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Ensuring high quality in safeguarding Cultural Heritage

The vital importance of protecting the title
and regulating the profession of
Conservation-Restoration in Europe

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A brief look at the conservation-restoration profession in Spain

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A brief look at the conservation-restoration profession in Spain

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ABSTRACT

This paper summarises the current situation of the conservation-restoration profession in Spain. Firstly, a brief look at professional regulation is made, paying attention to both private and public spheres and freelance professionals. Secondly, a description of all the official degrees in conservation-restoration is made, including pre-Bologna and current qualifications. Finally, Cultural Heritage legislation is analysed.



Since its creation in 2011, ACRE, the Association of Conservators-Restorers of Spain, has carried out various actions following its strategic plan. The main blocks of this plan are the recognition and the regulation of the profession, the educational homologation, and the denunciation of cases of professional intrusion.

1. THE REGULATION OF THE CONSERVATION-RESTORATION PROFESSION

Access to a regulated profession may require a certain degree, having passed special exams (for example, state exams), or may need registration with a professional body to exercise it [1]. The regulation of a profession is the responsibility of each country. The objective is to guarantee the protection of citizenship for certain professional services.

In Spain, Royal Decree 1837/2008 defines regulated professions [2]. Conservator-restorers do not appear in the different development regulations, nor is any reference to any occupation related to the study, research, conservation, dissemination, or management of Cultural Heritage. Health sciences and engineering/architecture include the majority of regulated professions.

Professional practice in Spain has three main areas. Firstly, freelance workers. Another large group includes employees who provide services to a natural or a legal person. In the latter case, we distinguish two groups, on the one hand, workers for private companies, and on the other, workers for Public Administration.

1.1. Conservation-restoration professionals in the self-employment regime

One of the main problems in the conservation-restoration profession as a freelancer is that public administrations do not properly classify the sector.

Conservator-restorers in the self-employed regime must first go to the State Tax Administration Agency (hereafter the Treasury) to register in the IAE (Tax on Economic Activities). It is a tax for classifying all economic activities in Spanish territory. The Treasury assigns the heading 862 to self-employed professionals in Conservation-Restoration

IAE Classification of Group 862 [3].

- Section 2: Professional Activities
- Division 8: Professionals Related to Other Services
- Group 86: Liberal, artistic, and literary professions
- Group 862: Restorers of works of art

Once registered in the Treasury, the worker will go to Social Security to register. This procedure is one of the biggest obstacles to statistical recognition and to defining occupational risks for self-employed conservation-restoration professionals.

Although the Treasury acknowledges in IAE classification the profession of Restorers of works of art, Social Security makes the classification according to the NACE codes. Social Security makes a conversion of IAE to NACE based on pre-established tables. Thus, IAE 862: of professional activities: Restoration of works of art, passes to CNAE 9003: Artistic and literary creation. The assignment of this NACE does not reflect the current situation, as artistic and literary creation does not encompass the functions and professional risks of conservation-restoration. In practice, not all conservators-restorers use the same NACE code. To assess the economic impact of Covid 19 in our sector, ACRE surveyed its associates. The result on the most used CNAE was as follows [4]:

- 9003 Artistic and literary creation (68.7%)
- 7490 Other professional, scientific, and technical activities (17.2%)
- 9102 Museum activities (11.1%)

In addition, the National Statistics Institute prepares statistics on employment sectors based on NACE. Our profession does not have a NACE code and uses different ones, so it remains invisible as an economic and productive force.

1.2. Conservation-restoration professionals hired by private companies

A large percentage of professionals in the conservation-restoration sector in Spain work as employees in private companies dedicated to Cultural Heritage interventions. They fall under the General Social Security Scheme.

Royal Legislative Decree 2/2015 of the Statute of Workers contains the applicable legislation to this type of contract. Furthermore, according to article 3b of this law, a collective agreement will apply if it exists. This agreement depends on the activity of the contracting company, which is also classified using a NACE code.

1.3. Conservation-restoration companies

Determining the NACE code of a company in the Conservation-Restoration sector is complex since the activities described in this classification are generic and limited. The Treasury facilitates companies with a search engine that helps them find the NACE code that best defines their economic activity.

As previously mentioned, there is no specific NACE code for the Conservation-Restoration sector. This fact is an obstacle to bargaining a conservation-restoration collective agreement since a precise percentage of the conservation-restoration companies must gather for the constitution of the collective bargaining table. As a cause of the lack of a NACE code for the professional sector, it is impossible to measure this percentage [5]. In addition, for the time being, companies are reluctant to this initiative.

It is important also to point out that there are some companies that do not work in the field of conservation-restoration but hire conservators-restores. Most of these companies are related to museum exhibitions and the transportation of works of art.

1.4. Conservation-restoration professionals in Public Administration

In Spain, public employees can provide services to state, regional, or local bodies. There are the following types of public employees:

a. Civil servant career

Public officials have to pass a selective process. They work for the Public Administration by providing functions that involve direct or indirect participation in the exercise of public powers or in safeguarding the general interests. Administrative law applies to them.

b. Interim civil servant

They provide services of a transitory nature and occupy posts reserved for career officials. Administrative law applies to them.

c. Contract staff

Contract personnel is those who, under an employment contract, in any hiring modality in labour legislation, provide professional services in Public Administration. Depending on the contract duration, it may be fixed, indefinite or temporary.

d. Temporary staff

They occupy job posts of personnel of confidence.

There is no specific legislation for the exercise of the conservation-restoration profession in the Administration, but depending on the public institution in question, the casuistry can vary. In the National State Administration conservators-restorers are hired as labour personnel, either temporary or permanent [6]. On the other hand, other administrations hire conservators-restorers as career civil servants [7]. In addition, some Administrations are carrying out the process of making full-time staff civil servants in the conservation-restoration sector [8].

Belonging to the body of career civil servants has certain advantages compared to labour staff. In the first place, labour personnel is subject to Labour Law regulations, spe

cifically the Statute of Workers and the Collective Agreements that apply to them, while Administrative law applies to civil servants.

Remuneration is another point that marks the difference between civil servants and labour personnel. There are complementary remunerations (destination complement, specific complements, and productivity complements) that differ between labour personnel and career civil servants.

2. THE CONSERVATOR-RESTORER DEGREES

Currently, in Spain, there are several degrees in the field of Conservation-Restoration: some issued before the University Reform (until 2014), and post-Bologna degrees, which have MECES 2 recognition.

2.1. Pre-Bologna qualifications

- Degree in Conservation and Restoration of Cultural Assets from the Superior Schools of Conservation-Restoration of Cultural Assets
- Bachelor of Fine Arts with a specialty in conservation-restoration of cultural assets.
- Bachelor of Fine Arts with a curricular itinerary in conservation-restoration of cultural assets.

A Bachelor's degree in Fine Arts falls within a MECES 3 level, but the specialty in conservation-restoration does not have equivalences or homologations corresponding to the rest of the degrees.

2.2. Post-Bologna degrees

- Higher degree in conservation-restoration of cultural assets, Superior Schools of Conservation-Restoration of Cultural Assets.
- University degree in Conservation-Restoration of Cultural Assets.
- University degree in Conservation and Restoration of Cultural Heritage

These degrees fit into a MECES 2 level, but the different specialties are not recognised.

This diversity of degrees and academic levels is an obstacle to professional regulation.

A Royal Decree could be the way to professional regulation by establishing a single official decree. Nowadays, this is impossible because of the diversity of pre-Bologna degrees and the academic institutions that issue a degree in conservation-restoration.

On the other hand, the disparity in qualifications has produced a disorder in the labour supply, especially in the public sphere. Qualifications required in public employment calls may differ depending on the convening Administration (state, regional, or local). Since 2017, ACRE has appealed twenty-four public job offers with a conservation-restoration profile, seven of them for not admitting all the degrees mentioned above and seventeen calls for not requiring any degree in conservation-restoration. In addition, at present, ACRE has two legal proceedings opened against two public competitions of the Ministry of Culture.

In addition, there is an invasion of educational competencies by Workshop Schools and by Vocational Training, which offer degrees outside the university sphere and at a lower level. In these training cycles, some content invades the skills of the conservator-restorer. Master degrees in conservation-restoration come to increase the disparity of titles.

Below, as an example, a couple of cases are presented that exemplify the invasion of the conservation-restoration competencies:

- Course taught at the School of Training in Crafts of Albayzín: Restoration and rehabilitation of historical, artistic, and cultural heritage: “ARTR01EXP: Recovery, repair, and maintenance of immovable art”. ACRE proposes that the last module: “Repair and restoration of immovable goods” invades the competencies of the sector. In addition, the 320 hours of training do not qualify for these tasks [9].
- There are also professional certifications endorsed by the Ministry of Labour that invade Conservation-Restoration competencies. For example: “Works of craftsmanship and restoration in natural stone” within the professional family of Extractive Industries. These schools issue a certificate in which a competence appears as “restoration and maintenance on buildings and construction or decorative elements in natural stone” [10].

3. CONSERVATION-RESTORATION IN CULTURAL HERITAGE LAWS

Cultural heritage is protected by Law 16/1985 on Spanish Historical Heritage and by the corresponding laws in each autonomous community. All legislations are limited to setting the authorisation regime to carry out interventions in Cultural Heritage. However, none specifies the competent professions to intervene in cultural heritage. Most laws only point out that the interventions in Immovable Heritage have to be executed by “legally qualified professionals” [11] or “competent technicians”. In the case of Movable Goods, there are few laws that make any allusion in this regard.

In Spain, despite having seventeen Heritage Laws, none of them explicitly contemplates the figure of the conservator-restorer in conservation-restoration activities or any other activity that intervenes on cultural property. Given this situation, ACRE carried out the following actions:

- Contributions to four Preliminary Projects of Cultural Heritage Laws (Canary Islands, Castilla y León, Madrid, Valencia). These preliminary projects intend to update the different regional laws. ACRE has requested in all cases the inclusion of the conservation-restoration professional for the intervention in Cultural Heritage, indicating the official studies for the exercise of the profession.

The simplest way to regulate the exercise of the profession would be through a regulation subordinated to Law 16/85. These regulations have never addressed the professionals who can intervene in Cultural Heritage. This Decree would not be valid in the Autonomous Communities but could serve as a text for them to draft a decree for the same purpose.

4. ENSURING HIGH QUALITY IN THE SAFEGUARDING OF CULTURAL HERITAGE

4.1. Actions to ensure the safeguarding of cultural heritage

One of the fundamental steps for protecting Cultural Heritage would be an amendment of the current Law on Spanish Historical Heritage and, consequently, the regional laws in this regard.

It is necessary to reformulate the classification of Cultural Heritage, including new typologies and modifying the traditional division of Cultural Heritage into Immovable and Movable Cultural Assets. Also, there must be harsh penalties for attacks against Cultural Heritage, especially concerning looting and loss of its values.

Furthermore, there is a requirement for a better definition of the professions involved in Cultural Heritage so that the interventions are carried out by qualified personnel, with official titles. In this sense, it is necessary to put attention to the assignment of competencies to each profession.

4.2. Role of the conservation-restoration in safeguarding Cultural Heritage

Conservation-Restoration is not an artistic career, nor a craft. It is a profession that encompasses science and humanities, with an empirical and skills component. This compendium of qualities provides conservation-restoration professionals with the necessary knowledge and experience to act on Cultural Heritage to transmit it to future generations [12].

However, currently, there is no legislation to regulate quality criteria in interventions. To this fact, we may add the shortage of qualified personnel in public institutions to guarantee a proper application of standards and methods in interventions on Cultural Heritage. In addition, legislation, in the majority of cases, grants the power to the administrations to inspect the interventions but does not ensure the obligatory nature of the same.

To ensure the quality of interventions on Cultural Heritage, ACRE acts around two axes. First, denouncing professional intrusion. Secondly, through the promotion of conservation-restoration before public and private entities.

5. FUTURE CHALLENGES

The main challenge for ACRE is to achieve the objectives of defending the profession, homologation of degrees, and professional regulation with the scarcity of resources of the Association (both human and financial). Moreover, public administrations show no interest in our sector's situation.

There is no doubt that the regulation of the profession in Spain can only materialise through a dialogue between the agents involved, specifically the professionals and the companies in the sector, the Ministries of Culture and Education, the Autonomous Communities, and the entities that issue the official titles of conservation-restoration.

It would also be necessary to achieve homogeneous training in conservation-restoration at a state level, based on an agreed map of competencies, as well as the homologation/qualification of the degrees. Following European suggestions, this training must reach the master level (7 EQF) and be specialised.

REFERENCES

[1] https://europa.eu/youreurope/citizens/work/professional-qualifications/regulat-ed-professions/index_es.htm [07/08/2022]

[2] Real Decreto 1837/2008, de 8 de noviembre, por el que se incorporan al ordenamiento jurídico español la Directiva 2005/36/CE, del Parlamento Europeo y del Consejo, de 7 de septiembre de 2005, y la Directiva 2006/100/CE, del Consejo, de 20 de noviembre de 2006, relativas al reconocimiento de cualificaciones profesionales, así como a determinados aspectos del ejercicio de la profesión de abogado [07/08/2022].

[3] <https://www.iae.com.es/epigrafes/grupo/2-8-86-862> [07/08/2022].

[4] <https://asociacion-acre.org/acciones/2020-medidas-covid-19/2020-impacto-economico-del-covid-19/> [29/09/2022].

[5] https://www.mites.gob.es/es/guia/texto/guia_12/contenidos/guia_12_24_3.htm [07/08/2022].

[6] Consultation on job posts of the Ministry of Culture for the year 2022: <https://transparencia.gob.es/transparencia/transparencia/Home/index/PublicidadActiva/Organizaci-onYEmpleo/Relaciones-Puestos-Trabajo/RPT-MCUD.html> [27/08/2022].

[7] Consultation on job posts of Diputación de Cuenca: <https://www.dipucuenca.es/relacion-puestos-de-trabajo> [08/08/2022].

[8] <https://www.xunta.gal/dog/Publicados/2021/20210331/AnuncioG0597-110321-0001.es.html> [08/08/2022].

[9] <https://arempleo.files.wordpress.com/2018/06/ar-tr01exp-recuperacic3b3n-reparacic3b3n-y-mantenimiento-de-bienes-inmuebles.pdf>
<https://arempleo.files.wordpress.com/2018/06/ar-tr01exp-recuperacic3b3n-reparacic3b3n-y-mantenimiento-de-bienes-inmuebles.pdf> [19/08/2022].

[10] Anexo III, punto I, Real Decreto 713/2011, de 20 de mayo, por el que se establecen doce certificados de profesionalidad de la familia profesional Industrias extractivas que se incluyen en el Repertorio Nacional de certificados de profesionalidad y se actualizan determinados certificados de profesionalidad establecidos en el Real Decreto 1217/2009, de 17 de julio BOE núm. 146, Sec.I, Pág.63247 <https://www.boe.es/boe/dias/2011/06/20/pdfs/BOE-A-2011-10676.pdf> [19/08/2022].

[11] Ley 4/1998, de 11 junio 1998, art.35.3; Ley 6/2019, de 9 de mayo, art.35.3; Ley 11/2019, de 25 de abril, art.74.6; Ley 14/2007, de 26 de noviembre, art.22.2; Ley 3/2013, de 18 de junio, art.22.2; Ley 3/2013, de 18 de junio, art.20.2 2ºb; Ley 4/2013, de 16 de mayo art.27; Ley Foral 14/2005, de 22 noviembre 2005, art. 36.2 y 46.2; Ley 7/2004, de 18 octubre 2004, art. 42; Ley 2/1999, de 29 marzo 1999, art. 32.2; Ley 11/1998, de 13 octubre 1998, art. 47.7; Ley 1/2001, de 6 de marzo, art.51.2; Ley 4/2007, de 16 de marzo, art. 39; Ley 12/2002, de 11 de julio, art. 55.2; Ley 5/2016, de 4 de mayo, art.43.3.

[12] https://www.ecco-eu.org/wp-content/uploads/2021/01/ECCO_Competencias_ES.pdf

