



## European Heritage Legal Forum (EHLF)

# Report about the Activities of the Members of the EHLF on the EU Consultations

November 13<sup>th</sup>, 2013 to September 12<sup>th</sup>, 2014

- Open Consultations:  
[http://ec.europa.eu/yourvoice/consultations/index\\_en.htm](http://ec.europa.eu/yourvoice/consultations/index_en.htm)
- Closed Consultations:  
[http://ec.europa.eu/yourvoice/consultations/2014/index\\_en.htm](http://ec.europa.eu/yourvoice/consultations/2014/index_en.htm)
- Planned Consultations: [http://ec.europa.eu/yourvoice/consultations/docs/planned-consultations\\_en.pdf](http://ec.europa.eu/yourvoice/consultations/docs/planned-consultations_en.pdf)

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Monitoring of the Relevance of EU Policies for the Cultural Heritage sector

Red comments: seems relevant

Green comments: possibly relevant

### 1. Climate Action

Consultation CLIMA 2014-01 ("Questions for stakeholder consultation on Emission Trading System (ETS) post-2020 carbon leakage provisions",  
[http://ec.europa.eu/clima/consultations/articles/0023\\_en.htm](http://ec.europa.eu/clima/consultations/articles/0023_en.htm))

### 2. Communications Networks, Content and Technologies

Consultation CNCT 2014-01 ("Green Paper on mobile Health",  
<https://ec.europa.eu/digital-agenda/en/node/69592>)

Consultation CNCT 2014-02 ("Trusted Cloud Europe Survey",  
<https://ec.europa.eu/digital-agenda/en/news/trusted-cloud-europe-survey>)

### 3. Competition

Consultation COMP 2013-23 ("Evaluation of the Energy Labelling Directive and certain aspects of the Ecodesign Directive")

Consultation COMP 2013-24 ("Modernising state aid through better evaluation")

Consultation COMP 2013-25 ("Draft Guidelines on environmental and energy State aid for 2014-2020"):

**Norway:** possibly relevant

Consultation COMP 2013-26 ("Consultation on the draft Union Framework for State aid for Research, Development and Innovation"):

**Germany:** relevant. The main focus should be that there is no exclusion for national or regional or local State aid for Research, Development and Innovation, although very often it is essential for our common goal to maintain monuments and archaeological sites as witnesses and (not written) documents to us and the following generations.

**Norway:** relevant

Consultation COMP 2013-27 ("Consultation on a draft General Block Exemption Regulation [the GBER] on state aid measures"):

**Norway:** relevant. The General Block Exemption Regulation (GBER), in force since 29 August 2008, simplifies aid granting procedures for Member States by authorising without prior notification a range of measures fulfilling horizontal common interest objectives. The text of the main document has a clause on block exemptions for Cultural Heritage. Articles 47 and 48.

The annexes I and II, which are available for the consultation, are of no evident interest as the term culture does not appear in the text.

But Annex III: there is a "Part II to be provided through the established Commission IT application as laid down in Article 12: Aid for culture and heritage conservation (Art. 47, 48 [p. 5])". Aid for culture and heritage conservation, Aid schemes for audio-visual works, Aid to make good the damage caused by certain natural disasters (Art. 44).

Also of interest is Aid for Environmental protection (Art. 34-43 [p. 4]). There, aid can be given for energy efficiency on heritage buildings.

Consultation COMP 2014-01 ("Consultation on the Notice on the notion of State aid", [http://ec.europa.eu/competition/consultations/2014\\_state\\_aid\\_notion/index\\_en.html](http://ec.europa.eu/competition/consultations/2014_state_aid_notion/index_en.html)):

**Norway:** relevant. The document outlines how one can and must assess the question of establishing if a financing is in fact to be considered state aid when such is given.

It is important to refer to the EUFT, esp. article 107 EUFT, which is the legal base for the document under review.

Art. 107 no. 3 EUFT clearly states that "(d) aid to promote culture and heritage conservation where such aid does not affect trading conditions and competition in the Union to an extent that is contrary to the common interest", "may be considered to be compatible with the

internal market".

This seems sufficient for CH. There is no formulation that negates this. But there are a number of procedures to determine, if the aid does "affect trading conditions and competition in the Union to an extent that is contrary to the common interest".

The articles on selectivity and discretionary administrative practice could give rise to some problems for CH management ("5.2.1. De jure and de facto selectivity" and "5.2.2. Selectivity stemming from discretionary administrative practices").

It would be advisable, therefore, to ensure that Art. 107 EUFT is implemented and seen broadly in a CH context. An example would be to support the production of special materials needed or production of special wood for restoration needs. It must be assured, that these are exemptions and do not fall under the general rule.

Consultation COMP 2014-02 ("Draft Communication on State aid to promote important projects of common European interest"):

**Norway:** relevant

Consultation COMP 2014-03 ("Draft Commission Regulation amending Regulation (EC) No 906/2009 on Liner Shipping Consortia as regards its period of application", [http://ec.europa.eu/competition/consultations/2014\\_maritime\\_consoritia/index\\_en.html](http://ec.europa.eu/competition/consultations/2014_maritime_consoritia/index_en.html))

Consultation COMP 2014-04 ("Towards more effective EU merger control", [http://ec.europa.eu/competition/consultations/2014\\_merger\\_control/index\\_en.html](http://ec.europa.eu/competition/consultations/2014_merger_control/index_en.html))

Consultation COMP 2014-05 ("Consultation on the Review of the Insurance Block Exemption Regulation", [http://ec.europa.eu/competition/consultations/2014\\_insurance\\_review/index\\_en.html](http://ec.europa.eu/competition/consultations/2014_insurance_review/index_en.html))

#### 4. Consumer Affairs

Consultation CONS 2013-02 ("Review of the Consumer Protection Cooperation Regulation")

Consultation CONS 2014-01 ("Green Paper on the Safety of Tourism Accommodation Services ([http://ec.europa.eu/dgs/health\\_consumer/dgs\\_consultations/ca/consultation\\_20141130\\_tourism\\_en.htm](http://ec.europa.eu/dgs/health_consumer/dgs_consultations/ca/consultation_20141130_tourism_en.htm))

## 5. Economic and Financial Affairs

Consultation EUROSTAT 2013-01 ("Towards implementing European Public Sector Accounting Standards (EPSAS) for EU Member States - Public consultation on future EPSAS governance principles and structures")

Consultation EUROSTAT 2014-01 ("Framework regulation integrating business statistics [FRIBS], [http://epp.eurostat.ec.europa.eu/portal/page/portal/public\\_consultations/consultations/frib](http://epp.eurostat.ec.europa.eu/portal/page/portal/public_consultations/consultations/frib)")

## 6. Education

Consultation EDUC 2013-01 („Public consultation on a ‘European Area of Skills and Qualifications’”, [http://ec.europa.eu/dgs/education\\_culture/more\\_info/consultations/skills\\_en.htm](http://ec.europa.eu/dgs/education_culture/more_info/consultations/skills_en.htm))

## 7. Energy

Consultation ENER 2013-08 ("Evaluation of the Energy Labelling Directive and certain aspects of the Ecodesign Directive")

Consultation ENER 2013-09 ("Evaluation of the Energy Labelling Directive and certain aspects of the Ecodesign Directive - additional questions about the use of the primary energy factor")

Consultation ENER 2014-01 ("Retail Energy Market", [http://ec.europa.eu/energy/gas\\_electricity/consultations/20140416\\_energy\\_retail\\_market\\_en.htm](http://ec.europa.eu/energy/gas_electricity/consultations/20140416_energy_retail_market_en.htm))

Consultation ENER 2014-02 ("Open consultation on the progress towards the 2020 energy efficiency objective and a 2030 energy efficiency policy framework", [http://ec.europa.eu/energy/efficiency/consultations/20140428\\_eed\\_2020\\_2030\\_en.htm](http://ec.europa.eu/energy/efficiency/consultations/20140428_eed_2020_2030_en.htm)):

**Ireland:** We have only expressed opinions with regard to our area of built heritage, in particular the need to understand the effects and consequences of misguided works to the historic building stock, a need for a greater flexibility, alternative assessment procedures and a refocusing of emphasis from the fabric performance of buildings to the behaviour of occupants.

We recommend that technological solutions such as the use of thin, high-performance and breathable materials for vapour barriers and better performing building services (i.e. boilers, thermostatic valves and light fittings) be targeted for research and development.

We also express the view that Europe's historic building stock is not solely confined to structures that have statutory protection and that this stock should be appropriately maintained, repaired and adopted, noting that

unreasonable requirements could have an adverse effect, leading to abandonment and dereliction within historic cities and towns.

We have also advised that in our view there is a need for more reliable methods for determining the u-values, moisture risk and indoor air quality of traditionally constructed buildings and increased training for professionals and operatives in the area of retrofitting. There are risks associated with retrofitting, which in our view, need to be better understood by manufacturers, suppliers, building managers and building owners."

Consultation ENER 2014-03 ("Establishment of the annual priority lists for the development of network codes and guidelines for 2015 and beyond", [http://ec.europa.eu/energy/gas\\_electricity/consultations/2014\\_0509\\_network\\_code\\_en.htm](http://ec.europa.eu/energy/gas_electricity/consultations/2014_0509_network_code_en.htm))

## **8. Enterprise and Industry (incl. Tourism)**

Consultation ENIN 2013-02 ("European Commission seeks 'Capital of Innovation'")
Consultation ENIN 2013-03 ("Consultation on Green Action Plan for small enterprises Enhancing their international competitiveness")
Consultation ENIN 2013-04 ("Consultation on the establishment of a quantitative reduction headline target for marine litter")
Consultation ENIN 2013-05 ("Crowdfunding in the EU - Exploring the added value of potential EU action")
Consultation ENIN 2013-06 ("Consultation on the authenticity leather labelling system at EU level")
Consultation ENIN 2013-07 ("Consultation on Domain Name System Security Extensions (DNSSEC) from Internet Engineering Task Force (IETF) for the reference in public procurement")
Consultation ENIN 2013-08 ("Consultation on Extensible Markup Language (XML) produced by World Wide Web Consortium (W3C) for the reference in public procurement")
Consultation ENIN 2013-09 ("Consultation on ECMA-402 (Edition 1) ECMAScript Internationalization API Specification (December 2012)")
Consultation ENIN 2013-10 ("Consultation on the ICT technical specifications "IPv6" for the reference in public procurement")
Consultation ENIN 2013-11 ("Consultation on Technical Specification Domain Keys Identified Mail Signatures (DKIM)")
Consultation ENIN 2013-12 ("Consultation on the ICT technical specifications Lightweight Directory Access Protocol version 3 "LDAPv3" for the reference in public procurement")

Consultation ENIN 2013-13 ("Consultation on information provided to consumers about characteristics of furniture products", [http://ec.europa.eu/enterprise/sectors/furniture/public-consultation/index\\_en.htm](http://ec.europa.eu/enterprise/sectors/furniture/public-consultation/index_en.htm)):

**Norway:** there seems to be no CH-relevance. The rationale of the consultation compare between different furniture products sold on the EU market as a basis for informed choices. For example, such information may relate to furniture product weight, dimensions, origin, materials and substances used, quality processes applied, product durability, instructions and precautions on use, cleaning and disposal, etc.

In this context, some EU Member States have introduced or considered to develop information schemes specific to furniture products, which complement information required under the EU product safety legislation. These national schemes may well facilitate consumers' purchasing decisions, however, their divergent information content can possibly impact the companies trading furniture across the EU.

Consultation ENIN 2013-14 ("Open consultation on regulatory and administrative frame-work on tourism businesses, public administrations, and other tourism stakeholders in the EU", [http://ec.europa.eu/enterprise/newsroom/cf/itemdetail.cfm?item\\_id=7151](http://ec.europa.eu/enterprise/newsroom/cf/itemdetail.cfm?item_id=7151)):

**Norway:** possibly relevant

Consultation ENIN 2013-15 ("Consultation on the European Tourism of the future", [http://ec.europa.eu/enterprise/newsroom/cf/itemdetail.cfm?item\\_id=7150](http://ec.europa.eu/enterprise/newsroom/cf/itemdetail.cfm?item_id=7150)):

**Norway:** possibly relevant

Consultation ENIN 2013-16 ("Consultation certification for waste treatment facilities", [http://ec.europa.eu/enterprise/policies/raw-materials/public-consultation-waste/index\\_en.htm](http://ec.europa.eu/enterprise/policies/raw-materials/public-consultation-waste/index_en.htm))

Consultation ENIN 2014-01 ("Consultation on transparency measures for nanomaterials on the market", [http://ec.europa.eu/enterprise/sectors/chemicals/reach/nanomaterials/public-consultation\\_en.htm](http://ec.europa.eu/enterprise/sectors/chemicals/reach/nanomaterials/public-consultation_en.htm))

Consultation ENIN 2014-02 ("Public Consultation on Galileo Open Service Signal In Space Interface Control Document [OS SIS ICD]", [http://ec.europa.eu/enterprise/policies/satnav/pubconsult-2/index\\_en.htm](http://ec.europa.eu/enterprise/policies/satnav/pubconsult-2/index_en.htm))

CONSULTATION ENIN 2014-03 ("A strong European policy to support Small and Medium-sized enterprises [SMEs] and entrepreneurs 2015-2020 – Public consultation on the Small Business Act [SBA]", [http://ec.europa.eu/enterprise/policies/sme/small-business-act/public-consultation-sba/index\\_en.htm](http://ec.europa.eu/enterprise/policies/sme/small-business-act/public-consultation-sba/index_en.htm))

## 9. Environment

Consultation ENVI 2013-17 ("The sustainable use of phosphorus")
Consultation ENVI 2013-18 ("Consultation on the establishment of a quantitative reduction headline target for marine litter")
Consultation ENVI 2013-19 ("Consultation on Green Action Plan for small enterprises – Enhancing their international competitiveness")

Consultation ENVI 2013-20 ("Consultation on the Implementation of the Infrastructure for Spatial Information in the European Community - INSPIRE Directive (2007/2/EC)"):

**Norway:** possibly relevant. The consultation concerns: "your experiences as a USER and/or PRODUCER of spatial data and services". It further states: "INSPIRE directive requests public authorities to share their spatial data and services with other public authorities (Art. 17) and with the public through the network services (Art. 11 to 14). We are particularly interested in your experiences as a user of the infrastructure. As a producer of spatial data and services we are interested to learn from you how far you have managed to implement the relevant INSPIRE measures."

So it is evidently something that should concern the competent authorities in the (immovable) Cultural heritage field. It is important that at least some CH institutions signal that they are following this initiative!

Objective of the public consultation is to seek the views of the general public and all stakeholders in order to help:

- Assess whether the actions already underway to establish an Infrastructure for Spatial Information in the European Community according to the INSPIRE directive 2007/2/EC are still on course to meet the objectives pursued.
- The results of this public consultation will contribute to the INSPIRE interim-policy evaluation which according to the directive needs to be carried out 7 years after its entry into force. The outcome of the policy evaluation will be reported to the European Parliament and Council in 2014 and may lead to remedial policy action necessary to adapt current approaches so that they align better - in the light of a changing environment - with the achievement of the original objectives of INSPIRE.

This activity and regulation should not impact negatively on Cultural Heritage. On the other hand the geographical information aspect of the system is of great benefit for GIS technology in the (built) heritage sector and management (together with a functioning cadastre).

In many countries there is more activity in this field than in other countries. In some countries cultural heritage is an integral part of this

information system, in others not.

In Norway we have always thought that the spatial information aspect is central AND that this is the technology to integrate buildings and sites in all publicly used digital mapping tools so as to handle Cultural Heritage at the level of water-supply, roads, etc. in the planning process and that it is an entrance point for cultural heritage integration in travel apps (tourism, hiking, travel) and other Digital internet based mapping and planning tools.

See specially Questionnaire (<http://ec.europa.eu/yourvoice/ipm/forms/dispach?form=INSPIRE7&lang=en>) Nos. 1.32 Buildings - USER experience, 1.60 (where you must consult Annex III of the directive!) and 1.85.

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Consultation ENVI 2014-01 ("Consultation on the EU approach against wildlife trafficking", <a href="http://ec.europa.eu/environment/consultations/wildlife_trafficking_en.htm">http://ec.europa.eu/environment/consultations/wildlife_trafficking_en.htm</a> )
Consultation ENVI 2014-02 ("Consultation to support the evaluation of the implementation of the EU Ecolabel Regulation", <a href="http://ec.europa.eu/environment/consultations/ecolabel_en.htm">http://ec.europa.eu/environment/consultations/ecolabel_en.htm</a> )
Consultation ENVI 2014-03 ("Consultation on the future EU initiative on No Net Loss of biodiversity and ecosystem services", <a href="http://ec.europa.eu/environment/consultations/nnl_en.htm">http://ec.europa.eu/environment/consultations/nnl_en.htm</a> )
Consultation ENVI 2014-04 ("Quality of Drinking Water in the EU", <a href="http://ec.europa.eu/environment/consultations/water_drink_en.htm">http://ec.europa.eu/environment/consultations/water_drink_en.htm</a> )
Consultation ENVI 2014-05 ("Consultation on policy options to optimise water reuse in the EU", <a href="http://ec.europa.eu/environment/consultations/water_reuse_en.htm">http://ec.europa.eu/environment/consultations/water_reuse_en.htm</a> )
Consultation ENVI 2014-06 ("Consultation on the Ratification by the EU of the Minamata Convention on Mercury", <a href="http://ec.europa.eu/environment/consultations/mercury_en.htm">http://ec.europa.eu/environment/consultations/mercury_en.htm</a> )

## 10. General and Institutional affairs

Consultation GENI 2013-01 ("Consultation on the draft Commission Evaluation Guidelines")

**Norway:** This seems to be a way out of EHLF's central focus. Even if the consultation document states as one result, that feedback will help "Commission to propose that Council and Parliament revise or repeal legislation where appropriate." The Regulatory Fitness and Performance Programme (REFIT) is central in the consultations ([http://ec.europa.eu/smart-regulation/refit/index\\_en.htm](http://ec.europa.eu/smart-regulation/refit/index_en.htm))

Consultation GENI 2014-01 ("Public consultation on the Commission's Stakeholder Consultation guidelines", [http://ec.europa.eu/smart-regulation/impact/planned\\_ia/consultation\\_2014/index\\_en.htm](http://ec.europa.eu/smart-regulation/impact/planned_ia/consultation_2014/index_en.htm))

Consultation GENI 2014-02 ("Public consultation on the revision of the Commission's Impact Assessment guidelines", [http://ec.europa.eu/smart-regulation/impact/consultation\\_2014/index\\_en.htm](http://ec.europa.eu/smart-regulation/impact/consultation_2014/index_en.htm))

## 11. Home Affairs

Consultation HOME 2013-01 ("Debate on the future of Home Affairs policies")

Consultation HOME 2014-01 ("A funding scheme supporting sustainable and efficient freight transport services", [http://ec.europa.eu/transport/themes/sustainable/consultations/2014-04-02-funding-scheme-freight-transport-services\\_en.htm](http://ec.europa.eu/transport/themes/sustainable/consultations/2014-04-02-funding-scheme-freight-transport-services_en.htm))

Consultation HOME 2014-02 ("Crowdfunding in the EU - Exploring the added value of potential EU action", Consultation on the renewal of the EU Internal Security Strategy", [http://ec.europa.eu/dgs/home-affairs/what-is-new/public-consultation/2014/consulting\\_0028\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-is-new/public-consultation/2014/consulting_0028_en.htm))

## 12. Internal Market

Consultation IMS 2013-13 ("Crowdfunding in the EU - Exploring the added value of potential EU action")

Consultation IMS 2013-14 ("Public Consultation on the review of the EU copyright rules"):

**Norway:** relevant

See Congress "Copyright Harmonisation in the EU: Securing a Borderless Single Market in the Digital Age" (NH Hotel du Grand Sablon, Brussels, Wednesday March 26th 2014, Event Details, Website, Register to Attend).

**Finland:** The consultation seems to be much about collecting data for statistical purposes, therefore there might not to be so much CH

relevance. Otherwise, Finland will participate and remind the EU Commission about memory organisations and their role, which differs very much from commercial organisations and therefore requires special rules too.

There are specific questions from number 28 onwards which concern limitations of copyright in favour of LAM. The questions concern a lot libraries, so I imagine, we would stress that there are visual archives and museum collections (such as photo collections) too. Remote access to collections should be made easier at least from the Finish point of view. Finland usually would prefer a solution in our sector to be more a piece of legislation rather than an agreement with rightholder organisations; it should content solutions for the most elementary needs of the CH sector. That would create certainty.

**Ireland:** The one area where it would appear to be that material has become less accessible through copyright restrictions in recent years is with respect to European Standards (EN). Originally these were national standards (IS in the case of Ireland) and were available for consultation in university libraries. Recent standards are interlinked with European Standards. My area of interest would be in relation to. Recent ENs, for example related to building materials standards, are not available in college libraries; they may be obtained from the appropriate licensing authority here who will charge in the region of € 50,-- and will give you a copy marked with your name which you are not permitted to copy or dis-close to third parties.

**Italy:** The mainstreaming issue is of high relevance for the Italian presidency!

**Sweden:** see Official Consultation reply (<http://media.w-goehner.de/EU-Kommission%20-%20Konsultation%20-%20IMS%202013-04%20-%20Public%20Consultation%20on%20the%20review%20of%20the%20EU%20copyright%20rules%20-%20RAA-SN.pdf>)

Consultation IMS 2014-01 ("Consultation on introducing the European Professional Card (EPC) for nurses, doctors, pharmacists, physiotherapists, engineers, mountain guides and real estate agents", [http://ec.europa.eu/internal\\_market/consultations/2014/european-professional-card/index\\_en.htm](http://ec.europa.eu/internal_market/consultations/2014/european-professional-card/index_en.htm))

Consultation IMS 2014-02 ("Consultation on foreign exchange financial instruments", [http://ec.europa.eu/internal\\_market/consultations/2014/foreign-exchange/index\\_en.htm](http://ec.europa.eu/internal_market/consultations/2014/foreign-exchange/index_en.htm))

Consultation IMS 2014-03 ("The European Commission's strategy on Corporate Social Responsibility [CSR] 2011-2014: achievements, shortcomings and future challenges", <http://ec.europa.eu/enterprise/pol>

[icies/sustainable-business/corporate-social-responsibility/public-consultation/index\\_en.htm\)](http://ec.europa.eu/internal_market/consultations/2014/corporate-social-responsibility/public-consultation/index_en.htm)

Consultation IMS 2014-04 ("Public consultation on the contributions of credit institutions to resolution financing arrangements", [http://ec.europa.eu/internal\\_market/consultations/2014/credit-institutions-contributions/index\\_en.htm](http://ec.europa.eu/internal_market/consultations/2014/credit-institutions-contributions/index_en.htm))

Consultation IMS 2014-05 ("Public consultation on the equivalence of third country regimes regarding the country by country reporting by extractive and forestry industries", [http://ec.europa.eu/internal\\_market/consultations/2014/extractive-forestry/index\\_en.htm](http://ec.europa.eu/internal_market/consultations/2014/extractive-forestry/index_en.htm))

Consultation IMS 2014-06 ("Public Consultation on the potential economic consequences of country-by-country reporting under Directive 2013/36/EU [Capital Requirements Directive or CRD]; [http://ec.europa.eu/internal\\_market/consultations/2014/country-by-country-crd4/index\\_en.htm](http://ec.europa.eu/internal_market/consultations/2014/country-by-country-crd4/index_en.htm))

Consultation IMS 2014-07 ("Public consultation on a possible extension of geographical indication protection of the European Union to non-agricultural products – Making the most out of Europe's traditional know-how"; [http://ec.europa.eu/internal\\_market/consultations/2014/geo-indications-non-agri/index\\_en.htm](http://ec.europa.eu/internal_market/consultations/2014/geo-indications-non-agri/index_en.htm))

Consultation IMS 2014-08 ("Public consultation on the Evaluation of the Commercial Agents Directive [86/653/EEC]", [http://ec.europa.eu/internal\\_market/consultations/2014/commercial-agents-directive/index\\_en.htm](http://ec.europa.eu/internal_market/consultations/2014/commercial-agents-directive/index_en.htm))

Consultation IMS 2014-09 ("Effects of International Financial Reporting Standards (IFRS) in the EU: public consultation", [http://ec.europa.eu/internal\\_market/consultations/2014/ifrs/index\\_en.htm](http://ec.europa.eu/internal_market/consultations/2014/ifrs/index_en.htm))

Consultation IMS 2014-10 ("Cross-border mergers and divisions; [http://ec.europa.eu/internal\\_market/consultations/2014/cross-border-mergers-divisions/index\\_en.htm](http://ec.europa.eu/internal_market/consultations/2014/cross-border-mergers-divisions/index_en.htm))

### **13. Justice and Fundamental Rights**

Consultation JUST 2014-01 ("Public Consultation on EU Guidance for integrated Child Protection Systems", [http://ec.europa.eu/justice/newsroom/fundamental-rights/opinion/140402\\_en.htm](http://ec.europa.eu/justice/newsroom/fundamental-rights/opinion/140402_en.htm))

### **14. Maritime Affairs and Fisheries**

Consultation MARI 2013-01 ("Public consultation on marine biotechnology", [http://ec.europa.eu/transport/themes/sustainable/consultations/2014-04-02-funding-scheme-freight-transport-services\\_en.htm](http://ec.europa.eu/transport/themes/sustainable/consultations/2014-04-02-funding-scheme-freight-transport-services_en.htm))

Consultation MARI 2013-02 ("Public consultation on the new de minimis regulation in the fishery and aquaculture sector"):

**Norway:** There seems to be no reference to "Cultural heritage" or "culture" in the document. On the other hand the term "coastal communities" often appears, both in the Introduction and on page 6. There are indications that the need to protect vulnerable coastal communities does concern the EU Commission. The term "Traditional" occurs once. The central content is sustainable fish population, more efficient concessions, restrictions on large vessels and specific techniques in coastal waters and not least the importance of aquaculture.

Consultation MARI 2014-01 ("New framework for technical measures in the reformed Common Fisheries Policy")

Consultation MARI 2014-02 ("Consultation on seabed mining", [http://ec.europa.eu/dgs/maritimeaffairs\\_fisheries/consultations/seabed-mining/index\\_en.htm](http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/seabed-mining/index_en.htm)):

**The Netherlands:** relevant i.e. for under water Cultural Heritage

Consultation MARI 2014-03 ("Second draft of the new de minimis regulation in the fishery and aquaculture sector", [http://ec.europa.eu/dgs/maritimeaffairs\\_fisheries/consultations/de-minimis-regulation-second-draft/index\\_en.htm](http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/de-minimis-regulation-second-draft/index_en.htm))

Consultation MARI 2014-04 ("Consultation on the first draft of the new Block Exemption Regulation applicable to the fishery and aquaculture sector", [http://ec.europa.eu/dgs/maritimeaffairs\\_fisheries/consultations/block-exemption-regulation-1/index\\_en.htm](http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/block-exemption-regulation-1/index_en.htm))

Consultation MARI 2014-05 ("Fishing Opportunities for 2015 under the Common Fisheries Policy", [http://ec.europa.eu/dgs/maritimeaffairs\\_fisheries/consultations/fishing-opportunities-2015/index\\_en.htm](http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/fishing-opportunities-2015/index_en.htm))

Consultation MARI 2014-06 ("Second draft of the new Block Exemption Regulation applicable to the fishery and aquaculture sector", [http://ec.europa.eu/dgs/maritimeaffairs\\_fisheries/consultations/block-exemption-regulation-2/index\\_en.htm](http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/block-exemption-regulation-2/index_en.htm))

Consultation MARI 2014-07 ("Streamlining EU funding in the Arctic"; [http://ec.europa.eu/dgs/maritimeaffairs\\_fisheries/consultations/arctic-eu-funding/index\\_en.htm](http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/arctic-eu-funding/index_en.htm))

## 15. Mobility

Consultation MATR 2013-09 ("Proposal for improved protection against subsidisation and unfair pricing practices causing injury to EU air carriers in the supply of air services from non-EU countries")

## 16. Public Health

Consultation PUBL 2013-10 ("Public consultation on the preliminary opinion on the safety of Poly Implant Prothèse [PIP] Silicone Breast Implants [2013 update]")

Consultation PUBL 2013-11 ("Consultation on Commission guidelines on format and content of paediatric investigation plans")

Consultation PUBL 2013-12 ("Public consultation on patient safety and quality of care"):

Romania: no CH-relevance seen

## 17. Regional Policy

Consultation REGIO 2013-01 ("Consultation on the EU Strategy for the Adriatic and Ionian Region")

Consultation REGIO 2014-01 ("Public Consultation on the EU Strategy for the Alpine Region (EUSALP; [http://ec.europa.eu/regional\\_policy/consultation/eusalp/index\\_en.cfm](http://ec.europa.eu/regional_policy/consultation/eusalp/index_en.cfm))")

Consultation REGIO 2014-02 ("Public Consultation on "The urban dimension of EU policies – key features of an EU Urban Agenda"; [http://ec.europa.eu/regional\\_policy/consultation/urb\\_agenda/index\\_en.cfm](http://ec.europa.eu/regional_policy/consultation/urb_agenda/index_en.cfm)):

**Germany:** very relevant. This seems to be the possibility for the sector "Cultural Heritage" to indicate the importance and added value of the (urban) monument protection for European urban development. In the Communication 'The urban dimension in EU policies', the Commission describes the situation of cities across the EU, the urban policies of the Member States and the global dimension of urban development. About two-thirds of all EU policies affect cities, directly or indirectly, such as transport, energy and environmental policy. Goal of Urban Agenda would be a holistic approach to policy-making in order to ensure consistency and to avoid contradictions. Today, 72 percent of the EU population live in cities and suburbs, by 2050 there are expected to be over 80 percent. More information can be found in the full press release ([http://europa.eu/rapid/press-release\\_IP-14-858\\_en.htm](http://europa.eu/rapid/press-release_IP-14-858_en.htm)) and in the memorandum ([http://europa.eu/rapid/press-release\\_MEMO-14-496\\_en.htm](http://europa.eu/rapid/press-release_MEMO-14-496_en.htm)). For more background information on urban dimension in EU policies: [http://ec.europa.eu/regional\\_policy/urban/portal/index\\_en.cfm](http://ec.europa.eu/regional_policy/urban/portal/index_en.cfm). An active participation of Member States should be self-evident. The sector "Cultural Heritage", however, should also urge on active participation just in the single Member States of the EEA, but at the same time about f. i. the EHHF or even within the network of major cities and capital regions and over Eurocities.

## 18. Research and Technology

Consultation RESAT 2014-01 ("Public consultation on the Europe 2020 strategy", [http://ec.europa.eu/europe2020/public-consultation/index\\_en.htm](http://ec.europa.eu/europe2020/public-consultation/index_en.htm))

Consultation RESAT 2014-02 ("Consultation on 'Science 2.0': Science in Transition", ([http://ec.europa.eu/research/consultations/science-2.0/consultation\\_en.htm](http://ec.europa.eu/research/consultations/science-2.0/consultation_en.htm))

Consultation RESAT 2014-03 ("Public consultation on Horizon 2020 "Science with and for Society" Work Programme 2016-2017, [http://ec.europa.eu/research/consultations/swafs/consultation\\_en.htm](http://ec.europa.eu/research/consultations/swafs/consultation_en.htm))

## 19. Taxation

Consultation TAXA 2013-04 ("VAT legislation on public bodies and tax exemptions in the public interest")

Consultation TAXA 2014-01 ("Consultation on cross-border inheritance tax problems within the EU", [http://ec.europa.eu/taxation\\_customs/common/consultations/tax/2014-04\\_inheritance\\_tax\\_en.htm](http://ec.europa.eu/taxation_customs/common/consultations/tax/2014-04_inheritance_tax_en.htm)):

**Germany:** relevant. The Consultation is very relevant for our national and European cultural heritage. In a Dutch preliminary ruling, which was now brought before the European Court of Justice (ECJ), it is about the legality of tax incentives for properties that are categorized or recognized by the conservation laws of the Member States as a monument. The applicant intends to give her property situated in the United Kingdom to her Netherlands-based son. She wants to benefit from a deduction of tax valuation, which is granted for so-called "estates" within the meaning of the Dutch Act on the nature of beauty.

Another case concerns the Federal German heritage-related reductions in the income taxation. The architectural and archaeological heritage, protected by national laws of the Member States, which became part of the European Heritage too, has to be protected and cared against negative, potentially harming influences by EU legislative activities. This Cultural Heritage is protected as national, sometimes federal Cultural Heritage, following national, regional or local reasons. It seems impossible to convert this automatically also into a European Cultural Heritage, afterwards it would be unimportant, whether the property (and the monument) is situated inside the protecting Member State or in the territory of the European Union. Therefore, the Federal Republic of Germany clearly denies such an automatically transformation of national legislative intentions and goals into a European understanding. In front of the ECJ, the EU Commission represents the opposite view.

Consultation TAXA 2014-02 ("Consultation on tax problems faced by EU citizens when active across borders within the EU", [http://ec.europa.eu/taxation\\_customs/common/consultations/tax/2014-04\\_cross\\_borders\\_en.htm](http://ec.europa.eu/taxation_customs/common/consultations/tax/2014-04_cross_borders_en.htm)):

**Germany:** relevant. The Consultation is very relevant for our national and European cultural heritage. In a Dutch preliminary ruling, which has now been brought before the European Court of Justice (ECJ), it is about the legality of tax incentives for properties that are categorized or recognized by the conservation laws of the Member States as a monument. The applicant intends to give her property situated in the United Kingdom to her Netherlands-based son. She wants to benefit from a deduction of tax valuation, which is granted for so-called "estates" within the meaning of the Dutch Act on the nature of beauty.

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## 20. Trade

Consultation TRAD 2014-01 ("Online public consultation on investment protection and investor-to-state dispute settlement (ISDS) in the Transatlantic Trade and Partnership Agreement [TTIP]", [http://trade.ec.europa.eu/consultations/index.cfm?consul\\_id=179](http://trade.ec.europa.eu/consultations/index.cfm?consul_id=179))

**Germany:** relevant. The proposed free trade agreement TTIP with procedures for an investment protection agreement with investor-state arbitration in particular the provisions on the protection of investments and settlement of investor-state disputes will be sharply criticized.

TTIP opens perspectives for lawsuits against EU Member States, f. e. the case of a Swedish energy company against Germany concerning the so-called "Energiewende" or the case of an American company against Canada concerning a moratorium on oil exploration by fracking, because this developments would have raised the question whether

national legislature at all are still free on regulating interventions in public welfare interest within the scope of such investment protection agreements without being sued at once. CH is just such a public welfare interest! In our European understanding, the legislative power is non-negotiable. The investment protection should be designed so that laws to improve in health and safety, environmental and CH protection as well as social standards can be launched in the future too.

## **21. Transport**

Consultation TRAN 2013-09 ("Proposal for improved protection against subsidisation and unfair pricing practices causing injury to EU air carriers in the supply of air services from non-EU countries")
Consultation TRAN 2013-10 ("Targeted stakeholder consultation regarding trends and prospects of jobs and working conditions in transport")
Consultation TRAN 2013-11 ("Targeted stakeholder consultation on the establishment of the "Pilot common project" supporting the implementation of the European Air Traffic Management Master Plan")
Consultation TRAN 2013-12 ("The provision of EU-wide real-time traffic information services under the Directive 2010/40/EU", <a href="http://ec.europa.eu/transport/themes/its/consultations/2014-03-14-rtti_en.htm">http://ec.europa.eu/transport/themes/its/consultations/2014-03-14-rtti_en.htm</a> )
Consultation TRAN 2014-01 ("Promoting the development of harmonised carbon footprinting measures for both freight and passenger transport services in Europe", <a href="http://ec.europa.eu/transport/themes/sustainable/consultations/2014-06-13-harmonised-carbon-footprinting-measures_en.htm">http://ec.europa.eu/transport/themes/sustainable/consultations/2014-06-13-harmonised-carbon-footprinting-measures_en.htm</a> )
Consultation TRAN 2014-02 ("A Policy initiative on aviation safety and a possible revision of Regulation (EC) No 216/2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency", <a href="http://ec.europa.eu/transport/modes/air/consultations/2014-aviation-safety_en.htm">http://ec.europa.eu/transport/modes/air/consultations/2014-aviation-safety_en.htm</a> )
Consultation TRAN 2014-03 ("Combined transport in the EU", <a href="http://ec.europa.eu/transport/media/consultations/2014-combined-transport_en.htm">http://ec.europa.eu/transport/media/consultations/2014-combined-transport_en.htm</a> )
Consultation TRAN 2014-04 ("A policy initiative on opening the market for remotely piloted aircraft systems [RPAS or civil drones]"; <a href="http://ec.europa.eu/transport/modes/air/consultations/2014-civil-drones_en.htm">http://ec.europa.eu/transport/modes/air/consultations/2014-civil-drones_en.htm</a> )

## **22. Other Consultations**

EU public consultation on the Interregional cooperation programme

2014-2020 (INTERREG EUROPE, <http://www.interreg4c.eu/interreg-europe/public-consultation/>):

**Norway:** The programme (and expected results) divides in four thematic objectives:

- Strengthening research, technological development and innovation
- Enhancing the competitiveness of SMEs
- Supporting the shift towards a low-carbon economy in all sectors
- Protecting the environment and promoting resource efficiency

The budget is € 359 million for the 2014-2020 period.

Two actions are envisaged in this programme:

- The programme will fund interregional cooperation projects
- The programme will provide assistance to all European regions through policy learning platforms.

Cultural Heritage relevance is found in the Investment Priority 6 c on p. 14 of the Questionnaire ([http://www.interreg4c.eu/fileadmin/User\\_Upload/PDFs/EU\\_public\\_consultation\\_on\\_INTERREG\\_EUROPE\\_pdf.pdf](http://www.interreg4c.eu/fileadmin/User_Upload/PDFs/EU_public_consultation_on_INTERREG_EUROPE_pdf.pdf)):

- "- Regional actors need to protect ecosystems, landscapes and biodiversity and prevent (further) degradation of their natural and cultural assets.
- At the same time the natural and cultural heritage are important resources for sustainable growth in European regions.
- Interregional cooperation can improve regional sustainable growth strategies by inducing policy learning on the sustainable management and exploitation of those assets."

#### Specific Objective 4.1

The main change sought is an improved implementation of regional development policies and programmes, in particular for Investment in Growth and Jobs and ETC, dealing with protecting, promoting and developing natural heritage, biodiversity and ecosystems as well as supporting cultural heritage.

See also: Actions to be supported under Investment Priority 6(c). Description of type and examples of actions and their contribution to the specific objectives (per investment priority) p. 40. On: Interregional Cooperation Projects and Policy Learning Platforms and p. 40 Programme Specific Result indicators.

#### Other Comments:

There is no support for interventions on buildings or sites. Interreg supports meetings (covering travel and subsistence) and their costs in cooperation projects and Policy learning platforms.

The overriding The Cultural Heritage is, in this programme, can be

instrumentalised to support, research, technological development and innovation, the competitiveness of SMEs and the shift to a low-carbon economy as well as protecting the environment and promoting resource efficiency.

INTERREG has always been an interesting financial source for cooperation projects among cultural heritage actors, and can continue to be so according to the new draft.

World Bank Consultation Environmental and Social Framework  
“Setting Standards for Sustainable Development” ([http://consultations.worldbank.org/Data/hub/files/consultation-template/review-and-update-world-bank-safeguard-policies/en/materials/first\\_draft\\_framework\\_july\\_30\\_2014.pdf](http://consultations.worldbank.org/Data/hub/files/consultation-template/review-and-update-world-bank-safeguard-policies/en/materials/first_draft_framework_july_30_2014.pdf))

München, September 12<sup>th</sup> 2014

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