



Recommendation 1375 (1998)¹

Protection of "incidental collections" against dispersal

Parliamentary Assembly

1. The Parliamentary Assembly of the Council of Europe considers that there are collections of cultural heritage material in Europe which need special protection and measures so that they are not broken up and their unique value lost to future generations.
2. These are collections which have a value greater than that of all the individual objects in them. They are owned by persons or bodies – universities, commercial companies, institutions, religious bodies, local government authorities, private individuals – whose main or major activities are in areas other than collecting or caring for collections. For this reason they are called "incidental collections" to distinguish them from collections owned by institutions where the major objective is to manage the collection for purposes of study, education or public enjoyment
3. Incidental collections are often subject to pressures which the owner is not able to stand against. The major problem is usually financial, for example when a university is short of money for building maintenance and sees the sale of a collection no longer used for teaching purposes as a way of making it up.
4. Other issues such as conservation, safety arrangements or certain legal changes can also generate problems which can threaten the continued existence of incidental collections.
5. There are laws in some European states which touch on the protection of incidental collections. However, these are not comprehensive and are usually of limited impact. Legal devices such as the charitable trust and the foundation may be used to prevent dispersal of collections but do not solve the financial and other problems set out above.
6. A proposed scheme of protection and an outline for adapting the legal system are included in the report of the Committee on Culture and Education ([Doc. 8111](#)).
7. The Assembly therefore recommends that the Committee of Ministers ask member states:
 - 7.1. to implement comprehensive legislation designed to encourage the non-dispersal of selected incidental collections;
 - 7.2. to establish a general scheme to give assistance, financial and in the form of services, to the owners of collections listed as a result of that legislation when there is a demonstrated need for this;
 - 7.3. to ensure that they have no laws of general application which encourage or bring about the dispersal of such collections.

1. See [Doc. 8111](#), report of the Committee on Culture and Education, rapporteur: Mr Roseta. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 26 May 1998.

