

The Matra Programme

On behalf of the Netherlands Ministry of Foreign Affairs, the Agency Senter Internationaal (The Hague) implements the Matra Pre-accession Projects Programme. This Programme aims to assist candidate member states in Central Europe in meeting the criteria for EU membership through projects dealing with the (consequences of) implementation of European legislation. The main objective of the programme is twofold:

- 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 Member States of the European Union. It comprises Community (EC) law, acts adopted under the second and third pillars of the Union and the common objectives set down in the Treaties. The *acquis* is constantly evolving. Adoption of this body constitutes one (legal) of three criteria (political, economic) established in 1993 for acceptance of Central and Eastern European Countries into the Union.
- 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 Hungary to the European Union, implementation is necessary of amongst others the Council Regulation (EEC) 3911/92 of 9 December 1992 on the *export of cultural goods* and the Council Directive 93/7/EEC of 15 March 1993 on the *return of cultural objects unlawfully removed from the territory of a Member State*.

- Regulation 3911/92
The purpose of Regulation 3911/92 is to ensure that export of cultural goods is subject to uniform controls at the Community's external borders. This is achieved by a standard licence system. Licences must be issued by the competent authorities of the Member States prior to the export of cultural goods covered by the Regulation, which are listed in an Annex to the Regulation.
- Directive 93/7/EEC
The purpose of Directive 93/7/EEC is to enable Member States to secure the return to their territory of cultural objects that are classified national cultural heritage and have been removed from their territory in breach of these Member States' right to define their national cultural heritage and to take the necessary measures to protect them. To this end, administrative co-operation between Member States as regards their national cultural heritage and co-operation in the field of stolen works of art is regulated.

The Hungarian National Office of Cultural Heritage, which is charged with the identification, registration and supervision of all public cultural heritage collections, as well as other bodies involved have indicated not yet to be able to fulfil their tasks in this field in compliance with EU standards. Tasks are fulfilled occasionally, fragmentary or not at all (e.g., registration of ecclesiastical cultural objects is mostly lacking), and the limited capacity that is available is not concentrated at the most essential tasks. Reasons for these essential gaps in the full functioning of the system, are said to be amongst others the following:

- the institutional structure, including the division of tasks between the institutions involved, is not clear and effective;
- lacking communication and exchange of information, within Hungary and internationally;
- standards/criteria for the definition of 'cultural heritage' and approaches concerning identification and registration are felt not to be geared to the most essential elements;
- knowledge and awareness of government executives leave much to be desired; the insight in the impact of EU regulations is not widespread; know how and experience to substantiate the necessary tasks are lacking
- the interest in the functions of identification, registration and protection at high administrative and political levels should be better;
- lack of budget to realise sound staffing of functions and to implement necessary systems.

Project intervention; Purposes of the project

The project should help to create a desired situation which, in short, would be that there is an efficient and effective fulfilment of tasks within Hungary concerning identification and registration, export other movement control of cultural heritage, in conformity with EU Regulations and Directives, with the necessary communication and co-operation with international and other institutions abroad and within Hungary, and with the ability of development and change according to changing environment.

The intended tangible results of the project are the following.

1. Improved institutional structure for identification, registration and protection of cultural heritage, as far as necessary for the tasks according to the guidelines of EC Regulation 3911/92 and EC Directive 93/7/EEC.

This includes the assignment of tasks and procedures for communication and coordination and a widespread, clear knowledge of EU-laws and regulations.

2. Increased capacity of the National Office of Cultural Heritage and other competent institutions to define, identify and register national cultural heritage according to the guidelines of EC Regulation 3911/92 and EC Directive 93/7/EEC.

This includes adapted definitions and criteria for the identification of cultural heritage and a work plan for the implementation of these new criteria. This also includes, as far as necessary for EU relevant functions, the redefinition of the complex of information and documentation systems to support the functions mentioned, including definition of the main types of registration and procedures for exchange of information and documentation between various systems involved.

3. Increased capacity of the National Office of Cultural Heritage and other competent institutions, particularly the Hungarian Customs and Finance Guard and the National Police, to carry out an effective, EU-conform control of the movement of cultural objects.

This concerns both Hungarian national cultural objects and other EU cultural heritage. The focus is on applying the above mentioned Regulation and Directive as well as compliance with other EU rules.

With these intended results, the project enhances several sustainable processes of change at both decision making and more practical levels. The project is restricted to *moveable* cultural objects.

Project activities

The project will assist in solving the problems identified by the Hungarian bodies involved in implementing the tasks with regard to the relevant EU-*acquis*, as described above. The necessary project activities will be formulated in the Inception Phase. At this moment three main types of activities are envisaged:

- Consultation and support concerning the development of a sound institutional structure and procedures.
- Consultation and support to a sustainable organisational development within the bodies involved.
- Support capacity building by education, training and (wide) dissemination of information.
- Support in embedding the project results and in obtaining commitment at high administrative and political levels, including necessary budgets and changes in legislation and rules.

All activities will focus on creating sustainability of project results.

Organization of the project

Implementation structure

Contracting authority is Senter Internationaal (The Hague) on behalf of the Dutch Ministries of Foreign and Cultural Affairs. Their Counterpart in Hungary is the Ministry of Cultural Heritage.

Beneficiaries are the National Office of Cultural Heritage, the Ministry of Cultural Heritage, the Hungarian Customs and Finance Guard and the National Police Headquarters.

The project is being implemented by beneficiaries and counterpart together with a Dutch team composed of the following partners: Renger Afman, Frits van den Berg (*AO Management Consultants*), Dr Riemer Knoop (*Gordion Cultureel Advies*) and Ms Joke Kievit (*ARBA MINCH Project management*) as a core team, plus specialists from the following Dutch organisations: Netherlands Institute for Cultural Heritage, Inspectorate of Cultural Heritage, Tax and Customs Administration, Ministry of Education Culture and Science, and National Service for Archaeological Heritage. Also experts from other organisations may be involved in the project.

Time frame

January 2004 – Summer 2005

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Annex: EU and other International cultural heritage rules and regulations

In the context of the operation of the single European market, Regulation (EEC) n° 3911/92 and Directive 97/3/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 developed. All Member States became responsible to also apply export restrictions regarding cultural goods from other Member States to countries outside the Union, and in order to effectively do so, it became necessary to have a system enabling a Member State to claim 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 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.

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.

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 new Convention, whose scope coincides in part with that of the Directive, includes a disconnection clause that enables Member States ratifying the Convention to give precedence to the Directive in intra-Community relations.