

# Matra project Cultural Heritage Bulgaria - EU

## Short project description

### The Matra Programme

On behalf of the Netherlands Ministry of Foreign Affairs, the Agency EVD in The Hague implements the 'Matra' Pre-accession Projects Programme. Matra<sup>1</sup> aims to assist candidate and recent member states in Central Europe in meeting the criteria for EU membership through projects dealing with the implementation and consequences of European legislation.

The two main objectives of the programme are:

- providing assistance to the public sector in the implementation of the so-called "*acquis communautaire*". This is the body of common laws and obligations of the EU member states. It comprises European Community (EC) laws, acts adopted, and the common objectives set down in the various EU Treaties. The *acquis* is constantly evolving.
- establishing lasting relationships between government institutions in the Netherlands and in the recipient countries.

### Background of the project

As an element in the accession of Bulgaria to the European Union, in the field of cultural heritage governance an implementation is necessary of the EEC Council Regulation 3911/92 of 9 December 1992 on the *export of cultural goods to destinations outside the EU* and the EEC Council Directive 93/7 of 15 March 1993 on the *return of cultural objects unlawfully removed from the territory of a Member State*.

The project aims to assist Bulgaria in the implementation of this Regulation and Directive and their elaborations in supporting EC decrees. The project supports the integration of EU rules with the national policy implementation. As existing procedures and knowledge in Bulgaria are not yet fully EU compliant, an intensive development in this field is necessary. It is vital that both the Regulation and the Directive are not only formally adopted within the Bulgarian body of laws, but are also implemented and enforced in sound every-day practice. Experience in present EU countries points out that implementation of these two EU instruments helps above all to promote *awareness* of the issues described, including the European focus.

With its accession to the EU, Bulgaria will be co-responsible for the protection of the cultural heritage objects of all other member states. An important aspect is that Bulgaria will maintain outside borders of the EU by land, by air and by sea. The open borders within the EU on the other hand, will have a great significance for the identification and movement control of national Bulgarian heritage.

### Project intervention; purposes of the project

The project should help to create a situation in which an efficient and effective *fulfilment of tasks* within Bulgaria takes place relating to the identification and movement control of movable cultural heritage, in conformity with EU Regulations and Directives. This should include the necessary *communication and co-operation* with international and other institutions within Bulgaria and abroad. The desired

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<sup>1</sup> Matra stands for 'maatschappelijke transformatie' = social transformation

situation also should include the ability of *development* according to changing contexts and conditions.

The proposed results of the project are the following (all restricted to *movable* cultural objects):

1. Analysis of the conformity of Bulgarian *legislation* with EU directives and regulations; recommendations formulated and (partially) implemented; this includes recommendations for related legislation if a necessary condition for proper implementation;
2. Improved *organisational structure* that enables the Inspectorate for Cultural Heritage to perform its tasks as competent authority connected with European legislation; this includes the institutional structure in this field and, within that structure, the position of the Inspectorate;
3. Strengthened administrative *capacity*, of the Inspectorate for Cultural Heritage and other relevant parties, to implement EC Regulation 3911/92 and EC Directive 93/7/EEC. This concerns the development of capacity in terms of organization, human resources (staffing, training and education), processes, and systems;
4. Strengthened *co-operation* between the Inspectorate for Cultural Heritage and other relevant Bulgarian parties, such as the Customs, the Police, the Prosecution, the Judiciary and the National Culture Fund, on the hand, and between the Inspectorate and both the EC and competent authorities in other EU-member countries, on the other.

In these intended results, the project tries to create and reinforce sustainable processes of change at both decision making and more practical levels.

## **Project activities**

Project activities take place in the form of:

- individual and working group activities in Bulgaria, for analysis, drafting of recommendations, communication and co-ordination;
- regular missions by Dutch consultants to Bulgaria;
- one or two study visits of Bulgarian parties to the Netherlands.

The Dutch consultants and experts are co-moderators of the change process, give input of knowledge and experience, and contribute to vision development and to the content of proposals. All activities will focus on creating sustainable project results.

The activities in Bulgaria are expected to include:

- bilateral and group analyses and discussions concerning
  1. the direction, content and process of development in each of the results,
  2. recommendations,
  3. and more basic issues such as identification and protection issues, registration etc;
- presentations, seminars and/or 'round-table' sessions with a broader participation; these types of activities are meant especially for creating common opinions and awareness, also in the field of basic notions like the implications and opportunities of the EU *acquis* for Bulgaria and for the protection of national Bulgarian heritage in the EU context;
- contributions to broader information activities;
- some training activities where necessary.

The project will also support some investments in IT (hardware and software) for the Inspectorate.

On Bulgarian and Dutch sides, co-ordination with related activities takes place.

## Implementation structure

*Contracting authority* is the EVD in The Hague on behalf of the Dutch Ministry of Foreign Affairs and the Dutch Ministry of Education, Culture and Sciences. Their counterpart in Bulgaria is the Ministry of Culture. Central *beneficiary* of the project is the Directorate for Museums, Galleries and Fine Arts, being the directorate responsible for the Inspectorate for Cultural Heritage within the Ministry of Culture.

Core participants in the *Bulgarian project organisation* are:

Mr Rumyan Ganchev, mr Todor Chobanov and mr Borislav Pavlov (Directorate MGFA and Inspectorate for Cultural Heritage), in close co-operation with deputy minister mr Ivan Tokadziev, director ms Deana Danailova, mr Peter Miladinov, ms Leda Rusenova and other officers in the Ministry of Culture, including deputy minister ms Kileva;

Director ms Anelia Angelova, mr Boiko Kostov and other officers of the National Customs Agency.

Co-operation takes place with representatives and experts of the Prosecutor's Office, National Police, Judiciary, National Culture Fund, Euro-Bulgarian Cultural Centre, universities, museums, National Archives, and other institutions and NGOs.

Core members of the *Dutch project team* are:

Mr Renger Afman (project director)	AO Management Consultants, Driebergen
Dr Riemer Knoop	Gordion Cultureel Advies, Amsterdam
Ms Marja van Heese	Erfgoedinspectie (State Inspectorate for Cultural Heritage), The Hague
Mr Johan Ekelhof	Belastingdienst/Douane (Dutch Customs), Zwolle
Mr Klaas Jonkman	Belastingdienst/Douane (Dutch Customs), Groningen
Dr ir Frits van den Berg	Patom, Driebergen.

Other experts are available, amongst them ms Sabine Gimbrère and other experts of the Ministry of Education, Culture and Sciences; other officers of the Dutch Customs; and ms Joke Kievit (ArbaMinch Projectmanagement, The Hague).

## Time frame

September 2005 – Fall 2007.

## Contact

Project director	Mr Renger J. Afman (AO Management Consultants); phone +31 654 983 658; mobile phone in Bulgaria +359 885 740 274 <a href="mailto:r.afman@ao.nl">r.afman@ao.nl</a> ( <a href="http://www.ao.nl">www.ao.nl</a> )
Directorate MGFA	Mr Rumyan Ganchev; phone +359 2 981 3767; <a href="mailto:ncmgii@mail.bg">ncmgii@mail.bg</a>
Inspectorate for Cultural Heritage	Mr Todor Chobanov; phone +359 2 940 0955; <a href="mailto:chobanov@abv.bg">chobanov@abv.bg</a>
National Customs Agency	Mr Boiko Kostov; phone +359 2 9859 4137; <a href="mailto:boiko.kostov@customs.bg">boiko.kostov@customs.bg</a>

## **Annex: EU cultural heritage rules and regulations**

In the context of the operation of the single European market, Regulation (EEC) n° 3911/92 and Directive 93/7/EEC seek to reconcile the fundamental principle of free movement of goods with that of the protection of national cultural treasures.

Since culture constitutes an autonomous area for each member state, each country may, in principle, maintain its own national protection regimes. However, since 1 January 1993, with the abolition of physical checks at the Community's internal borders, a new situation arose. All member states became responsible to apply export restrictions regarding cultural goods also from other member states to countries outside the Union. In order to effectively do so, it became necessary to have a system enabling a member state to reclaim protected cultural heritage that was unlawfully removed from its territory within the Union. As this protection could not be adequately guaranteed via the ratification of the UNESCO Convention of 1970 to prevent the import, export and transfer of illegally owned cultural goods, or the Convention of the Council of Europe of 1985 on offences relating to cultural property, it was deemed necessary to adopt special measures at Community level.

The *Regulation* introduces uniform controls for the prevention of exports of protected cultural goods at the external borders of the Community, which allow the competent (Culture and Customs) authorities of the member state from which the cultural goods are to be exported to a third country to also take the interests of the other member states into account. The reason for this is that, in the absence of such controls, abolishing checks at the physical borders within the Community would mean that a national treasure unlawfully removed from one member state could be presented at a customs office of another member state and be exported easily to a third, non-Member country.

The *Directive* complements this preventive instrument by providing mechanisms and a procedure for restoring national treasures if and when these have been unlawfully removed from the territory of a member state. While the aim of the Regulation is to avoid national treasures being taken out of Community territory without controls, the Directive, for its part, deals with the arrangements for restoring such treasures to the member state of origin when they have been unlawfully removed from it (i.e., for new member states: if removed after the date of accession).

Both instruments are linked by a common, detailed list defining for which categories of cultural goods and under which conditions (age, worth) export is limited, i.e., an export licence is required by the EU. Competent authorities, assessing and deciding on a request for an export licence, however, should not only check if the object falls under the EU-list but also should be aware, as far as possible, if it could be a 'national treasure' of another member state. They should contact their colleagues of that member state in case of doubt.

At international level it should be pointed out that the UNESCO Convention of 1970 was supplemented by the UNIDROIT Convention of 1995 on stolen or unlawfully exported cultural objects. This Convention, whose scope coincides in part with that of the Directive, includes disconnection clauses (9.1 and 13.1) that enable member states ratifying the Convention to give precedence to the Directive in intra-Community relations.

The European Commission is currently in a process of evaluating the Regulation and Directive, based on country reports. Main changes however are not expected so far, so for the time being present rules can be taken as a point of departure for the project.