovation works, works in function of use, re-use or re-allocation, new construction works on or adjacent to the heritage site (including extension) and interventions to improve the sustainability and energy performance of the heritage site are eligible.

There are two types of heritage loans:

- The heritage loan for entrepreneurs, public entities and public authorities: the so-called investment loan
- The heritage loan for individuals: the so-called consumer credit

The heritage loan cannot be used to refinance existing loans. Combining the heritage loan with another (mortgage) loan for the same property is possible.

An evaluation of the heritage loan is currently being carried out. The system is under pressure due to several reasons.

Concerning taxonomy: Flanders is always stressing that in the whole discussion about sustainability a whole lifecycle approach should be taken into account.

**Latvia** - Shared insights into government subsidies for renovation projects in Latvia, including challenges in meeting energy efficiency standards and obtaining financial support for heritage buildings.

Additional information from Latvia: "Taxonomy requirements for the renovation industry provide unfavourable conditions for buildings with historical or architectural merit, potentially limiting their access to private funding. Renovations eligible for green loans have to either comply with the requirements for major renovations or provide reduction of primary energy demand of at least 30

%.

Renovation measures available for buildings with historical or architectural merit, especially those with large roof and window planes, might not meet these requirements. As for now we have not identified any publicly disclosed funding criteria that provides safeguards for this counter-productive lending behaviour."

Overall, the interventions reflected a range of experiences and challenges across different countries regarding the implementation of the Taxonomy Regulation and its implications for financing heritage restoration projects. Members are invited to keep an eye open in case this topic shows up in their country, or on any interesting development on this matter. They can also try to take contacts with banks or financial or developers to look if this has been a problem.

## TOPIC 5 – Other regulations

All participants invited to share insights from EU or National level relevant to the group

The intervention on "EU Regulations – Insights from EU or National Level Relevant to the Group" facilitated an exchange of experiences regarding the challenges and impact of EU regulations, particularly concerning energy initiatives and the preservation of cultural heritage.

Here is a summary of each participant's intervention:

**Denmark** - Discussed a bill on state-designated energy packs and the challenges posed by green energy initiatives, particularly regarding the installation of windmills and solar panels in areas with archaeological sites or historical grave areas.

Last year, **Germany** raised similar concerns about the rapid installation of renewable energy systems and the lack of consultation with the government, highlighting the importance of impact assessments.

**Spain** - Noted the disparity between the rapid development of renewable energy systems and the slowness of the constitutional legal mechanisms established for the updating of laws. In order to try to alleviate this gap, the Ministry of Culture undertook the still-in-progress drafting of an action protocol for the assessment of implementing renewable energies in cultural assets in collaboration with the cultural heritage departments of the different autonomous regions as well as with other ministerial departments such as that of Ecological Transition.

**Latvia** - Shared challenges faced in deciding the placement of windmills and addressing visual impacts on cultural monuments. They discussed recommendations to mitigate visual impacts, such as planting trees to screen windmills from view.



**Czech Republic** - Highlighted the production of methodological guidelines by the national heritage institution in 2022 regarding the installation of solar panels and windmills. They also discussed inter-ministerial initiatives to designate installation zones for wind farms.

Czech Republic legislation [can be found here](#).

**Flanders (Belgium)** - Emphasized the importance of considering each case individually when placing windmills near monuments, advocating for a landscape approach rather than a one-size-fits-all rule. Challenges related to UNESCO World Heritage Sites and windmills are under discussion for the moment. In an attempt to help citizens combat the energy crisis and make monuments more sustainable the Flemish government allows solar panels on nearly all monuments.

**Norway** shared several resources on these regulations:

- [Norwegian Guidelines on Solar Energy Systems for Existing Buildings](#)
- [Norwegian Guidelines on the use of Heat Pumps in Heritage Buildings](#)
- [Norwegian General Advice on Energy Efficiency in Old Buildings](#)

#### **REACH Regulation update**

- Flanders is following the REACH-regulation developments.
- The COM issued a Communication (Brussels 22.04.2024) on the guiding criteria and principles for what could be considered as 'essential uses' of the most harmful chemicals. Under the section 'Critical for the functioning of society' the protection of cultural heritage is mentioned. [EUR-Lex -52024XC02894 - EN - EUR-Lex \(europa.eu\)](#)
- ! The concept of 'essential use/application' is not yet part of the REACH Regulation or any other EU chemicals regulation ... That could only be the case after a revision of REACH
- The current European Commission will take no more steps on the REACH review.
- The next COM could take steps ... but at the moment it is not yet known what plans a forthcoming COM will have in that respect.

#### **LEAD glass ceiling Renovation -**

The alerts sent out to the Heads includes updates and work from the EHLF on the regulation of lead. As of now, we are confident that the cultural heritage sector is provided access. EHLF will follow and communicate the need for small amounts of lead to the industry. The Brussels World Heritage Art Nouveau buildings is a prime example for this need.

See Youtube film on 'Atelier Mestdagh' who renovated the glass ceiling of Hotel Van Eetvelde:  
<https://www.youtube.com/watch?v=2CMyKO1uHyl>

## TOPIC 6 - Function of Alerts and Workshop

Presentation by Ms Tove Elise Ihler

The intervention on the "Function of Alerts" discussed the need to review and improve the alerts process to ensure effective communication with institutions and stakeholders. Key points raised during the discussion include:

**Joint Effort in Alert Creation:** Tove Elise Ihler emphasized the importance of collaborative efforts in creating alerts and ensuring institutions are aware of them. Following a practical session to demonstrate how alerts are made and explore ways to enhance their effectiveness.

**Enhancing Communication:** It is important to include photos to better communicate the stakes and heritage involved, such as for lead, showcasing the need of lead in restoring of the Van Eetvelde ceiling. This visual aid helps in conveying the challenges faced and the importance of the issue.

**Legal Issues and Action Plans:** Participants discussed legal issues related to essential use criteria and actions taken to address them. Examples were shared, such as the challenge with creosote-treated wooden beams in historic trains, highlighting the need for environmentally friendly solutions and alternative materials.

Workshop including writing an alert on taxonomy. To do - Adding national examples in the alerts is the homework of the EHLF members - Send this email within 30th of May

See example of the alert created during the workshop.

## TOPIC 7 - Competition working group

### Crucial information:

→ more members needed

→ organising a meeting with CHARTER would represent a good start for the working group. The secretariat will establish the connection.

→ If some members are interested in joining the competition working group, they can contact Tove Ihler or the EHHF secretariat.

See here for more information on CHARTER: <https://charter-alliance.eu/>

## TOPIC 8 - EHLF session in Heads-meeting in Krakow and EHLF Mandate

Presentations by Ms Margarita Cruz and Ms Vera Ameels

During the EHLF session at the Heads-meeting in Krakow, several important topics and discussions were addressed:

**Input on Meeting Topics:** Participants suggested topics to be addressed during the Krakow meeting, including more efficient communication on alerts, updates on current alerts, and the role of craftsmanship and education working groups. Additionally, there was a discussion on the link between competition law and heritage reconstruction, particularly in cases of war or destruction. The latter topic could be particularly interesting in a perspective of linking the EHLF intervention together with the main thematic of the annual meeting, "The New Architectures of Cultural Heritage Security".

**Expert Group Reports:** Reports from expert groups, such as the one focusing on Ukraine and the art market, were highlighted as important contributions. These reports are expected to be finalized in the coming weeks and can be presented to the Heads for consideration.

**Discussion on EHLF Mandate:** The EHLF operational guidelines adopted in Berlin on April 24th, 2019 states the following without the EHLF mandate: "The EHLF operating guidelines will be reviewed at least every 5 years."

There was a discussion on potential adjustments to the EHLF mandate, particularly regarding its scope and activities. Suggestions included expanding the mandate to include producing alternative texts, following implementation in respective countries, and sharing best practices for national law. EHLF will leave the mandate as is and discuss with HEADS before adjusting. To be followed up by the secretariat.

**Resource Allocation and Meeting Organization:** Participants discussed the need for resources to support expanded activities and explored options for organizing meetings, including financing, hosting, and participation logistics. There was also consideration for clarifying the process for proposing changes to the mandate and gathering feedback from the Heads.

See presentation available here: <https://ehhf.eu/ehlf-assembly-2024/>

**Password:** LibraryEHHF22

## TOPIC 9 - Ukraine – How to help?

During the discussion on "Ukraine – How to help? EU initiatives we should know about as lawyers in the CH-field", participants emphasized the importance of cultural heritage preservation in times of crisis, particularly in the context of the situation in Ukraine.

Key points from the session included:

**CH and Identity:** The session highlighted the intrinsic connection between cultural heritage and identity, especially in crisis situations. It was noted that preserving cultural heritage can play a significant role in helping communities rebuild and heal.

**EU Initiatives:** Participants discussed various EU initiatives aimed at supporting cultural heritage preservation in crisis regions like Ukraine. This included EU financing mechanisms and support programs designed to assist with reconstruction efforts.

**Legal Guidance:** There was a focus on the legal aspects of supporting cultural heritage in crisis situations. Participants explored legal frameworks and mechanisms that can be leveraged to protect and preserve cultural heritage, even during times of conflict.

**Resource Recommendations:** Recommendations from reports and task forces focusing on cultural heritage preservation in conflict zones, particularly in Ukraine, can be found on the following link: [https://www.europarl.europa.eu/thinktank/en/document/IPOL\\_STU\(2023\)733120](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2023)733120)

Participants discussed the importance of implementing these recommendations effectively and seeking guidance from experts in the field. Ms Vera Ameels offered for instance to share the information transmitted in the Commission's expert group on this topic. See attached the presentation on the recommendations for safeguarding heritage in Ukraine from the [Commission expert sub-group in safeguarding CH in Ukraine](#).

See Recommendations from the EC experts group here: <https://ehhf.eu/ehlf-assembly-2024/>

**Password:** LibraryEHHF22

## VOLUNTEER HOMEWORK - PLEASE SEND

- Alert taxonomy – please include your country's experience with this regulation.
- For the EU – countries, EPBD is already adapted. How is the regulation practiced in your country? How is the buildings – ref historic buildings exemptions - categorized?
- **General Rule: Send an email for a hot topic !**
  - it is important to inform each other on what is going on in legal matters. Keep in mind to send a short brief in English to warn each other and to share with the Heads as well.

**THANK YOU !**

