European Heritage Legal Forum

DNK

UNIVERSITÄT BAMBERG

Wolfgang Karl Göhner

"6th Meeting of the European Heritage Legal Forum"

October 17th, 2012 in Nikosia, Cyprus

Report by Wolfgang Karl Göhner

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Actual discussion and situation in Germany

Political objective

Ongoing Transition to renewable energies in a short period of time.

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Changing townscapes

„Promotion to the Solar-‘Bundesliga‘“

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Assessment of energy efficiency measures on built monuments in German jurisdiction

No priority for electricity production from renewable energy sources over other matters of society in German jurisdiction, legal literature and national and federal legislation.

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Assessment of energy efficiency measures on built monuments in German jurisdiction

Federal structure of Germany →

16! Monument Protection Laws.

Risk of state initiatives in favour of energy efficiency measures.

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Promotion of energy efficiency measures on built monuments by law

Former Governmental Plan 2010 (!):

Scrap bonus for replacement buildings after demolition of older buildings.

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Activities of the European Committee for Standardization (CEN)

The new structure of CEN/TC 346

The new Working Groups of CEN/TC 346:

WG 1 – General methodologies and terminology

WG 2 – Characterisation and analysis of porous inorganic materials constituting cultural heritage

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The new structure of CEN/TC 346

WG 3 – Evaluation of methods and products for conservation works on porous inorganic materials constituting cultural heritage

WG 4 – Protection of collections

Goal: Work on Standards and Guidelines for environmental influences and their assessment for preservation, risk and sustainability of movable cultural heritage.

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The new structure of CEN/TC 346

WG 5 – Packing and transport

WG 6 – Exhibition lighting of cultural heritage

WG 7 – Specifying and measuring Indoor/outdoor climate

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The new structure of CEN/TC 346

WG 8 – Energy efficiency of historic buildings
(German Expert: f. e. Wolfgang Karl Göhner)

Goal: Work on Guidelines for the energy improvement of architectural, cultural and historic valuable buildings.

WG 9 – Waterlogged wood

Goal: Work on Standards for determination, protection and management in terrestrial archaeological sites of waterlogged archaeological wood

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The new structure of CEN/TC 346

WG 10 – Historic timber structures

Goal: Assessment of load bearing timber structures in heritage buildings

WG 11 – Conservation process

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Special Activities of the European Committee for Standardization (CEN)

Establishment of special “monument-friendly” standards for the increase of energy efficiency of monuments.

Improvement of energy consulting for built monuments.

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Special Activities of the European Committee for Standardization (CEN)

- Establishment of a new Working Group 8 „Energy efficiency on historic buildings“ of CEN/ TC 346 and nomination of the rapporteur as German representative.

- First meeting of WG 8 „Energy efficiency on historic buildings“ in Benediktbeuern, 26th-8th September 2012.

  The purpose of this meeting was to start the process of drafting a new TC 346 standard (WI 00346033) by performing a feasibility study as decided by CEN/TC 346.

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- **Decision 1**

  WG8 agrees for the moment to keep the proposed title of the standard and to extend the scope with a sentence that the standard should in addition to be able to apply to a wide range of traditional buildings where special considerations are needed in order to find a sustainable balance between energy conservation and building conservation.

  The task group will make a proposal for an extended scope.

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- **Decision 2**

  WG 8 agrees that the standard should be a procedural standard.

- **Decision 3**

  WG 8 agrees to initially have focus on the following items referring to section 4 in document N005 draft standard:

  - improvement of the building envelope,
  - assessments of energy supply and
    - energy carriers in addition to
    - user behaviour and
    - demand side management.

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- **Decision 4**

  WG8 agrees that the intended end users are building owners, facility managers, cultural heritage and energy savings authorities and professionals working within the field of conservation and energy savings of architecturally, culturally or historically valuable buildings.

- **Decision 5**

  WG 8 agrees to establish a task group to elaborate a first working draft of the standard by 2013-03-08 for distribution before the next WG 8 meeting.

  The task group members are: Alexandra Troi, (Italy), Marte Boro, (Norway), Ralf Kilian (Germany), Roger Curtis (UK) and Tor Brostrøm (Sweden, Convenor).

- **Decision 6**

  The next meetings will be held in Copenhagen the 2013-04-29 and in Bolzano 2013-09-19.

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Energy-related modernisation in historic districts or Ensembles

Protection of built monuments in historic districts →

Protection of the appearance of historic districts or Ensembles.

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Energy-related modernisation in historic districts or Ensembles

External insulation:

Achievable reconciliation between energy efficiency and monument preservation.

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German Contribution to the Draft Feasibility Study

Introduction of the German Further Training Module for energy consultants for historical monuments and other structural substances worthy of special protection.

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German initiative for the improvement of energy consulting for built monuments

Introduction of a „Further Training Module“ in German education:

Energy Consultant for historical monuments and other structural substances worthy of special protection within the meaning of section 24 of the 2009 renewable energy sources ordinance [§24 ENEV 2009]”. (in force 10/2011)

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German Further Training Module (essential points)

Contents of requirements / training for energy consultants for historical monuments

Requirements for energy consultants for historical monuments

- University degree in architecture, civil engineering, building services engineering or construction physics
- Qualification as an energy consultant with a BAFA [Federal Office of Economics and Export Control] license

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German Further Training Module (essential points)

Requirements for energy consultants for historical monuments

- Certificates showing further training in the applicable standards and directives, such as DIN 4108, DIN V 18599, by an officially recognised training centre
- Certificate of independence through registration in the list of consulting engineers or through licensing restrictions similar to BAFA [Federal Office of Economics and Export Control] requirements
- Documented experience in built heritage conservation in the form of a list of references, or postgraduate courses in built heritage conservation/relevant further training

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German Further Training Module (essential points)

Training for energy consultants for historical monuments

The training for energy consultants for historical monuments includes inter alia the acquisition of basic knowledge in the protection of historical monuments/ built heritage conservation.

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German Further Training Module (essential points)

From the legal point of view it is necessary that energy consultants for historical monuments gain insight into:

Legal and process-related requirements and norms

- Monuments and historical Buildings Act [DSchG]
- Transposition of historical monuments legislation (approval procedures, regulations for permits under historical monuments legislation, reasonableness)
- Determination of the historical value of the building and/or parts thereof
- Position of historical monuments law

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EU Legislation:

Directive of the European Parliament and of the Council on Energy Efficiency and repealing Directives 2004/8/EC and 2006/32/EC.

Adoption of a new Energy Efficiency Directive on Oct. 4th, 2012:

- **Building renovation:** Member States shall establish a long-term strategy for mobilising investment in the renovation of the national stock of residential and commercial buildings, both public and private. The strategy will encompass certain factors specified in the text. A first version of the strategy shall be published by April 30th, 2014 and updated every three years thereafter and submitted to the Commission as part of the National Energy Efficiency Action Plans

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EU Legislation:
Regulation on European Standardisation

Adoption of a new Regulation by the EP on Sept. 11th, 2012:

- The main objective of the Regulation is to increase the competitive ability of European businesses.
- An important change to the Regulation - which comes into effect on January, 1st 2013 - is the extension of its scope to include services. This means that, in framing its policies and to complete the Internal Market, the European Commission will not only mandate the European standards organizations to issue product standards, but standards for the services sector as well.

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EU Structural Policy:

Consolidated reports of the European Parliament Regional Affairs Committee:

Concerning the architectural heritage of the cities it has been agreed:

- to use ERDF funds to support the adaptation of housing to the needs of the elderly in order to guarantee a high quality of life for an ageing society in respect to demographic change.
- to support energy efficiency measures and the use of renewable energies in new and existing infrastructure, especially in public buildings, in historic buildings and in the public and private residental sector.
- Reports can be viewed at the webside of the EP.

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EU Cohesion policy:

Draft Opinion on the Role of EU cohesion policy and their actors in implementing the new European energy policy

The Draft Initiative (2012/2099(INI)) of July 31th, 2012:

1. Welcomes the general approach of linking cohesion policy to the Europe 2020 objectives and its flagship initiatives in order to move towards smart, sustainable and inclusive growth and to support the shift towards a low-carbon economy in all sectors; recalls, however, the importance of the Structural Funds and the Cohesion Fund for achieving the social dimension of the energy policy, in accordance with the spirit of solidarity between Member States as enshrined in the Lisbon Treaty, and for combating energy poverty in the most vulnerable households;

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2. **Stresses the importance of cohesion policy, and of the financial resources allocated to it, for the full development of energy transmission infrastructure and networks between the Member States and all regions of the EU, including the outermost regions, for the completion and functioning of the internal energy market, for security of supply and for achieving the goal of convergence among EU regions; stresses that no region of the Member States should remain isolated from European gas and electricity networks after 2015 or suffer from inadequate connection to energy networks;**
3. **Considers it to be of paramount importance to be able to use the Structural Funds, the Cohesion Fund and other financial instruments to finance energy efficiency and renewable energy use in the housing sector; calls on the Commission and the Member States, therefore, to disseminate clear, easily accessible information on the financial instruments, incentives, grants and loans available to support energy efficiency service projects.**

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EU New Water strategy:
The Blueprint to Safeguard Europe's Water

The EU environmental ministers agreed to improve the implementation of the existing legislation, based on the Water Framework Directive 2000/60/EC at the informal meeting in Nicosia, July 7th-8th, 2012.

- A Blueprint to Safeguard Europe's Water will be worked out as the directive's objectives (achieving sound environmental status for water by 2015) will probably not be achieved.
- The 'blueprint' will have to propose options, an agenda and a calendar for the EU's water policy to 2020 (in the framework of the 'Europe 2020' strategy) and a longer-term approach (to 2050). The Commission, taking national differences on board, admits that there cannot be a single solution: the 'blueprint' should therefore be designed as a 'toolbox' from which member states can take the instruments they find best suited to attaining their objectives.

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EU Commission:

The Directorate-General for Regional Policy was renamed Directorate-General for Regional and Urban Policy on Oct. 1th, 2012. (in short still DG-Regio)

The change of name shows the growing importance attached to urban topics.

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EU Conference:

1st Annual Forum of the EU Strategy for the Danube Region, November 27th-28th in Regensburg (Bavaria), Germany:

- **The Annual Forum, organized in cooperation between the Government of Bavaria and the European Commission, is the first meeting of its kind and is a good occasion to take stock of the developments since the launch of the EU Strategy for the Danube Region in 2011.**
- **Entitled "*How can the Danube Region help to have a more competitive Europe*", the conference will also encourage a reflection on the potential contribution of the macro-regional perspective to Europe's growth.**

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- **The focus of debate is the challenges and opportunities of the Danube Region in terms of investment and economic competitiveness, for example in infrastructure development, and energy efficiency. The agenda provides an opportunity to consider how the Strategy can play its part in the implementation of the Europe 2020 Strategy for smart, sustainable and inclusive growth, and the Strategy's links with the new programming period for the EU Structural Funds (2014-2020).**
- **The conference will be attended by decision-makers from business, politics, international organisations and civil society. The medieval city of Regensburg, on the edge of the Danube river, provides an inspiring environment.**
- **Registration is possible till Oct. 28th, 2012.**

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8th EU Framework Programme for Research and Innovation (HORIZON 2020): Cultural Heritage Research:

- cultural heritage had been omitted completely
  - whole basis for the cultural heritage conservation research
- argue strongly and at least quite successful for the inclusion of cultural heritage research in HORIZON 2020
- Main Partners: MoEP of various Member States!

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Transformation of EU Law into the National legislation (a few cases):

- Illegal trade with archaeological products based on the 2009 revised "Council Directive 93/7/EC of March 15th"
- Questions on taxation and VAT

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POLICY and COOPERATIVE ISSUES:

- With the EU Reflection group a dialogue partner DG Education and Culture strategy
  - also issues of early warning of relevant legislation.
- Affiliated with the “3.3 Alliance”
- EU Transparency Register

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Organisational and internal aspects:

- Full meeting took place in Wroclaw on September 13th, 2011 during Polish Presidency.
- Next Full meeting in Nicosia on October 12th or 16th, 2012 under the Cypriote Presidency.

- The observatory functions relatively well to legal policy matters!
- most important work-load for the EHLF is to follow up the legislative developments at the national level – regular and actual network between the EHLF members?
- Well improving contact and dialogue with the EU Commission:

  Petar Miladinov!
- Supporting and developing the cross-sector policy work?

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Changes in Secretariat:

- Change of chairmanship: Germany (Wolfgang Karl Göhner, Munich)
- The Netherlands (Jacques Akerboom) leaves the Secretariat AND
- Poland (Jacek Brudnicki) is new member (Secretary!).
- Other Secretariat members:

  France (Orane Proisy), UK/ England (Alexandra Warr), Norway (Terje Nypan)

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Thank you very much for your attention!

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Regierungsdirektor

President of the Working Group on Law and Taxes of the German National Committee on the Protection of Monuments (DNK),

Member of the Secretariat & German Representative in the European Heritage Legal Forum (EHLF),

Member of the German Mirror Committee "Protection of Cultural Heritage" (CEN/TC 346) of CEN,

German Representative of Working Group 8 „Energy efficiency of historic buildings" of CEN/ TC 346,

Permanent Legal Adviser, Data Protection Officer & Coordinator for International Affairs of the Bavarian State Conservation Office (BLfD),

Lecturer of the Otto-Friedrich-University Bamberg, Bavaria,

Vice-President of the Union of Higher Civil Servants in Bavaria (VHBB),

Honorary Judge of the Munich Administration Court, and Munich Fiscal Court,

Lecturer of national and international legislation and law

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