

Benchmarks for Archaeology and Heritage Protection 2019–2024

Answers of the political groups in the European Parliament to the Benchmarks for Archaeology and Heritage Protection 2019–2024 from EAA at the European Elections 23–26 May 2019.

The “Benchmarks for Archaeology and Heritage Protection” have been developed by EAA Communities in cooperation with partner organisations like DGUF. The question to each of the five topics will be listed here followed by the answers that have been received from European political groups within the deadline. These answers will be commented by EAA in a separate document. EPP, PES, the ALDE-Group and MENF did not participate in the benchmark process.

To ease the process, for each of the benchmarks pre-phrased answers offered a multiple choice-option. There was also the possibility to formulate the answer freely. The benchmarks had been sent by EAA on 25 February 2019 to all political groups then listed as being part of the [8th European Parliament](#). After the first deadline by mid-April the benchmarks were sent out again directly to the appointed ‘[Spitzenkandidaten](#)’ and their respective offices while the deadline was extended to 9 May 2019:

- European People’s Party (EPP), Manfred Weber
- Party of European Socialists (PES), Frans Timmermans
- Alliance of Conservatives and Reformists (ACRE), Jan Zahradil
- Alliance of Liberals and Democrats in Europe (ALDE), Guy Verhofstadt, Margrethe Vestager et al.
- European Green Party (EGP), Ska Keller & Bas Eickhout
- European Left (EL), Nico Cué & Violeta Tomič
- Movement for a Europe of Nations and Freedom (MENF)

The answers were published 14 May 2019. The political groups are listed according to their position in recent polls (Europe Elects 7 May 2019). Here, all written answers will be listed – complete and unchanged apart from layout and obvious typos.

I. Protecting Historic Landscapes in Planning Processes

Archaeological heritage is an integral part of the environment. To EU citizens’ quality of life it is equally as critical as other elements of the environment. In the planning process of large infrastructure projects, the European Union (EU) Directives on ‘Environmental Impact Assessment’ (EIA) play an important role in protecting the historic landscapes of Europe and within it the cultural and archaeological heritage. The EIA Directives act as corner stone of EU legislation in achieving the common societal goal of archaeological heritage protection and management against a background of widely varying local situations and approaches. In 2014, the EIA Directives were amended to link landscape more closely with cultural heritage (2014/52/EU).

So far EIA has had a major positive impact on European archaeology. It is responsible for the discovery and investigation of large amounts of new archaeological sites and material and – because it is an important

EU-wide legal instrument – it prompts comparison of approaches in methods and practice, which suggest that greater harmonisation might be needed as the manner of its implementation in EU Member States differs greatly. Only such a harmonisation will create fair and equal market conditions for economic competition.

Today, a large portion of development-led archaeology in Europe takes place on projects which are subject to EIA. The problem with the EIA Directives from an archaeological perspective is that it currently applies only to major works, like long-distance railway lines and motorways, large airports, large waste disposal and waste water treatment plants (Annex I). Many other projects – not necessarily minor in their impact on the archaeological heritage – fall under a case by case-evaluation or threshold criteria set by member states. Thus, developments like industrial estates, large shopping centres and car parks, railways, trans-shipment facilities, smaller airfield and runways as well as roads, harbours and port installations (Annex II) only fall under the EIA requirement, if member states set thresholds low enough. Currently, developers and state planning authorities can avoid EIA proceedings for example by splitting up linear projects such as gas pipelines or power lines into 'lots' of less than a particular threshold length. At present, some municipal services even exclude projects, such as housing developments, from EIA sub-threshold screening by setting generous exclusionary thresholds for the entire process. Such practices are likely to damage or eliminate archaeological heritage, but under the current legal framework cannot be effectively addressed.

Question to topic I:

How does your party position itself in the conflict of interests between protecting the EU historic landscape in planning processes through the EIA and the development of infrastructure and built environment in the EU?

a) We will extend EU EIA Directives (2014/52/EU, 2011/92/EU) to projects currently falling outside of these because of type or scale which – under application of the precautionary principle – might damage known or suspected cultural heritage? We will restrict the capacity to use exclusionary thresholds to remove Annex II projects from sub-threshold EIA screening.

b) We will further introduce the requirement for a preliminary examination of the potential effects of any minor (Annex II) projects subject to sub-threshold EIA screening on the archaeological resource in line with the principles set out in Art. 6C of the European Landscape Convention.

c) We prefer the EU EIA Directives to stay as they are.

d) (Possibility to write a more detailed answer, max. 500 words)

European Conservatives and Reformists / ACRE

Before any changes are brought forward, there would need to be a thorough review of the Environmental Impact Assessment Directive, to see if it is fit for purpose and whether it should be revised. We would consider the merits of any proposal but could not commit to extending the EIA Directive before a thorough review has taken place.

EUROPEAN LEFT (adopted position of Germany's 'Die LINKE') / GUE/NGL

Option a.

European Green Party / G/EFA

Option a.

We are in favour of compulsory scoping, which would allow consideration of additional elements.

II. Integrating Cultural Heritage in EU Common Agricultural Policy

The rural landscapes we see today are the result of centuries of interaction between agricultural production and physical geography. Landscape diversity and changeability depend on numerous factors such as changing demand for, and pricing of, food products, technological development, changing forms of land-use and animal husbandry and, last but not least, individual and/or collective choices throughout history in response to these factors. The stone walls, avenues, ditches, vineyards and other elements we appreciate today as cultural heritage are remnants of earlier phases of still ongoing human impact on the landscape.

Farming, forestry and other rural land-uses account for 84% of the area of the European Union. They have great impact on the landscape and the archaeological and cultural heritage features contained within it. The Common Agricultural Policy (CAP) is a major steering force in this process. The effects have been very obvious in some cases, less visible in others, but invariably significant. At the same time, the European Union policy on agriculture and rural development, and the Treaty provisions for the CAP, can also present solutions and mitigation measures for the problems. Archaeologists involved in policy and heritage management are long since aware of this, see for instance the EAC non-paper, EAC n 4 or the Dutch heritage-CAP brochure.

Taking care of natural landscape values and biodiversity is already widely acknowledged; taking care of the historic environment is much less evident. A broad and integrated definition of the term 'landscape' explicitly recognising the dual nature of landscape as being both natural and cultural as well as the fact that these aspects are indivisible is needed. The European Union, in the 2014 amendment of its EIA Directive acknowledged this when it noted that for the protection and promotion of cultural heritage comprising urban historical sites and landscapes, which are an integral part of the cultural diversity of the Union, it should commit itself to respecting and promoting in accordance with Article 167(4) TFEU, the definitions and principles developed in relevant Council of Europe Conventions.

Recognising the possible impact of the CAP on cultural heritage [the historic environment] should be evident. In order to be consistent with other Union policies and commitments providing tools to avoid, mitigate or ameliorate those possible impacts and to incentivise and remunerate farmers for the production of landscape qualities that are being regarded as public goods can be the next step, and fully accords with the existing objectives of enhancing the environmental and climate performance of the CAP.

It is worth noting that the issues outlined above, and the steps proposed have also been recognised within the UK and will be included in the domestic successor to the CAP (see Agriculture Bill).

Question to topic II:

Which of the statements below coincides with your party's plans?

a) We will propose an amendment to CAP that uses a wider, more holistic, definition of landscape that includes cultural heritage and archaeological features.

b) We will demand that recommended measures in the CAP should be tested to verify if they are 'historic environment' proof.

c) We find the EU Common Agricultural Policy satisfactory as it is.

d) (Possibility to write a more detailed answer, max. 500 words)

European Conservatives and Reformists / ACRE

The ECR Group is fully committed to caring for our natural landscape values and its biodiversity. We recognise the role that farmers play in preserving our natural environment and its historic features. In the current round of CAP reform, ECR members have tabled and supported amendments calling for adequate funding to be given to farmers, particularly small and traditional farmers, so that they can continue providing safe, high quality nutritious food while at the same time looking after our countryside and rural areas. We do believe that only genuine farmers who participate in agricultural activity should be eligible for direct payments.

Farmers in the EU are eligible for payments for participating in additional agro-environmental schemes. These schemes, along with greening payments, contribute to the protection of rural landscape and heritage as well as improved management of archaeological sites. The ECR Group believes that this integrated approach to land management is the right approach.

For us, improvements to the administrative side of CAP are necessary. Farmers spend too long completing endless amounts of paperwork in order to demonstrate how they meet a number of different criteria. The administration of payments at national level is haphazard; we know that farmers can sometimes be left without their payments which has a knock-on effect on their farming activity.

EUROPEAN LEFT (adopted position of Germany's 'Die LINKE') / GUE/NGL

Options a and b.

European Green Party / G/EFA

Greens/EFA are fighting for a reform of the common agricultural policy and we demand that all future payments to agriculture be tied to high standards for environmental, climate and animal welfare as well as social standards. We are committed to a diverse agricultural structure with lively rural areas and future-proof businesses. This includes preserving historical cultural landscapes. Of course, archaeological sites must be protected. To this end, funding opportunities outside the CAP also need to be developed.

III. Preventing Illicit Trade in Antiques

Over the years, UNESCO, Interpol, a number of other international agencies as well as the EU, have published several documents aiming for the reduction of the illegal trade of antiquities & art in what is a lucrative market worldwide. Furthermore, many EU Member States also have strict legislations and even joined forces to fight the illegal activities (from national police to a special unit in Interpol). However, the threats still exist and every year thousands of artefacts are recovered from attempted transactions or within raids in the moment of looting.

This is not only a matter of goods being transported or sold on European territory or by European nationals from conflict areas or undeveloped regions, but also within our borders, where a continuous looting of our archaeological heritage is being observed. It is also worth noting, that these illegal practices shed a dark light on the legal collecting and trading of art, which is an important European tradition in keeping and creating our common culture.

Here, the norms are not uniform, neither are the solutions dealing with the suspected sources of the objects. Generally, sources are thought to be individuals illegally using metal detectors to retrieve finds, or people acting as part of organised crime networks for illegal acquisition and trafficking of artefacts. It also has to do with the different legal conceptions regarding artefact ownership and other regulations, for example on the property of land; the actual scenario does not help to fight the problem at its source.

Moreover, it affects other EU policies that aim to give the public access to land as part of citizens' participation rights.

The situation is being complicated by the ambiguous concept of archaeological resources as commodities within a global market. The interest of private collectors opens a strictly regulated market that makes most operations dark and favours the illicit acquisition of archaeological resources in many ways from direct looting, to theft or more elaborated fraudulent strategies. Moreover, free ports have become allies in the process, building stores to hide 'undeclared' goods. Also, illegal trade of forgeries and counterfeits of archaeological objects is growing.

Overall, while legislation apparently covers everything, loopholes are appearing that allow the problems to continue and make lawsuits ineffective in many cases. Law enforcement agencies usually lack administrative capacity and other resources to protect archaeological artefacts from the risks of crime and to build strong cases against suspects or around objects.

Questions to topic III:

Please indicate which of these statements would best suit your party's plan of action:

III.1 Ownership

a) We support the recognition of archaeology as a common good, taking the necessary action to discourage private ownership of archaeological objects within the EU whatever their origin might be.

b) We support developing common EU legal framework regarding a stronger regulation and stricter control of privately-owned archaeological objects (data collection, status control, conservation standards etc.).

c) We support private ownership of archaeological objects within the current legal frame of each particular EU Member State.

d) (Possibility to write a more detailed answer, max. 500 words)

European Conservatives and Reformists / ACRE

The ECR does not support initiatives which would contravene legitimate rights to property, including those which would affect archaeological items; however, the ECR is concerned about illicit trafficking of archaeological items. Earlier this year a new legislative proposal was concluded to establish common rules across Europe that will tackle illicit imports. Under those new rules cultural items may be subject to license or declaration requirements, depending on their age, type and value and it will help improve cultural heritage preservation both inside Europe and in third countries.

EUROPEAN LEFT (adopted position of Germany's 'Die LINKE') / GUE/NGL

Options a and b.

European Green Party / G/EFA

Option b.

III.2 Metal detecting

Within the parliamentary period 2019-2024 we will try to harmonise EU legislation concerning metal detecting on archaeological sites and/or targeting archaeological artefacts in the following way:

a) We support regulating metal detecting on archaeological sites. Metal detectors for the purpose

of retrieving archaeological artefacts should be executed exclusively by professional archaeologists and only when a special license has been issued by the competent authority of the particular EU Member State.

b) We support local authorities in general to prohibit metal detection without a special license issued by competent authorities of the particular EU Member State.

c) We support allowing metal detection without any special license.

d) (Possibility to write a more detailed answer, max. 500 words)

European Conservatives and Reformists / ACRE

See III.1.

EUROPEAN LEFT (adopted position of Germany's 'Die LINKE') / GUE/NGL

Options a and b.

European Green Party / G/EFA

While we do not have a specific position on this, if the opportunity arises to do so, we would seek to strike a balance between needing to rigorously protect existing sites from damage or looting while recognising that amateurs with metal detectors can be useful in discovering new sites.

III.3 Practical implementation

a) We will harmonise and empower at a national level the related law enforcement and other agencies (e.g. the police, customs, airport security departments, etc.), prosecutorial institutions and courts. We will provide more resources (incl. training and experience exchange) for the prevention, investigation, prosecution and conviction of offenders with regard to the illegal obtainment and trafficking of archaeological and other cultural objects, as well as the production and sale of forgeries and illicit trade.

b) We will reinforce the functions of an existing EU agency or agencies aiming to coordinate the prevention, investigation, prosecution and conviction of offenders regarding illegal obtainment and trafficking of archaeological and other cultural objects, as well as the production and sale of forgeries.

c) We will support research and outreach on heritage crimes' topics to improve the prevention and combating of illegal obtainment and trafficking of archaeological and other cultural objects as well as production and sale of forgeries.

d) (Possibility to write a more detailed answer, max. 500 words)

European Conservatives and Reformists / ACRE

See III.1.

EUROPEAN LEFT (adopted position of Germany's 'Die LINKE') / GUE/NGL

Options a and b.

European Green Party / G/EFA

While we do not have a specific position on this, we fully recognise that more needs to be done to prevent, prosecute and remedy this kind of criminal activity and, should the opportunity arise, propose ways this might be done at national and/or EU level.

IV. Facilitating Transnational Mobility

The freedom of movement of persons is one of the fundamental four freedoms of EU citizens since the Treaty of Rome, with the freedom of movement of workers having an even longer history within the European Union and its predecessors. In archaeology, over the last few decades, this fundamental freedom has become increasingly more important due to the change in the provision of archaeology. Until c. 1990, archaeological services were mostly provided by states through their heritage agencies under a 'national patrimony' model of archaeological heritage management. This work was mostly funded by the state through general tax revenue allowing long-term strategic planning of staffing levels required for the delivery of services. This system required little transnational mobility an exception being the Higher Education sector.

With the Council of Europe Valetta Convention, the polluter-pays-principle was introduced into archaeology. As a consequence, next to state services, private companies now play an important role in archaeology. This links jobs in archaeology directly to the volatile construction sector with its economic cycles of boom and bust. This makes long-term strategic planning of staffing levels difficult and has increased the need for transnational mobility of archaeological labour.

While transnational mobility of labour is already ongoing on considerable scale and with both positive and also negative effects (cf. Aitchison 2009, 24-28; Aitchison et al. 2014, 33-35; both are reports from EU-funded projects), there are still considerable obstacles to free mobility of archaeological labour within the EU. Some barriers are due to individuals' – mainly language – skills, others are due to differing state resp. national licensing and qualification systems (Aitchison 2009, 26-27). Such policy-related barriers particularly affect highly qualified workers and often forces them back into lower positions. This makes career planning in archaeology difficult on the individual level, but also has negative effects on the capability of attracting highly-skilled, experienced workers across EU borders in times of increased demand.

The major problems for archaeology concerning the transnational mobility of labour are:

- Continuing lack of a primary degree in archaeology in some European countries.
- Differences in the legal definition of an archaeologist or the lack of a legal status.
- Different ways in organising field archaeology, especially excavations, impede mobility and distort competition among archaeological heritage management services.
- Different licensing systems in (and even within different federal states of) EU Member States – despite all referring to the European Convention on the Protection of the Archaeological Heritage (CETS 143, Art. 3 revised) – for highly qualified staff and services offered by private enterprises.

In some EU Member States aspirant archaeologists cannot obtain qualifications enabling them to work in others. This indicates that there is a significant need to undertake suitable steps to improve the facilitation of transnational mobility of labour in European archaeology.

Question to topic IV:

Please indicate which of the following statements is supported by your party's policies:

- a) We will introduce a primary degree in Archaeology under the Bologna-System.
- b) We will introduce a legal definition of 'archaeologist' applicable across the EU.
- c) We will standardise archaeological heritage management and licensing systems to foster transnational competition especially in the provision of excavation services in a privatised free market economy for archaeological heritage management.
- d) We seek national autonomy in cultural heritage matters and oppose standardisation of laws, policies and practices in archaeological heritage management.
- e) (Possibility to write a more detailed answer, max. 500 words)

European Conservatives and Reformists / ACRE

The ECR supports cross border mobility of workers, including professionals such as those engaged in the archaeological field. We have campaigned consistently for the freedom to provide services and for cross-border recognition of qualifications and we would support moves to eliminate unnecessary barriers that prevent nationals from one country taking up employment in another in their chosen profession. As regards university degrees, our view is that the range of courses offered by educational institutions is a matter for those institutions rather than the EU, given the scope of the Union's competences. We do not see a need to change the Union's competences in this area.

EUROPEAN LEFT (adopted position of Germany's 'Die LINKE') / GUE/NGL

Option b.

European Green Party / G/EFA

The EU Member States have the sole competence to introduce degrees. We strongly support the Bologna Process to ensure the effective mutual recognition of diplomas and degrees and insist that the Commission and the MS show real political commitment and more financial means to guarantee this, without prohibiting a specific national focus.

Similarly, Greens/EFA support a stronger commitment of EU Member States, with effective coordination by the Commission, to the protection of heritage.

We continue to fight for the preservation and promotion of cultural heritage in the EU and support cultural heritage projects under a better financed "Creative Europe" program.

We believe the EU can foster and coordinate the responsibility of MS in conservation and promotion of Heritage and we support strongly all projects around preservation of heritage in the follow-up of the 2018 European Year of cultural heritage.

We also support a stronger Erasmus+ expanding from mobility for students to mobility for apprentices in all categories of education and sectors as one way to improve the appreciation of heritage in and of the EU as a whole.

V. Open licensing for Images of Cultural Heritage from Public and Non-profit Institutions

Archaeologists, art historians, historians and others need images, drawings and plans of archaeological objects, excavations and sites for their scientific work and publishing. From 2020 onwards, the EU aims for all scientific publications to be open access. In many cases the scientists are at the same time the authors resp. creators of the images or have acquired the right to publish from commissioned photographers or illustrators, which allows them to publish open access. However, often the objects depicted in the photos and illustrations are owned by public or non-profit institutions like museums, collections and archives. Currently, these public collections follow very different policies regarding the use of images of cultural heritage in their care: some grant upon request simple and free of cost the use of images, others are extremely restrictive and can ask for very high fees. Sometimes the fees demanded for online publications are by far higher than the actual costs of (re-)production in printed publications. At the same time, personal and administrative effort within these institutions easily exceeds the revenues gained through the fees. Altogether this restrictive practice is in conflict with the EU's intention of open scientific publishing.

Question to topic V:

What does your party plan to do in the next legislative period regarding user rights of images of objects, historical records and sites which are owned by public or non-profit collections, archives and museums?

a) The current practice is legally and ethically correct and constructive: whoever wants to make or use such pictures, must request permission from the institutions and inform them of reason and purpose. The institutions decide for themselves and at their own responsibility about their property and this – therefore extends to the granting or denying of such permissions. This prevents also improper use of such images. We won't change anything within actual legislation and practice.

b) A free licensing of images of objects, historical records and plans in public or non-profit collections, such as CC BY, has to be granted on request for scientific open access publishing. It is possible to demand fees for demonstrably connected costs. We will start an initiative to harmonise legislation and practice in this way over all EU countries.

c) A free licensing of images of objects, historical records and plans in public or non-profit collections, such as CC BY, should be granted as a principle and for free for scientific open access publishing. We will start an initiative to harmonise legislation and practice in this way over all EU countries.

d) (Possibility to write a more detailed answer, max. 500 words)

European Conservatives and Reformists / ACRE

In our view this should remain a matter for the institutions holding the rights. Licensing terms are devised according to the needs of the institution, as a continuing method of funding for example. We do not consider that there is a one-size-fits all solution to the licensing of works held in such collections and therefore would view it as proper that those managing the collections determine their own licensing regimes.

EUROPEAN LEFT (adopted position of Germany's 'Die LINKE') / GUE/NGL

Option b.

European Green Party / G/EFA

Option c.

For Greens/EFA it is important to make research results freely accessible to all by promoting Open Access publications. For this purpose, we want to promote projects at the European level such as coalitions, which aim at making publicly funded publications freely accessible.

General Answers:

PES / S&D

While the protection of our cultural sites is of course of the utmost importance, I am afraid we will not be able to respond to you before the given deadline. This has to do with the significant time-constraint we are facing as a campaign-team, but also with the fact that, within the Party of European Socialists, we do not currently have an expert in this field.

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