

Journal of Law No. 03.162.1568

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|------------|---------------------------|----------------------------------|---------|
| 2004-05-01 | amended in | Journal of Law No. 2004.96.959 | art. 99 |
| 2005-02-05 | amended in | Journal of Law No. 2004.238.2390 | art. 40 |
| 2006-04-28 | amended in | Journal of Law No. 2006.50.362 | art. 1 |
| 2006-07-29 | amended in | Journal of Law No. 2006.126.875 | art. 1 |
| 2009-04-01 | amended in | Journal of Law No. 2009.31.206 | art. 75 |
| 2009-04-20 | amendments resulting from | Journal of Law No. 2007.192.1394 | |
| | | general | |
| 2009-07-24 | amended in | Journal of Law No. 2009.97.804 | art. 1 |
| 2010-06-05 | amended in | Journal of Law No. 2010.75.474 | art. 1 |
| 2010-10-21 | amended in | Journal of Law No. 2010.130.871 | art. 3 |

ACT

of 23 July 2003

on the protection and guardianship of monuments¹⁾

(Journal of Law No. of 17 September 2003)

Chapter 1

General provisions

Article 1. The Act specifies the subject, scope and forms of protection of monuments and guardianship of monuments, the principles of creating a national programme of protection and guardianship of monuments and the financing of conservation, restoration and construction works as regards monuments, as well as the organisation of authorities and institutions responsible for the protection of monuments.

Article 2. 1. The Act does not breach, in particular, the provisions on museums, on libraries, on the Polish language, of the Environmental Protection Laws, on the protection of nature, on real property management, on area planning and development, of the Construction Laws, on the personal data protection and classified information protection.

2. The protection of archival materials included in the national archive inventory is regulated by separate provisions.

Article 3. The following terms used in this Act shall mean:

- 1) Monument – immovable or movable object or part or group thereof, made by man or connected with man's activity and constituting a testimony to a past era or event, the preservation of which is in the interest of society due to its historical, artistic, scientific or academic value;
- 2) Immovable monument – immovable object or part or group of objects referred to in point 1;
- 3) Movable monument – a movable object or part or group of objects referred to in

point 1;

- 4) Archaeological monument – immovable monument constituting surface, underground or underwater remains of human existence or activity, composed of cultural accumulations and works or traces thereof contained in these accumulations, or a movable monument constituting such work;
- 5) Institution of culture specialising in care about monuments – institution of culture within the meaning ascribed to this term in provisions on organising and conducting cultural activity, whose statutory objective is exercising care over monuments;
- 6) Conservation works – actions aimed at securing and preserving the substance of a monument, stopping the processes of its destruction and documenting these actions;
- 7) Restoration works – actions aimed at exposing artistic and aesthetic values of a monument, including, should the need arise, completing or reconstructing parts thereof, and documenting these actions;
- 8) Construction works – construction works within the meaning ascribed to this term in the provisions of the Construction Laws, carried out in relation to a monument or its surroundings;
- 9) Conservation research – actions aimed at identifying the history and function of a monument, the materials and technologies used for its making, specifying the state of preservation of this monument and preparing a conservation diagnosis, plan and schedule of conservation works, and, should the need arise, a schedule of restoration works as well;
- 10) Architectural research – actions interfering in the substance of a monument, aiming at identifying and documenting the original form of a construction object and specifying the scope of its subsequent transformations;
- 11) Archaeological research – actions aimed at discovering, identifying, documenting and securing an archaeological monument;
- 12) Historical urban or rural layout – spatial urban or rural layout, including complexes of buildings, single buildings and planned greenery, located in a system of historical property and functional divisions, including streets or road networks;
- 13) Historical complex of buildings – spatially connected group of buildings separated due to its architectural form, style, materials used, function, time of construction or connection with historical events;
- 14) Cultural landscape – space historically shaped as a result of human activity, comprising products of civilisation and elements of nature;
- 15) Surrounding – area around or next to a monument marked out in a decision on entering this area to the register of monuments in order to protect the visual values of a monument or to protect a monument against harmful effects of external factors.

Article 4. The protection of monuments shall in particular include public administration authorities taking actions aimed at:

- 1) Ensuring legal, organisational and financial conditions allowing for permanent preservation of monuments as well as their management and upkeep;
- 2) Preventing threats potentially causing damage to the value of monuments;
- 3) Preventing destruction and improper use of monuments;
- 4) Counteracting theft, loss and illegal export of monuments abroad;
- 5) Controlling the state of preservation and the purpose of monuments;

- 6) Considering protective measures in area planning and development, as well as in shaping the environment.

Article 5. Guardianship of a monument exercised by its owner or possessor shall in particular consist in:

- 1) Scientific examining and documenting the monument;
- 2) Carrying out conservation, restoration and construction works in relation to the monument;
- 3) Securing and preserving a monument and its surrounding in the best possible condition;
- 4) Using a monument in a manner ensuring permanent preservation of its value;
- 5) Popularising and disseminating knowledge on a monument and its meaning for history and culture;

Article 6. 1. The following shall be subject to protection and guardianship, regardless of their state of preservation:

- 1) Immovable monuments including, but not limited to:
 - a) Cultural landscapes,
 - b) Urban and rural layouts and complexes of buildings,
 - c) Architectural and construction works,
 - d) Defensive constructions,
 - e) Technical objects, in particular mines, ironworks and glassworks, power plants and other industrial facilities,
 - f) Cemeteries,
 - g) Parks, garden and other forms of designed greenery;
 - h) Places commemorating historical events or the activities of outstanding personalities or institutions;
- 2) Movable monuments including, but not limited to:
 - a) Works of fine arts, artistic handicraft and applied arts,
 - b) Collections constituting sets of objects collected and arranged in accordance with the concept of the persons who established these collections,
 - c) Numismatic objects and historical souvenirs, in particular military items, banners, seals, badges, medals and orders,
 - d) Technological objects, in particular devices, means of transport and machines and tools signifying material culture, characteristic of past and new forms of economy, documenting the level of science and development of civilisation,
 - e) Library materials referred to in Article 5 of the Act of 27 June 1997 on libraries (Journal of Law No. 85, item 539; of 1998, Journal of Law No. 106, item 668; of 2001, Journal of Law No. 129, item 1440 and of 2002, No. 113, item 984),
 - f) Musical instruments,
 - g) Objects of folk art and handicraft, together with other ethnographic objects,
 - h) Objects commemorating historical events or the activity of outstanding personalities and institutions;
- 3) Archaeological monuments including, but not limited to:
 - a) Field remains of prehistoric and historical settlements,
 - b) Burial grounds,
 - c) Tumuli,

d) Relics of economic, religious and artistic activity.

2. Geographical, historical and traditional names of a construction objects, squares, streets and settlement units may also be protected.

Chapter 2

Forms and methods of protecting monuments

Article 7. The forms of protecting monuments shall be:

- 1) Entering into the register of monuments;
- 2) Recognising as a monument of history;
- 3) Creating a cultural park;
- 4) Specifying the extent of protection in the local areadevelopment plan or in a decision specifying the location of a public purpose investment, decision on land development conditions, decision permitting the realisation of a road investment, decision specifying the location of a railway or decision permitting the realisation of an investment regarding a public use airport.

Article 8. The register of monuments located in a given voivodeship, hereinafter referred to as the "register", shall be kept by the voivodeship inspector of monuments.

Article 9. 1. Immovable monuments shall be entered into the register pursuant to a decision issued by the voivodeship inspector of monuments *ex officio* or upon a request of the owner of an immovable monument or the perpetual lessee of the land on which an immovable monument is located.

2. The surrounding of a monument entered into the register, as well as the geographical, historical or traditional name of this monument may also be entered into the register, following the procedure specified in Article 9.1.

3. Entering a historical urban or rural layout or a historical complex of buildings into the register shall not exclude the possibility of issuing a decision on entering immovable monuments constituting elements of such arrangements or such complex into the register.

4. The fact of an immovable monument having been entered into the register shall be disclosed in the land and mortgage register for a given real property upon a request of the voivodeship inspector of monuments and on the basis of the decision on entering this historical artefact into the register.

5. The decision on entering a monument into the register, upon a request of the voivodeship inspector of monuments, shall constitute a basis for making a relevant entry in the cadastre of real estate.

6. Upon a request of the voivodeship inspector of monuments, the information on entering an immovable monument into the register shall be published in the Official Journal of the voivodeship.

7. The making of the entries referred to in Article 9.4 an Article 9.5 shall be free of charge.

Article 10. 1. Movable monuments shall be entered into the register pursuant to a decision issued by the voivodeship inspector of monuments upon a request of the

owners of these monuments.

2. The voivodeship inspector of monuments may issue an *ex officio* decision on entering a movable monument into the register in the event of a justified fear of destruction, damage or illegal export abroad or export abroad of a monument of exceptional historical, artistic, scientific or academic value.

Article 11. Monuments entered into museum inventories or the national library inventory shall not be entered into the register.

Article 12. 1. The head of the district, upon an agreement of the voivodeship inspector of monuments, may place a sign on a monument entered into the register informing that this monument is under protection.

2. The minister competent for culture and national heritage shall specify, by means of an ordinance, the design and dimensions of the sign referred to in Article 12.1.

3. The ordinance should specify the graphical form of the sign, standing out from other signs, taking into consideration the currently used design, and a written information that a given object is a monument under protection.

Article 13. 1. Monuments entered into the register, but subsequently damaged in a way resulting in the loss of their historical, artistic, scientific or academic value or whose value constituting the basis for their entry into the register has not been confirmed by new scientific or academic findings, shall be removed from the register.

2. The provision of Article 13.1 shall apply to removing a part of a monument from the register.

3. In the event of a monument being removed from the register, the surrounding of such monument shall also be removed from the register.

4. The following monuments shall also be removed from the register:

- 1) (repealed);
- 2) Monuments entered into museum inventories;
- 3) Monuments entered into the national library inventory.

5. Removal from the register shall take place on the basis of a decision of the minister competent for culture and protection of national heritage.

6. The proceedings regarding the removal of a monument from the register shall be instigated *ex officio* or upon a request from the owner of a monument or the perpetual lessee of the land on which an immovable monument is located.

Article 14. 1. Pursuant to the decision on the removal of an immovable monument from the register, the voivodeship inspector of monuments shall request that the entry referred to in Article 9.4 be removed from the relevant land and mortgage register.

2. Pursuant to the decision on the removal of an immovable monument from the register, the voivodeship inspector of monuments shall request that the entry referred to in Article 9.5 be removed from the relevant cadastre of real estate.

3. Upon request from the voivodeship inspector of monuments, the information on removing an immovable monument from the register shall be published in the Official Journal of the voivodeship.

4. The making of the removals referred to in Article 14.1 and Article 14.2 shall be free of charge.

Article 15. 1. The President of the Republic of Poland, upon a request of the minister competent for culture and protection of national heritage, may, by means of an ordinance, award the status of a monument of history to an immovable monument entered into the register or to a cultural park of particular importance for culture, specifying its borders.

2. The minister competent for culture and protection of national heritage may make the request referred to in Article 15.1 upon obtaining the opinion of the Council for the Protection of Monuments.

3. The revocation of the awarding of the status of a monument of history to an immovable monument shall take place following the procedure specified for the awarding of such status.

4. The minister competent for culture and protection of national heritage may present the World Heritage Committee with a request for a monument of history to be entered into the World Heritage List in order to provide such a monument of history with protection under the Convention Concerning the Protection of the World Cultural and Natural Heritage, adopted in Paris on 16 November 1972 (Journal of Laws of 1976, No. 32, items 190 and 191).

Article 16. 1. The commune council, having obtained the opinion of the voivodeship inspector of monuments, on the basis of a resolution, may establish a cultural park in order to protect a cultural landscape and preserve areas of outstanding landscape with immovable monuments characteristic of local construction and settlement tradition.

2. The resolution shall specify the name of the cultural park, its borders, the method of protection, as well as prohibitions and limitations stipulated in Article 17.1

3. The head of commune, mayor or president of the city, upon an agreement of the voivodeship inspector of monuments, shall prepare the cultural park protection plan. The plan requires the approval of the commune council.

4. In order to carry out tasks connected with protecting the cultural park, the commune council may establish an organisational unit to manage the park.

5. A cultural park covering an area belonging to more than one commune may be established and managed on the basis of unanimous resolutions of municipal councils of the municipalities (or a resolution of an association of municipalities) in which this park is to be established.

6. A local area development plan shall obligatorily be prepared for areas in which a cultural park has been established.

Article 17. 1. On the site of a cultural park or a part thereof, prohibitions and limitations may be imposed as regards:

- 1) Carrying out construction works and industrial, agricultural, breeding and commercial activity;
- 2) Modifying the manner of using immovable monuments;
- 3) Placing boards, inscriptions, advertisements and other signs not connected with the protection of the cultural park, except for road signs and signs connected with the protection of public order and safety, subject to Article 12.1;
- 4) Storing or warehousing waste.

2. In the event of the use of a real property being limited due to imposing of prohibitions and limitations referred to in Article 17.1, provisions of Articles 131–134 of

the Act of 27 April 2001 – The Environmental Protection Law (Journal of Laws No. 62, item 627 and No. 115, item 1229; Journal of Laws of 2002, No. 74, item 676, No. 113, item 984, No. 153, item 1271 and No. 233, item 233 and Journal of Laws of 2003, No. 46, item 392 and No. 80, items 717 and 721) shall apply accordingly.

Article 18. 1. The protection of monuments and the guardianship of monuments shall be taken into consideration when preparing or updating the country area development plans, voivodship development strategies, voivodship area development plans, the area development plan for inland waters, territorial waters and special economic zones, analyses and studies in terms of district area development plans, commune development strategies, studies of conditions and directions of commune area development plans and local area development plans or decisions specifying the location of a public purpose investment, decisions on planning permission, decisions permitting the realisation of a road investment, decisions specifying the location of a railway and decisions on permitting the realisation of an investment regarding a public use airport.

2. Concepts, strategies, analyses, plans and studies referred to in Article 18.1 shall in particular:

- 1) Take into consideration the national programme of protection and guardianship of monuments;
- 2) Specify the solutions necessary for preventing threats to monuments, ensuring protection thereof during investment realisation and restoring monuments to the best possible condition;
- 3) Specify the purpose and principles of area development which take the guardianship of monuments into consideration.

Article 19. 1. The study of conditions and directions of commune area development and the local area development plan shall in particular consider the protection of:

- 1) Immovable monuments and their entered into the register;
- 2) Other immovable monuments entered into the commune inventory of monuments;
- 3) Cultural parks.

1a. Decisions specifying the location of a public purpose investment, decisions on planning permission, decisions permitting the realisation of a road investment, decisions specifying the location of a railway or decisions permitting the realisation of an investment regarding public use airport shall in particular consider the protection of:

- 1) Immovable monuments and their surroundings entered into the register;
- 2) Other immovable monuments entered into the commune inventory of monuments.

2. In the event that a commune has a commune programme of guardianship of monuments, the provisions of such plan shall be considered in the study and the plan referred to in Article 19.1.

3. The study and the plan referred to in Article 19.1 shall specify, depending on actual needs, the zones of conservation protection, covering areas in which limitations, prohibitions and orders specified in the plan are in force, in order to protect monuments located in this area.

Article 20. Projects and modifications of the voivodship area development plan and the local area development plan shall require agreement from the voivodship

inspector of monuments as regards the shaping of the building and area development.

Article 21. The monument inventory shall be the basis for preparing guardianship programmes for monuments by voivodeships, districts and communes.

Article 22. 1. The General inspector of monuments shall keep the national inventory of monuments in the form of a collection of evidence cards of monuments included on the voivodeship lists of monuments.

2. Voivodeship inspector of monuments shall keep voivodeship lists of monuments in the form of collections of evidence cards of monuments located in the voivodeship.

3. The inclusion of an inventory card of a movable monument not entered into register in the list of monuments may take place upon consent of the owner of such monument.

4. The head of the commune, mayor or president of the city shall keep the commune inventory of monuments in the form of address cards of immovable monuments located in the commune.

5. The commune inventory of monuments should include:

- 1) Immovable monuments entered into the register;
- 2) Other immovable monuments included in the voivodeship inventory of monuments;
- 3) Other immovable monuments selected by the head of the commune, mayor or president of the city in agreement with the voivodeship inspector of monuments.

6. The Maritime Office Director shall keep, in the form of a collection of evidence cards, the inventory of historical monuments located in Polish waters.

Article 23. 1. The General Inspector of monuments shall keep, in the form of a collection of information cards, the national list of monuments that have been stolen or illegally exported abroad.

2. Voivodeship inspector of monuments, Police authorities, Border Guard authorities and customs administration authorities shall immediately notify the General Inspector of monuments of monuments that have been stolen or illegally exported abroad, in order for them to be included in the list.

Article 24. 1. The minister competent for culture and protection of national heritage shall specify, by means of an ordinance, the method of keeping the register of monuments, national, voivodeship and commune inventory of monuments and the national list of monuments which have been stolen or illegally exported abroad.

2. The register of monuments shall be kept in the form of separate books for particular types of monuments.

3. The ordinance shall specify the specimens of national, voivodeship and commune evidence cards and the data to be included in particular books of the register, in the evidence and address cards of monuments and in the information cards, as well as the method of collecting documents regarding a monument.

4. The ordinance should indicate the premises for the inclusion of evidence and address cards in a relevant list, as well as for their removal from this list.

Chapter 3

Management, carrying out research and works, and undertaking other actions in relation to monuments

Article 25. 1. In order to put an immovable monument entered into the register to commercial use, the owner or possessor of such an immovable monument shall possess:

- 1) Conservation documentation specifying the state of preservation of the immovable monument and the possibilities of its adaptation, taking into consideration the historical function and value of this monument;
- 2) A programme of conservation works for immovable monuments, approved by the voivodeship inspector of monuments, specifying the scope and manner of carrying out such conservation works and indicating necessary materials and technologies;
- 3) A programme of putting the monument, together with its surrounding, to commercial use and subsequent use of this monument, including the exposure of its value, approved by the voivodeship inspector of monuments.

2. In order for the requirements specified in Article 26.1 to be met, the voivodeship inspector of monuments shall make the documentation he or she is in possession of as regards this monument available to the owner or possessor of the immovable monument free of charge and shall allow for the making of necessary copies of elements of this documentation.

Article 26. 1. Contracts of sale, exchange, donation or tenancy of an immovable monument entered into the register and owned by the State Treasury or a unit of local self-government shall include, should the state of preservation so require, an obligation for the acquirer or tenant to carry out necessary conservation works of his monument.

2. The provision of Article 26.1 shall accordingly apply to decisions on awarding permanent administration of an immovable monument entered into the register.

Article 27. Upon request of the owner or possessor of a monument, the voivodeship inspector of monuments shall present, in writing, conservation recommendations specifying the manner of using the monument, securing it and carrying out conservation works, as well as the scope of permissible modifications that can be made to this monument.

Article 28. Regardless of the obligations in terms of guardianship of monuments specified in Article 5, owners and possessors of monuments entered into the register or monuments included on the voivodeship inventory of monuments shall notify the voivodeship inspector of monuments of the following:

- 1) Damage, destruction, loss or theft of a monument, immediately upon gaining knowledge of the occurrence of such event;
- 2) Threat to a monument, immediately upon gaining knowledge of the presence of the threat;
- 3) Change of place of keeping of a movable monument within one month from the date of such change;
- 4) Changes regarding the legal status of a monument, no later than within one month from the date of such change or gaining knowledge of such change.

Article 29. 1. Monuments protection authorities, at a time agreed on with the owner or possessor of an object being a monument or displaying features of a monument may examine such object in the place of its location.

2. In the event of a refusal to make the object referred to in Article 29.1 available for research, the voivodeship inspector of monuments may issue a decision ordering that it be made available for a period necessary to carry out research, no longer, however, than 3 months from the day of the decision becoming final.

3. Damage done in connection with the research referred to in Article 29.1 and Article 29.2 shall be a basis for pursuing damages on principles specified in the Civil Code.

Article 30. 1. The owner or possessor of an immovable monument or a real property displaying features of a monument shall make this monument or real property available to the entity carrying out research in order for this research to be carried out.

2. In the event of a refusal to make the immovable monument or real property referred to in Article 30.1 available for research, the voivodeship inspector of monuments may issue a decision ordering that such immovable monument or real property be made available for a period necessary to carry out research, not longer, however, than 3 months from the day of the decision becoming final.

3. Damage done in connection with the research referred to in Article 30.1 and Article 30.2 shall be a basis for pursuing damages on principles specified in the Civil Code.

Article 31. 1. (vacated).

1a. Natural persons and organisational units intending to carry out:

- 1) Construction works regarding a monument entered into the register or covered with conservation protection pursuant to a local area development plan or included in the voivodeship inspector's inventory of monuments or
- 2) Earth works or modify the nature of the current operations in the area where archaeological monuments are located, which could lead to transformation or destruction of archaeological monuments

shall, subject to Article 82a.1, cover the costs of archaeological research and their documentation, should the carrying out of such research be necessary in order to protect these monuments.

2. The scope and type of the necessary archaeological research referred to in Article 31.1a shall be specified by the voivodeship inspector of monuments by means of a decision, exclusively in the scope in which construction or earth works or the modification of the current operations in the area where archaeological monuments are located will destroy or damage archaeological monuments.

3. A copy of the documentation of the research referred to in Article 31.1 shall be presented to the voivodeship inspector of monuments free of charge.

Article 32. 1. Whoever, during the carrying out of construction or earth works, discovers an object potentially being a monument, shall:

- 1) Stop all works that could damage or destroy the discovered object;
- 2) Secure, with the use of available means, the object and the place of its discovery;
- 3) Immediately notify the competent voivodeship inspector of monuments, and should it

be impossible, the competent head of the commune, mayor or president of the city.

2. The head of the commune, mayor or president of the city shall immediately, within not more than 3 days, transfer the notification referred in Article 32.1.3 to the voivodeship inspector of monuments.

3. The voivodeship inspector of monuments shall, within 5 days from receiving the notification referred to in Article 32.1.3 and Article 32.2, inspect the discovered object.

4. Should the voivodeship inspector of monuments fail to inspect the discovered object within the time limit specified in Article 32.3, the stopped works may be resumed.

5. Having inspected the discovered object, the voivodeship inspector of monuments shall issue a decision:

- 1) Permitting the continuation of the stopped works if the discovered object is not a monument;
- 2) Permitting the continuation of the stopped works if the discovered object is a monument and the continuation of works will not cause its destruction or damage;
- 3) Ordering further stoppage of the works and the carrying out, at the expense of the natural person or organisational unit financing these works, of archaeological research to the necessary extent.

6. The works may not be stopped for a period longer than one month from the moment of delivery of the decision referred to in Article 32.5.3.

7. In the event of discovering a monument of exceptional value during archaeological research, the voivodeship inspector of monuments may issue a decision on the prolongation of the period of works stoppage. The period of works stoppage may not longer than 6 months from the moment of delivery of the decision referred to in Article 32.5.3.

8. Upon completion of archaeological research referred to in Article 32.5.3., the voivodeship inspector of monuments shall issue a decision permitting the continuation of the stopped works.

9. In the event of discovering the object referred to in Article 32.1, with the exception of archaeological monuments, the provisions of Article 189 of the Civil Code shall apply to the matters of ownership and remuneration for the discoverer of this object.

10. The competent Maritime Office Director shall be immediately notified of the discovery of the object referred to in Article 32.1 in Polish waters. The provisions of Article 32.1.1, Article 32.1.2 and Articles 32.3–32.8 shall apply accordingly.

Article 33. 1. Whoever accidentally finds an object potentially being a monument shall secure this object with the use of available means, mark the place of its finding and immediately notify the competent voivodeship inspector of monuments of the finding of the object, and should this be impossible, notify the competent head of the commune, mayor or president of the city.

2. The head of the commune, mayor or president of the city shall immediately, within not more than 3 days, transfer the notification referred in Article 33.1 to the voivodeship inspector of monuments.

3. The voivodeship inspector of monuments shall, within 3 days from receiving the notification referred to in Article 33.1 and Article 33.2, inspect the discovered object and the place of its finding and, if need be, organise archaeological research.

4. The competent Maritime Office Director shall be immediately notified of the finding of the object referred to in Article 33.1 in Polish waters.

Article 34. 1. Persons that have discovered or accidentally found an archaeological monument shall be entitled to a reward, provided that they have fulfilled the obligations specified in Article 32.1 or in Article 33.1, respectively.

2. The provision of Article 34.1 shall not apply to persons carrying out archaeological research as their profession or employed in groups organised in order to carry out such research.

3. The conditions and the procedure of granting rewards shall be specified, by means of an ordinance, by the minister competent for culture and protection of national heritage, creating the types of rewards, sources of their financing and the amounts of financial rewards.

Article 35. 1. Objects being archaeological monuments discovered, accidentally found or obtained as a result of archaeological research shall become property of the State Treasury.

2. Objects being archaeological monuments obtained as a result of searches referred to in Article 36.1.12 shall also become property of the State Treasury.

3. The place of keeping archaeological monuments discovered, accidentally found or obtained as a result of archaeological research or searches referred to in Article 36.1.12 shall be specified by the voivodeship inspector of monuments, entrusting them, by means of a decision, to a museum or another organisational unit, upon the consent of this organisational unit.

4. The entrusting of archaeological monuments to a museum or another organisational unit may take place if such unit ensures:

- 1) Permanent keeping of these archaeological monuments;
- 2) The carrying out of inventorying and relevant conservation works;
- 3) Making these monuments available for scientific and academic purposes.

The voivodeship inspector of monuments may issue a decision cancelling the entrusting of archaeological monuments in the event of a museum or another organisational unit not ensuring the conditions referred to in Article 35.4.

6. Upon request from a museum director, the ownership of archaeological monuments entrusted to this museum may be transferred to this museum pursuant to a decision of the voivodeship inspector of monuments.

Article 36. 1. The following shall require a permit from the voivodeship inspector of monuments:

- 1) Carrying out conservation, restoration and construction works in relation to a monument entered into the register;
- 2) Carrying out construction works in the surrounding of a monument;
- 3) Carrying out conservation examinations in relation to a monument entered into the register;
- 4) Carrying out architectural research in relation to a monument entered into the register;
- 5) Carrying out archaeological research;
- 6) Relocating an immovable monument entered into the register;
- 7) Permanent relocation of a monument entered into the register resulting in disturbing the design of the interior in which this monument is located;
- 8) Executing a division of an immovable monument entered into the register;

- 9) Changing the purpose or manner of use of a monument entered into the register;
- 10) Placing technical devices, boards, advertisements and inscriptions on a monument entered into the register, subject to Article 12.1;
- 11) Taking other actions potentially leading to disturbance of the substance or change of appearance of a monument entered into the register;
- 12) Searching for hidden or abandoned movable monuments, including archaeological monuments, with the use of any type of electronic and technical devices and diving equipment.

2. As regards Polish waters, the permit referred to in Article 36.1.5 and Article 36.1.12 shall be issued by a Maritime Office Director in agreement with the voivodeship inspector of monuments competent for the seat of the maritime office.

3. Permits referred to in Article 36.1 may specify conditions that will prevent the deterioration or destruction of a monument.

4. The voivodeship inspector of monuments may condition the issuance of a permit for activities referred to in Article 36.1.6, Article 31.1.9 and Article 39.1.11 on the carrying out, at the expense of the party applying for the permit, of necessary conservation, architectural or archaeological research. A copy of the research documentation shall be presented to the voivodeship inspector of monuments free of charge.

5. The permits referred to in Article 36.1 shall be issued upon request from a natural person or an organisational unit holding a legal title to using a monument entered into the register, resulting from the right of ownership, perpetual lease, permanent administration, a limited property right or an obligation relationship.

6. Permits for the carrying out of archaeological research shall be issued upon request from a natural person or an organisational unit holding a legal title to using a real property, resulting from the right of ownership, perpetual lease, permanent administration, a limited property right or an obligation relationship.

7. The permit for carrying out conservation and architectural research in relation to a monument entered into the register or for archaeological research and searches in relation to hidden or abandoned movable monuments, including archaeological monuments, shall also be issued upon request from natural persons or organisational units intending to carry out this research or search. In the event of failing to obtain the consent of the owner or possessor of the real property for carrying out of this research or search, the provisions of Article 30.1 and Article 30.2 shall apply accordingly.

8. Obtaining a permit from the voivodeship inspector of monuments for the commencement of constructions works in relation to a monuments entered into the register shall not constitute an exemption from the obligation to obtain a construction permit or submit a construction declaration in cases specified in the provisions of the Construction Laws.

Article 37. 1. The minister competent for culture and protection of national heritage shall specify, by means of an ordinance:

- 1) Procedure and manner of issuing permits for carrying out conservation, restoration and conservation works and conservation and architectural research, as well as other activities referred to in Articles 36.1.6–36.1.12, in relation to monuments entered into the register, and archaeological research;
- 2) Qualifications of persons entitled to carry out conservation and restoration works,

conservation and architectural research in relation to monuments entered into the register and archaeological research;

- 3) Additional requirements for persons independently performing technical functions in construction in relation to monuments entered into the register;
- 4) Manner of confirming the possession of qualifications and meeting the requirements referred to in Article 37.1.2 and Article 37.1.3;
- 5) Standards to be met by the documentation of conservation and restoration works carried out in relation to monuments entered into the register and archaeological research;

2. The ordinance shall specify detailed requirements to be met by an application for the permit to carry out works, research and activities referred to in Article 37.1.1 and the documentation necessary for this application to be examined.

3. The specification of qualifications and additional requirements for persons entitled to carry out works and research referred to in Article 37.1.1 shall indicate the education and required professional experience these persons should have.

4. Standards referred to in Article 37.1.5 shall be specified in such a manner that particular stages of conservation and restoration works carried out in relation to movable monuments and archaeological research are properly documented.

Chapter 4

Conservation supervision

Article 38. 1. The voivodeship inspector of monuments or employees of the voivodeship monuments protection office authorised by him or her shall control the observance and application of provisions on the protection and guardianship of monuments.

2. The authorisation referred to in Article 38.1 shall specify the person or persons authorised to carry out the control, the controlled natural person or organisational unit, place, scope and the legal basis for the carrying out the control.

3. When carrying out control, the voivodeship inspector of monuments or the persons referred to in Article 38.1 shall be entitled to:

- 1) Enter real estates in the event of a justified suspicion of destruction or damage of a monument;
- 2) Evaluate the state of preservation, conditions of keeping and securing monuments entered into the register and monuments located in museums, libraries and collections or inventories of other state organisational units and units of local self-governments, within time limits agreed on with their owner or possessor;
- 3) Inspecting the conformity of all actions taken in relation to monuments entered into the register and archaeological research within the scope and conditions specified in the permit and the with the approved documentation;
- 4) Request oral and written information within the scope necessary for determining the actual state of affairs as regards the scope of the control;
- 5) Request the presentation of documents and disclosing all data related to the scope of the control;
- 6) Making entries in the construction site logbook, in the scope specified by the provisions of the Construction Laws.

4. The control shall be carried out in the presence of the controlled natural person or the head of the controlled organizational unit or a person authorised by them, with the observance of the provisions on the protection of classified information.

4a. The voivodeship inspector of monuments may apply to the locally competent Police chief for Police assistance, should it be necessary for the carrying out of the control.

4b. Upon request from the voivodeship inspector of monuments, the locally competent Police chief shall provide the persons referred to in Article 38.1 with Police assistance in the course of carrying out the control.

5. Control related to immovable monuments entered into the register and administered by foreign countries or used by diplomatic and consular representatives of these countries or by other persons awarded an equivalent status on the basis in acts, agreements or universally established international customs may be carried out upon the consent of these representatives or persons.

Article 39. 1. The controller shall prepare a protocol on the control. One copy of the protocol shall be presented to controlled natural person or the head of the controlled organisational unit.

2. The control protocol shall contain the description of the actual state of affairs as established during the control, including the irregularities, considering their causes, scope and results of these irregularities and the persons responsible for their occurrence.

3. The protocol shall be signed by the controller and the controlled natural person or the head of the controlled organisational unit or a person authorised by him or her. These persons may include grounded reservations and comments in the protocol.

4. In the event of a refusal to sign the protocol by the controlled natural person or the head of the controlled organisational unit or the person authorised by him or her, the controller shall make a note of such refusal in the protocol, and the refusing party may, within 7 days, present its written comments to the voivodeship inspector of monuments.

Article 40. 1. The voivodeship inspector of monuments may, on the basis of the findings of the control, issue post-control recommendations to the controlled natural person or the head of the controlled organisational unit.

2. The voivodeship inspector of monuments may refrain from issuing post-control recommendations and issue the decision referred to in Article 43, Article 44.1, Article 45.1, Article 46.1, Article 49.1 or Article 50.1.

3. In the case of control of an organisational unit, the voivodeship inspector of monuments may request that official proceedings or other proceedings provided for in legal regulations be carried out in relation to persons guilty of allowing the occurrence of violations and that he or she be informed, within a specified time limit, of actions taken in order to remove these violations.

Article 41. In the event of discovering that actions or omissions of the controlled natural person or the head of the controlled organisational unit or its employee breach the provisions of Articles 108–118 of this Act, the voivodeship inspector of monuments shall notify the Police, the prosecutor's office or the court of the fact of a criminal offence or a petty offence having been committed.

Article 42. The General Inspector of monuments may carry out actions referred to in Article 38.3, Article 39, Article 40.1, Article 40.3 and Article 41 if this is necessary due to particular importance of the case. The provisions of Article 38.4 and Article 38.5 shall apply accordingly.

Article 43. The voivodeship inspector of monuments shall issue a decision on the stoppage of the following actions carried out without his permission or carried out in a manner not conforming to the scope and conditions specified in the permit:

- 1) Conservation and restoration works and conservation and architectural research carried out in relation to a monument entered into the register;
- 2) Construction works carried out in relation to a monument entered into the register or in its surrounding;
- 3) Archaeological research;
- 4) Other actions referred to in Articles 36.1.6–36.1.8 and Articles 36.1.10–36.1.12.

Article 44. 1. The decision referred to in Article 43 shall expire after 2 months as of the moment of delivery if the voivodeship inspector of monuments does not issue, within this time limit, a decision:

- 1) Ordering the restitution of the monument to its previous state or the arrangement of the site, specifying the time limit for carrying out these actions, or
- 2) Imposing the obligation to obtain, from the voivodeship inspector of monuments, a permit for carrying out the previously stopped research, works or other actions in relation to the monument, where the time limit for submitting the application for the issuance of such permit is 7 days from the moment of the delivery of the decision, or
- 3) Imposing the obligation to take certain actions in order to ensure the conformity of research, works or other actions carried out in relation to the monument with the scope and conditions specified in the permit, indicating the time limit for carrying out this research, works and actions.

1a. The voivodeship inspector of monuments shall issue the decision as regards the permit referred to in Article 44.1.2 within not more than 30 days from the date of submitting the application for the issuance of such permit.

2. In the event of not obtaining the permit referred to in Article 44.1.2 or failing to fulfil the obligation specified in Article 44.1.3, the voivodeship inspector of monuments shall issue a decision ordering the restitution of the monument to its previous state or the arrangement of the site, specifying the time limit for carrying out these actions.

3. In the event of the obligation referred to in Article 44.1.3, the voivodeship inspector of monuments shall issue a permit for the recommencement of the stopped research, works and other actions carried out in relation to the monument.

4. The person breaching the provisions on monuments or the scope and conditions specified in the permit shall carry out, at their expense, the actions ordered in the decision referred to in Article 44.1.1, Article 44.1.3 and Article 44.2.

Article 45. 1. If conservation, restoration or construction works or conservation or architectural research have been carried out in relation to a monument entered into the register without the required permission from the voivodeship inspector of monuments or if other actions referred to in Articles 36.1.6–36.1.8 and Articles 36.1.10–36.1.12 have been taken, the voivodeship inspector of monuments shall issue a decision:

- 1) Ordering the restitution of the monument to its previous state or the arrangement of the site, specifying the time limit for carrying out these actions, or
 - 2) Imposing an obligation to bring the monument to the best possible condition by means of the indicated methods and within the specified time limit.
2. The provision of Article 44.4 shall apply accordingly.

Article 46. 1. The voivodeship inspector of monuments may issue a decision on the stoppage of conservation, restoration or construction works carried out in relation to a monument not entered into the register if this monument meets the conditions for entering it into the register.

2. The decision referred to in Article 46.1 shall expire if, within 14 days from its delivery, the proceedings for entering the monument into register has not been instigated.

3. The stopped conservation, restoration or construction works carried out in relation to a monument may be resumed if the voivodeship inspector of monuments does not enter this monument into the register within 2 months from the date of the delivery of the decision referred to in Article 46.1.

Article 47. 1. The voivodeship inspector of monuments may resume the proceedings on the issued permit referred to in Article 36.1 and subsequently change or reverse this permit by means of a decision if new facts and circumstances potentially leading to damage or destruction of the monument came to being during carrying out research, works or other actions specified in the permit.

Article 48. The Maritime Office Director, upon agreement from the voivodeship inspector of monuments competent for the seat of the maritime office, may, by means of a decision:

- 1) Stop research or search referred to in Article 36.2 and carried out without a permit or
- 2) Change or reverse, as a result of resuming the proceedings, the issued permit referred to in Article 2 if new facts and circumstances potentially leading to damage or destruction of the monument came to being, or
- 3) Cancel the issued permit referred to in Article 36.2 if the research or search is not carried out in conformity with the scope and conditions specified in this permit.

Article 49. 1. The voivodeship inspector of monuments may issue a decision ordering the natural person or the organisational unit holding a legal title to using a monument entered into the register, resulting from the right of ownership, perpetual lease, permanent administration, a limited property right or an obligation relationship, to carry out, within the time limit specified in this decision, conservation or construction works in relation to this monument if the carrying out of these works is necessary due to a threat of destruction of substantial damage of this monument.

2. The execution of the decision ordering the carrying out of conservation or construction works in relation to an immovable monument shall not constitute an exemption from the obligation to obtain a construction permit or submit a construction declaration in cases specified in the provisions of the Construction Law.

3. In the event of substitute carrying out of conservation or construction works in relation to an immovable monuments, the voivodeship inspector of monuments shall

issue a decision specifying the amount of the claim of the State Treasury on account of the substitute carrying out of these works, as well as the scope and the due date of this claim.

4. The claim of the State Treasury on account of substitute carrying out of conservation or construction works in relation to an immovable monument shall be secured with tacit mortgage on this real property, upon a request of the voivodeship inspector of monuments, on the basis of the decision referred to in Article 49.3. If the real property does not have a land and mortgage register, the security may be established by means of submitting the request and the decision to the collection of documents.

5. The provision of Article 49.4 shall not apply to immovable monuments owned by the State Treasury.

6. The claim of the State Treasury on account of substitute carrying out of conservation or construction works in relation to an immovable monument may be remitted in entirety or in part or, if the claim cannot be enforced or its enforcement would substantially deteriorate the material situation of the person or entity referred to in Article 49.1, divided into instalments by the voivode in agreement with the General inspector of monuments.

7. The removal of the tacit mortgage from the land and mortgage register shall take place upon request from the voivode, on the basis of the decision referred to in Article 49.6. If the real property does not have a land and mortgage register, the request and the decision shall be submitted to the collection of documents.

Article 50. 1. In the event of a threat to a movable monument entered into the register in the form of its potential destruction, damage, theft, loss or illegal export abroad, the voivodeship inspector of monuments may issue a decision on securing this monument in the form of a temporary seizure until the threat has been removed.

2. The temporary seizure of a movable monument shall consist in handing it over to a museum, archive or library, depending on the type of the monument.

3. In the event of a threat to an immovable monument entered into the register in the form of its potential destruction or damage, the head of the district, upon a request of the voivodeship inspector of monuments, may issue a decision on securing this monument in the form of a temporary seizure until the threat has been removed. The provisions on real property management shall apply accordingly.

4. Should the removal of the threat referred to in Article 50.1 or Article 50.3:

- 1) The movable monument may be taken over by the voivodeship inspector of monuments, by means of a decision, to become the property of the State Treasury, and made to serve a cultural, educational or tourist purpose, upon compensation in the amount equivalent to market value of this monument being made;
- 2) The immovable monument may be expropriated by the head of the district, upon request from the voivodeship inspector of monuments, in favour of the State Treasury or the commune competent for the location of this monument, following the procedure and principles specified in the provisions on real property management.

Chapter 5

Exporting monuments abroad

Article 51. 1. Monuments belonging to one of the following categories shall require a single permit for permanent export abroad:

- 1) Archaeological monuments older than 100 years which constitute elements of archaeological collections or which have been obtained as a result of archaeological works or accidental discoveries;
- 2) Elements constituting integral parts of architectural monuments, interior design, memorials, statues or artistic handicraft and being older than 100 years;
- 3) Paintings, made in any technique and on any material, other than those included in categories specified in Article 50.1.4 and Article 50.1.5, older than 50 years and whose value exceeds PLN 40,000;
- 4) Watercolours, gouaches and pastels made on any material, older than 50 years and whose value exceeds PLN 16,000;
- 5) Mosaics other than those included in categories specified in Article 50.1.1 and Article 50.1.2 and drawings made by hand in any technique and on any material, older than 50 years, whose value exceeds PLN 12,000;
- 6) Original engravings and their matrixes, as well as original posters, older than 50 years and whose value exceeds PLN 16,000;
- 7) Original sculptures, statues or copies thereof made in the same technique as the originals, not included in the category specified in Article 51.1.1, older than 50 years, whose value exceeds PLN 20,000;
- 8) Single photographs, films and negatives thereof, older than 50 years and whose value exceeds PLN 6,000;
- 9) Manuscripts, either individual or in collections, older than 50 years and whose value exceeds PLN 4,000;
- 10) Books, either individual or in collections, older than 100 years and whose value exceeds PLN 6,000;
- 11) Single printed maps and musical scores, older than 150 years and whose value exceeds PLN 6,000;
- 12) Collections and objects from zoological, botanical, mineral or anatomical collections, whose value exceeds PLN 16,000;
- 13) Collections of historical, paleontological, ethnographical or numismatic interest, whose value exceeds PLN 16,000;
- 14) Means of transport older than 50 years and whose value exceeds PLN 32,000;
- 15) Other categories, not included in Articles 51.1.1–51.1.14, constituting monuments older than 50 years and whose value exceeds PLN 16,000;

2. Monuments referred to in Article 51.1 and 51.4 may be temporarily exported abroad if their state of preservation allows for such export and the natural person or organisational unit in possession of the monument guarantees that they will not be destroyed or damaged and that they will be brought back to Poland before the permit will have expired.

3. Monuments referred to in Article 51.1 and 51.4 may be temporarily exported abroad once one of the following has been obtained:

- 1) Single permit for temporary export of a monument abroad or
- 2) Open individual permit for temporary export of a monument abroad or
- 3) Many-time general permit for temporary export of a monument abroad.

4. Monuments:

- 1) Entered into the register;

- 2) Constituting elements of public collections owned by the State Treasury, local self-government units and other organisational units belonging to the public finance sector;
- 3) Listed in inventories of museums or in the national library inventory may not be permanently exported abroad.

Article 52. 1. Single permits for permanent export of a monument abroad shall be issued by the minister competent for culture and the protection of national heritage.

1a. The minister competent for culture and protection of national heritage may refuse to issue a single permit for permanent export of a monument abroad if this monument is of particular value to the national heritage.

2. The natural person or organisational unit in possession of a monument shall submit the application for the issuance of a single permit for permanent export of the monument abroad via the voivodeship inspector of monuments.

3. (repealed).

4. Exporting a monument abroad on the basis of the permit referred to in Article 52.1 may take place not later than 12 months from the date of its issuance.

Article 53. 1. Single permit for temporary export of a monument abroad shall be issued by the voivodeship inspector of monuments upon a request of a natural person or organisational unit in possession of the monument and intending to execute a single export of this monument abroad for commercial or exhibition purposes or in order to carry out conservation works

2. The validity period of the permit referred to in Article 53.1 may not be longer than 3 years from the date of issuance of this permit.

Article 54. 1. The open individual permit for temporary export of a monument abroad shall be issued by the voivodeship inspector of monuments upon a request of a natural person or organisational unit in possession of the monument and intending to execute an open export of this monument abroad for commercial or exhibition purposes.

2. The validity period of the permit referred to in Article 54.1 may not be longer than 3 years from the date of issuance of this permit.

Article 55. 1. The open general permit for a temporary export abroad of monuments shall be issued by the voivodeship inspector of monuments upon a request of a museum or another institution of culture which intends, in connection with its operations, to export its collections abroad, in entirety or in part, for exhibition purposes.

2. The validity period of the permit referred to in Article 55.1 may not be longer than 5 years from the date of the issuance of this permit.

Article 56. 1. The voivodeship inspector of monuments may cancel the permit referred to in Article 51.3 by means of a decision.

2. The cancellation of the permit may take place if the state of preservation of the monument has deteriorated or new facts and circumstances indicating that the requesting party will fail to guarantee as specified in Article 51.2 have come to being.

3. The voivodeship inspector of monuments shall immediately notify the customs administration authority.

Article 57. 1. The natural person or organisational unit which was granted the permit referred to in Article 51.3 shall, having used it, notify the voivodeship inspector of monuments of bringing the monument back to the territory of the Republic of Poland within no more than 14 days from the day on which the validity of the permit expired.

2. Upon summons from the voivodeship inspector of monuments, the natural person or organisational unit referred to in Article 57.1 shall made the monument available for visual inspection.

3. (repealed).

Article 58. As regards library materials, the permits referred to in Article 51.1 and Article 51.3 shall be issued by the Director of the National Library. The provisions of Article 51.1, Article 51.2, Article 51.4, Article 52.1a and Articles 53–57 shall apply accordingly.

Article 59. 1. The following shall not require a permit for exporting abroad:

- 1) Monuments not falling into categories indicated in Article 51.1;
- 2) Monuments imported from the territory of a country not being a member state of the European Union and subject to temporary clearance or inward processing within the meaning of customs law provisions;
- 3) Monuments imported from the territory of a country not being a member state of the European Union and subject to exemption from import customs duties, provided that the export of such monuments takes place within 5 years from their admittance to public trading;
- 4) Monuments imported from the territory of a country not being a member state of the European Union for a period not longer than 3 years, provided that such monuments are being exported to the territory of a member state of the European Union;
- 5) Monuments imported from abroad by persons enjoying diplomatic privileges or immunity, including those imported in order to furnish the interiors of diplomatic missions and consular offices;
- 6) Works of living authors;
- 7) Monuments transferred through the territory of the Republic of Poland from the territory of a country being a member state of the European Union to the territory of a country not being a member state of the European Union and falling into categories A.1–A.15 specified in Annex I to Council Regulation (EEC) No. 116/2009 of 18 December 2008 on the export of cultural goods (O.J. EC L 39, 10 February 2009), provided that their value does not exceed financial thresholds specified in section B of this Annex;
- 8) Monuments that have had a certificate of import issued by a customs authority or the Border Guard in accordance with Article 59.3 and Article 59.4.

2. If the export is executed without the permit referred to in Article 51.1 and Article 51.3 and the features of the monuments indicate the necessity of obtaining an export permit, Border Guard authorities or customs authorities may request that the person executing the export presents a document confirming the fact that the exported monument does not require a permit.

3. The document referred to in Article 59.2 shall be:

- 1) Evaluation determining the time of making of the monuments, carried out by a institution of culture specialising in protection of monuments, an expert of the

minister competent for culture and protection of national heritage, a business entity specialising in trading monuments on the territory of the Republic of Poland or a public administration authority;

- 2) Valuation of the monument carried out by an institution of culture specialising in protection of monuments, an expert of the minister competent for culture and protection of national heritage or a business entity specialising in trading monuments on the territory of the Republic of Poland;
- 3) Invoice containing data allowing for the identification of the object, issued by a business entity specialising in trading monuments on the territory of the Republic of Poland;
- 4) Confirmation of importing monument into the territory of the Republic of Poland, containing a photograph of the monument, issued on a border crossing by a customs authority, and in case of the lack of one, by a Border Guard authority. The confirmation shall be issued exclusively if the attached documents allowing for an unambiguous identification of the monument and its age indicate that it belongs to one of the categories of monuments referred to in Article 51.1.;
- 5) Insuring transportation of the monument from abroad onto the territory of the Republic of Poland;
- 6) Permission for exporting a monument from the territory of another member state of the European Union.

4. Should the person executing the export fail to present the document referred to in Article 59.2 or there exist a justified fear of the document not being credible, the Border Guard authority or the customs authority may seize this monument for a period necessary for finding out whether the export of the monument could have been executed without the permit referred to in Article 51.1 and Article 51.3.

5. The minister competent for culture and national heritage shall specify, by means of an ordinance, the specimen of the document referred to in Article 59.3.1, Article 59.3.2 and Article 59.3.4, taking into account the necessity of standardising these documents.

Article 60. In the process of examining requests for the export of monuments or other objects abroad, the voivodeship inspector of monuments may consult institutions of culture specialising in guardianship of monuments.

Article 61. The minister competent for culture and protection of national heritage shall specify, by means of an ordinance, the procedure for submitting requests and issuing single permits for permanent export of a monument abroad, single and open permits for temporary export of a monument abroad and the specimens of these permits, taking into account the need to standardise these documents and the necessity to ensure protection of these monuments.

Chapter 6

Restitution of monuments illegally exported from the territory of a member state of the European Union

Article 62. 1. The restitution of monuments shall consist in taking actions by

competent authorities of a member state of the European Union, upon request from another member state, from whose territory a monument has been illegally exported, aiming at finding, securing and allowing the recovery of this monument.

2. The provisions of this chapter shall apply to monuments illegally exported from the territory of a member state later than 31 December 1992.

Article 63. Illegal export of a monument shall be the export of a monument from the territory of a member state which took place with breaching the provisions on the protection of monuments in force in this country or in the European Union.

Article 64. 1. The proceedings on the restitution of a monument may be conducted in relation to monuments falling into one of the following categories:

- 1) Archaeological monuments older than 100 years which constitute elements of archaeological collections or that have been obtained as a result of archaeological works or accidental discoveries;
- 2) Elements constituting integral parts of architectural monuments, interior design, memorials, statues or artistic handicraft and older than 100 years;
- 3) Paintings, made by hand in any technique and on any material, other than those included in categories specified in items 4 and 5, older than 50 years and whose value exceeds EUR 150,000;
- 4) Watercolours, gouaches and pastels made by hand on any material, older than 50 years, whose value exceeds EUR 30,000 and not owned by their authors;
- 5) Mosaics other than those included in categories specified in items 1 and 2 and drawings made by hand in any technique and on any material, older than 50 years, whose value exceeds EUR 15,000 and are not owned by their authors;
- 6) Original engravings and their matrixes, as well as original posters, older than 50 years, whose value exceeds EUR 15,000 and not owned by their authors;
- 7) Original sculptures, statues or copies thereof made in the same technique as the originals, not included in the category specified in item 1, older than 50 years, whose value exceeds EUR 50,000 and not owned by their authors;
- 8) photographs, films and negatives thereof, older than 50 years, whose value exceeds EUR 15,000 and not owned by their authors;
- 9) Incunabula and manuscripts, as well as maps and musical scripts, either individual or in collections, older than 50 years and not owned by their authors;
- 10) Books, either individual or in collections, older than 100 years, and whose value exceeds EUR 50,000;
- 11) Printed maps older than 200 years;
- 11a) Collections and objects from zoological, botanical, mineral or anatomical collections, whose value exceeds EUR 50,000;
- 12) Collections of historical, paleontological, ethnographical or numismatic interest, whose value exceeds EUR 50,000;
- 13) Means of transport older than 75 years and whose value exceeds EUR 50,000;
- 14) Other categories, not included in Articles 64.1–64.13, comprising monuments older than 50 years and whose value exceeds EUR 50,000;

2. The following monuments shall also be subject to the proceedings referred to in Article 64.1:

- 1) Monuments entered into the register;

- 2) Monuments constituting elements of public collections owned by the State Treasury, units of local self-governments and other organisational units belonging to the public finance sector;
- 3) Monuments listed in inventories of museums or in the national library inventory;
- 4) Monuments listed in church inventories.

3. Monuments referred to in Article 64.1 and Article 64.2 shall be subject to restitution if the member state from whose territory it has been illegally exported awarded them, prior to or after the export has been executed, the status of monuments of particular importance for cultural heritage.

Article 65. 1. The authority entitled to conduct the proceedings on the restitution of a monument illegally exported from the territory of a member state shall be the minister competent for culture and protection of national heritage, acting in this respect in cooperation with other ministers, heads of central offices, voivodes and units of local self-government.

2. The minister competent for culture and protection of national heritage shall cooperate and consult competent national authorities of member states, in particular:

- 1) Upon a request of a member state pursuing the restitution of a monument – shall organise searches of monuments of national culture which have been illegally exported from the territory of that member state, determining the identity of the current owner or possessor;
- 2) Shall notify member states of the finding on the territory of the Republic of Poland of an object suspected to be a monument illegally exported from the territory of another member state;
- 3) Shall make it possible for competent authorities of the member state pursuing the restitution of a monument of national culture to visually inspect a given object in order for them to determine whether it is the monument searched for – within 2 months from the date of notifying the concerned member state of finding this object;
- 4) Shall take actions necessary for securing the monument which has been found;
- 5) Shall prevent actions rendering the restitution of a monument to a member state pursuing the restitution of this monument;
- 6) Shall mediate between the current owner or possessor of a monument and the member state pursuing the restitution thereof.

3. The request referred to in Article 65.2.1 shall contain information allowing for finding a monument, indicating current or suspected place of its keeping.

4. The provisions of Article 60.2.4 and Article 60.2.5 shall not apply in the event of competent authorities of the interested member state failing to observe the time limit to carry out the visual inspection referred to in Article 60.2.3.

Article 66. 1. The proceedings on the restitution of a monument illegally exported from the territory of a member state may be conducted if the member state pursuing the restitution makes the request referred to in Article 65.2.1 not later than within 12 months from the date of gaining knowledge of the place of keeping this monument and the identity of its owner or possessor.

2. The proceedings on the restitution of the monument may not be instigated if more than 30 years have passed from the date of illegal export of this monument from the territory of the member state pursuing its restitution. This provision shall not apply to

monuments listed in Article 64.2.

3. The proceedings on the restitution of a monument shall not be instigated if the export of this monument from the territory of the member state pursuing its restitution ceased to be an illegal act before the day of instigating such proceedings.

Article 67. 1. The member state pursuing the restitution of a monument may bring an action for returning this monument against its current owner or possessor with a civil court competent for the place of keeping the monument.

2. The suit should in particular contain the description of the monument, the confirmation that its restitution has been requested for and a statement made by the competent authorities of the member state which brings the action, informing on the illegal export of the monument from the territory of this member state.

3. The minister competent for culture and protection of national heritage shall inform the competent authorities of other member states of the instigation of court proceedings.

Article 68. 1. The court shall, in the judgment on the return of the monument to the member state from whose territory this monument has been illegally exported, grant damages to the person who proves that they have acquired the monument in good faith.

2. The damages referred to in Article 68.1 shall be paid by the member state pursuing the restitution of a monument, in the process of transferring the monument to this state.

3. The person who received the monument being the object of the suit by means of inheritance or donation, may not find themselves in a legal situation more favourable than the decedent or the donator in relation to this monument.

Article 69. The provisions of the Civil Code and the Code of Civil Procedure shall accordingly apply to matters not regulated in Article 67.1, Article 67.2, Article 68.1 and Article 68.2.

Article 70. 1. The member state pursuing the restitution of a monument illegally exported from its territory shall bear the costs of searching for and securing this monument, as well as the costs resulting from the execution of the court ruling on its return.

2. The member state pursuing the restitution of a monument shall retain the right to claim the costs referred to in Article 70.1 from the person responsible for the illegal export of this monument from its territory.

3. The right of ownership as regards monuments returned to a member state shall be regulated by this country's legislation.

Chapter 7

Principles of financing the guardianship of monuments

Article 71. 1. As regards the guardianship of monuments, the natural person or organisational unit holding the legal title to a monument resulting from the right of ownership, perpetual lease, permanent administration, a limited property right or an obligation relationship shall finance conservation, restoration and construction works in relation to this monument.

2. The guardianship of monuments, including the financing of conservation, restoration and construction works carried out in relation to a monument, to which the legal title specified in Article 71.1. is held by a unit of local self-government, shall be this unit's own task.

Article 72. Conservation, restoration and construction works carried out in relation to monuments which are in possession of organisational units belonging to the public finance sector, shall be financed from financial funds granted by administrators of budget elements or units of local self-government to which these organisational units are subordinated, according to principles and procedures specified in separate regulations.

Article 73. The natural person, unit of local self-government or another organisational unit being the owner or possessor of a monument entered into the register or permanently administering such monument, may apply for a designated subsidy for the co-financing of conservation, restoration or construction works in relation to this monument.

Article 74. The subsidy for the co-financing of conservation, restoration or construction works in relation to a monument entered into the register may be granted by:

- 1) Minister competent for culture and protection of national heritage, from financial means under the "Culture and Protection of National Heritage" item of the state budget;
- 2) Voivodship inspector of monuments, from financial means of the state budget, in the part allotted by the voivode.

Article 75. The minister competent for culture and protection of national heritage or the voivodship monuments may grant the subsidy to persons or units referred to in Article 73 on the basis of an agreement concluded with these persons or units.

Article 76. 1. The subsidy may be granted for the co-financing of:

- 1) Outlays necessary for carrying out conservation, restoration or construction works in relation to a monument entered into the register, specified on the basis of a cost estimate approved by the voivodship inspector of monuments, which shall be carried out in the year of the applicant submitting the application for granting the subsidy or in the year following the year of submitting this application;
- 2) Outlays necessary for carrying out conservation, restoration and construction works in relation to a monument entered into the register which had been carried out during the three years preceding the year of the applicant submitting the application for granting the subsidy.

2. The application for the subsidy referred to in Article 76.1.2 may be submitted by the applicant after the completion of all works carried out in relation to a monument entered into the register, as specified in the permit issued by the voivodship inspector of monuments.

Article 77. The subsidy for conservation, restoration and construction works may cover the outlays necessary for:

- 1) Preparing technical and conservation expert opinions;
- 2) Carrying out conservation or architectural research;
- 3) Preparing conservation documentation;
- 4) Preparing a programme of conservation and restoration works;
- 5) Preparing a construction design in accordance with the provisions of Construction Law;
- 6) Preparing a design for recreating the composition of interiors;
- 7) Securing, preserving and consolidating the substance of the monument;
- 8) Stabilising the construction of elements of a monument or their recreation in the scope necessary for preserving this monument;
- 9) Renovating or completing plasterwork and architectural facings or their complete recreation, taking into account the colours characteristic of this monument;
- 10) Reconstructing the destroyed belongingness of a monument provided such reconstruction does not exceed 50% of the original substance of this belongingness;
- 11) Renovating or completely reconstructing windows, including window frames and shutters, external door frames and doors, rafter framing, roofing, gutters and downpipes;
- 12) Modernising electrical systems in wooden monuments or monuments which have original, wooden elements and belongingness;
- 13) Installing damp insulation;
- 14) Completing outlines of defensive architecture earth constructions and immovable archaeological monuments having their own landscape forms;
- 15) Carrying out actions aimed at exposing the existing, original elements of a historical park or garden arrangement;
- 16) Purchasing conservation and construction materials necessary for carrying out works referred to in Articles 77.7–77.15 in relation to a monument entered into the register;
- 17) Purchasing and installing anti-burglary and fire protection systems and lightning arresters.

Article 78. 1. The subsidy may be granted in the amount of up to 50% of the outlays necessary for carrying out conservation, restoration or construction works in relation to a monument entered into the register.

2. If the monument referred to in Article 78.1 is of exceptional historical, artistic, scientific or academic value or requires carrying out technologically complex conservation, restoration or construction works, the subsidy may be granted in the amount of up to 100% of the outlays necessary for carrying out these works.

3. If the state of preservation of the monument referred to in Article 78.1 requires immediate commencement of conservation, restoration or construction works in relation to this monument, the subsidy may also be granted in the amount of up to 100% of outlays necessary to carry out these works.

4. The total amount of subsidies granted by the minister competent for culture and protection of national heritage and the voivodeship inspector of monuments may not exceed the amount of co-financing specified in Articles 78.1–78.3.

Article 79. 1. The provisions of the Code of Administrative Procedure shall not apply to the process of examining applications for granting subsidies.

2. In the event of the subsidies not having been used or having been used not in accordance with their purpose, the authorities referred to in Article 74 shall pursue their receivables, together with interest in the amount specified as per tax arrears, following the procedure specified in the provisions on administrative enforcement proceedings.

Article 80. 1. The minister competent for culture and protection of national heritage shall specify, by means of an ordinance, the detailed conditions and the procedure of granting designated subsidies for conservation, restoration and construction works carried out in relation to a monument entered into the register and the manner of keeping documentation in this respect.

2. The ordinance shall in particular specify the procedure of handling applications for granting designated subsidies and the method of settling them, and especially the type of documents necessary for examining and settlement of the subsidy, and shall indicate the provisions to be contained in the agreement for granting a subsidy, as well as the manner of gathering information on granted subsidies.

Article 81. 1. Following the procedure specified in separate provisions, the subsidy for conservation, restoration or construction works carried out in relation to a monument entered into the register may be granted by a commune council, a district council or a voivodeship assembly, under principles specified in a resolution adopted by such council or assembly.

2. The subsidy, in the scope specified in Article 77, may be granted in the amount of up to 100 % of the outlays necessary for the applicant's carrying out of conservation, restoration or construction works in relation to a monument entered into the register.

Article 82. 1. The total amount of subsidies for conservation, restoration or construction works carried out in relation to a monument entered into the register, granted by the minister competent for culture and protection of national heritage, a voivodeship monument or a commune council, a district council or a voivodeship assembly may not exceed the amount of 100% of outlays necessary for the carrying out of these works.

2. The co-financing of conservation, restoration and construction work carried out in relation to monuments entered into the register shall be a public administration task.

3. In order to ensure the implementation of the provisions specified in Article 82.1, authorities entitled to grant subsidies shall keep registers of granted subsidies and shall inform one another of granted subsidies.

Article 82a. 1. The minister competent for culture and protection of national heritage shall grant to the natural person or organisational unit intending to carry out actions referred to in Article 31.1a a subsidy for carrying out archaeological research referred to in Article 31.2 and the preparation of their documentation if the cost of the planned archaeological research and their documentation is to exceed 2% of the costs of the planned actions. The provisions of Article 75 and Article 79 shall apply accordingly.

2. The provision of Article 82a.1 shall also apply if, during carrying out actions referred to in Article 31.1a, a previously unknown archaeological monument has been unexpectedly discovered and entered into the register or included in the inventory of the voivodeship inspector of monuments and the scope and type of archaeological

examinations have been specified.

3. The provision of Article 82a.1 shall not apply if one of the entities intending to carry out actions referred to in Article 31.1a is an organisational unit belonging to the public finance sector or if these actions are to be realised with the use of financial means of the European Union, the European Economic Area Financial Mechanism or the Norwegian Financial Mechanism.

4. The amount of the subsidy referred to in Article 82a.1 shall be equal to the difference between the costs of the planned archaeological research and its documentation and the costs constituting 2% of the planned actions, referred to in Article 31.1a.

5. The settlement of the subsidy shall take place once carrying out actions referred to in Article 31.1a has been completed, not later, however, than within 5 years from granting the subsidy, on the basis of the costs borne in relation with carrying out archaeological research and preparing their documentation and the costs borne in relation with carrying out these actions. The provision of Article 82a.4 shall apply accordingly.

6. The natural person or the organisational unit referred to in Article 82a.1 shall return the subsidy in entirety or in part, together with interest, if the costs borne in relation with carrying out archaeological research or preparing documentation have not exceeded 2% of all costs borne in relation with carrying out the actions referred to in Article 31.1a, or if the difference between the costs borne in relation with carrying out archaeological research and preparing documentation and the costs constituting 2% of the costs borne in relation with carrying out the action referred to in Article 31.1a have been smaller than the amount of the granted subsidy.

7. If the actual cost of the research has exceeded the costs of the planned archaeological research referred to in Article 82a.4, the borne costs may be reimbursed in the amount constituting the difference between justified actual costs and the costs planned on the basis of the application on which the voivodeship inspector of monuments had given his/her opinion.

8. The subsidy referred to in Article 82a.1 shall be returned, together with interest specified as for tax arrears, if the natural person or the organisational unit referred to in Article 82a.1 has not settled the subsidy within 5 years from the date of receiving the subsidy or if the archaeological research and documentation has not been presented to the voivodeship inspector of monuments within 3 years from the date of issuing the permit for carrying out archaeological research.

Article 82b. The minister competent for culture and protection of national heritage, taking into account the necessity of ensuring the conformity of the granted aid with the principles of spending public funds, shall specify, by means of an ordinance, the conditions and the procedure for granting and settling the subsidy referred to in Article 82a.1 and Article 82a.2, including the procedure of handling the applications for granting a subsidy, the method of settling them and the type of documents necessary for the examining and settlement of the subsidies.

Article 83. The minister competent for science and learning may grant financial means for conservation, architectural and archaeological research and other scientific or academic research connected with carrying out conservation and restoration works in

relation to monuments under principles specified in the provisions on the principles of financing science and learning, t.

Chapter 8

The national programme for protection monuments and guardianship of monuments and the protection of monuments in the event of armed conflict and crisis situations

Article 84. In order to create conditions necessary for protection and guardianship of monuments, the minister competent for culture and protection of national heritage shall initiate and develop, with assistance from the General inspector of monuments, a national programme of protection and guardianship of monuments.

Article 85. 1. The national programme for protection and guardianship of monuments shall specify, in particular, the objectives and directions of actions and tasks in terms of protection of and guardianship of monuments, conditions and method of financing the planned actions, as well as the schedule of their implementation.

2. The national programme for protection and guardianship of monuments shall be prepared for a period of 4 years.

Article 86. 1. The national programme for protection and guardianship of monuments shall be enacted by the Council of Ministers upon request from the minister competent for culture and protection of national heritage.

2. The minister competent for culture and protection of national heritage shall present the council of Ministers, every 2 years, with a report on the realisation of tasks under the national programme for protection and guardianship of monuments.

Article 87. 1. The voivodeship board, the district board or the head of the commune, mayor or president of the city shall prepare, for a period of 4 years, respectively, the voivodeship, district or municipal programme of guardianship of monuments.

2. The programmes referred to in Article 87.1 shall in particular be aimed at:

- 1) Including the problems connected with protection of monuments in the system of strategic tasks resulting from the country area development concept;
- 2) Taking into consideration the conditions of protection of monuments, including cultural landscape and archaeological heritage, together with conditions of environmental and ecological balance protection;
- 3) Stopping the processes of monuments degradation and improving their state of preservation;
- 4) Exposing particular monuments and values of cultural landscape;
- 5) Taking actions increasing the attractiveness of monuments for social, tourist and educational needs, as well as supporting initiatives generating financial means for the guardianship of monuments;
- 6) Specifying the conditions of cooperation with owners of monuments, eliminating conflict situations connected with the use of these monuments;
- 7) Starting undertakings allowing for the creation of jobs connected with guardianship of monuments.

3. The voivodeship, district and municipal programmes for the guardianship of monuments shall be adopted by voivodeship assemblies, district councils and commune councils, upon obtaining the opinion of the voivodeship inspector of monuments.

4. The programmes referred to in Article 87.3 shall be published in the official journal of the voivodeship.

5. The voivodeship board, the district board and the head of the commune, mayor or president of the city shall prepare, every 2 years, a report on the implementation of the programmes, which shall be presented to the voivodeship assembly, the district council or the commune council, respectively.

6. The report on the implementation of the voivodeship programme for the guardianship of monuments shall be presented to the General inspector of monuments and the competent voivodeship inspector of monuments in order to be used in the preparation, update and implementation of the national programme for protection and guardianship of monuments.

Article 88. 1. The minister competent for culture and protection of national heritage shall prepare the national programme of protection of monuments in the event of armed conflict or crisis situations and shall coordinate the implementation of actions aimed at securing monuments against threats resulting from crisis situations.

2. The minister competent for culture and protection of national heritage shall specify, by means of an ordinance, the organization and method of protection of monuments in the event of armed conflict or crisis situations, taking into account the tasks of relevant tiers of administration and organisational units in possession of monuments, indicating the method of carrying out security works.

3. The minister competent for culture and protection of national heritage shall present the Director General of the United Nations Educational, Scientific and Cultural Organisation with an application for entering a historical artefact to the "International Register of Cultural Property under Special Protection" in order for this historical artefact to be covered with protection under the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed in the Hague on 14 May 1954 (Dz. U. of 1957, No. 46, item 212).

4. In order to coordinate undertakings connected with the protection of monuments in the event of armed conflict, the Council of Ministers may establish, by means of an ordinance, the Polish Advisory Committee, acting as its auxiliary authority.

5. The ordinance shall specify the organisation of the Polish Advisory Committee, the scope, procedure and the method of financing as regards the operations of the Committee, considering in particular the requirements connected with appointing and removing the chairman, secretary and members of the Committee, tasks of the Committee, method of voting and administrative personnel.

Chapter 9

Organisation of monuments protection authorities

Article 89. The monuments protection authorities shall be:

- 1) A minister competent for culture and protection of national heritage, on whose behalf tasks and competences in this scope are executed by the General inspector of

monuments;

- 2) Voivodes, on whose behalf tasks and competences in this scope are executed by voivodeship inspector of monuments.

Article 90. 1. The General inspector of monuments shall be secretary or undersecretary of state in the office providing services to the minister competent for culture and protection of national heritage.

2. The tasks of the General inspector of monuments shall in particular include:

- 1) Preparing the national programme for protection and guardianship of monuments;
- 2) Realising the tasks resulting from the national programme for protection and guardianship of monuments and the country area development concept;
- 3) Taking actions connected with supporting local development and the performance of voivodeship contracts in matters of care about monuments;
- 4) Keeping the national inventory of monuments and the national list of monuments which have been stolen or illegally exported abroad;
- 5) Issuing decisions and certificates in matters specified in this Act and in separate provisions;
- 6) Organising and executing control in terms of observance and application of provisions on protection and guardianship of monuments;
- 7) Supervising the activities of voivodeship inspector of monuments;
- 8) Promoting scientific and academic research in terms of conservation of monuments;
- 9) Organising training courses for members of the Conservation Service;
- 10) Organising competitions promoting care about monuments, including the awarding of distinctions and financial and in-kind awards;
- 11) Giving opinions on requests for the awarding of the "For the guardianship of monuments" badge;
- 12) Cooperating with public administration authorities in terms of protection of monuments;
- 13) Organising training courses on protection and guardianship of monuments;
- 14) Taking actions in terms of care about monuments connected with the history of Poland and remaining outside of the territory of the Republic of Poland.

Article 91. 1. The voivodeship inspector of monuments shall be appointed and removed by the voivode, upon consent of the General Inspector of monuments.

2. The position of the voivodeship inspector of monuments may be held by a person who:

- 1) Is a Polish citizen;
- 2) Holds at least a master's degree in one of the fields connected with the protection of monuments and has at least 5 years of professional experience in this respect;
- 3) Possesses knowledge of the functioning of public administration and the provisions on protection of monuments and the guardianship of monuments;
- 4) Has not been punished for an intentionally committed criminal offence.

3. The deputy inspector of monuments shall be appointed and removed by the voivode, upon request from the voivodeship inspector of monuments.

4. The tasks of the voivodeship inspector of monuments shall in particular include:

- 1) Realising the tasks resulting from the national programme of protection of monuments and the guardianship of monuments;

- 2) Preparing, within the allocated budget funds, plans of protection and guardianship of monuments;
- 3) Keeping the register and the voivodeship monuments inventory and gathering documentation in this respect;
- 4) Issuing, within competence, decisions and certificates in matters specified in this Act and in separate provisions;
- 5) Supervising the correctness of conservation and architectural research, conservation, restoration and construction works and other actions in relation to monuments, as well as archaeological research;
- 6) Organising and executing control in respect of protection and guardianship of monuments;
- 7) Preparing voivodeship plans of protection of monuments in the event of armed conflict and crisis situations and coordinating actions connected with the implementation of these plans;
- 8) Disseminating knowledge about monuments;
- 9) Cooperating with other public administration authorities in terms of protection of monuments;

Article 92. 1. The voivodeship inspector of monuments, constituting a part of the combined voivodeship administration, shall be the head of the voivodeship monuments protection office.

2. The voivodeship monuments protection office shall operate on the basis of rules and regulations introduced by the voivode upon a request of the voivodeship inspector of monuments.

3. The voivode, upon a request of the voivodeship inspector of monuments, having obtained the opinion of the General inspector of monuments, may establish and liquidate branches of the voivodeship monuments office, specifying in particular the territory of operation and the seats of these branches.

4. The branches referred to in Article 92.3 shall constitute parts of the voivodeship monuments protection office.

5. Branches of the voivodeship monuments protection offices shall be headed by heads of branches.

6. Heads of branches referred to in Article 93.5 shall, upon authorisation from the voivodeship inspector of monuments, execute control and deal with matters on their territory of operation, including, in particular, issuing administrative decisions.

7. The minister competent for culture and protection of national heritage shall specify, by means of an ordinance, the organisation of voivodeship monuments protection offices, particularly taking into account the jobs whose creation is obligatory in particular offices.

Article 93. 1. In matters specified in this Act and in separate provisions, the voivodeship inspector of monuments shall be the authority of first instance, while the minister competent for culture and protection of national heritage shall be the authority of higher instance.

2. In matters referred to in Article 36.2 and Article 48, the Maritime Office Director shall be the authority of first instance, while the minister competent for culture and protection of national heritage shall be the authority of higher instance.

3. In cases for issuing permits referred to in Article 51.1 and Article 51.3 for the export of monuments being library materials abroad, the authority conducting the proceedings in the first instance shall be the Director of the National Library, while the minister competent for culture and protection of national heritage shall be the authority of higher instance.

4. Tasks specified in Article 12.1, Article 16.1, Articles 16.3–16.5, Article 22.4, Article 32.2, Article 33.2, Article 50.3, Article 50.4.2, Article 87.1, Article 103 and Article 105 shall be the own tasks of the authorities and units of local self-government indicated in these provisions.

Article 94. In administrative proceedings regarding historical urban or rural layouts, historical complexes of buildings and areas with numerous monuments, parties to these proceedings may be notified of the decisions and other actions of the minister competent for culture and protection of national heritage or the voivodeship inspector of monuments by means of an announcement or in another manner of public notification, customary for a given location.

Article 95. In cases regarding protection of monuments, the minister competent for culture and protection of national heritage and the voivodeship inspector of monuments may act as:

- 1) Parties – in administrative and civil proceedings;
- 2) Auxiliary prosecutors – in penal proceedings;
- 3) Public prosecutors – in proceedings regarding cases for petty offences.

Article 96. 1. The minister competent for culture and protection of national heritage, upon request from the General Inspector of monuments, may commission the conducting of certain cases within his competence, except for issuing administrative decisions, to heads of institution of cultures specialising in care about monuments, for which he or she is the organiser.

2. The voivode, upon a request from of voivodeship inspector of monuments, may commission, by means of an arrangement, conducting of certain cases within his competence, including issuing administrative decisions, to municipalities and districts, as well as associations of municipalities and districts, located in the voivodeship.

3. The voivode, upon a request of the voivodeship inspector of monuments, may commission, by means of an arrangement, the conducting of certain cases within his competence, including issuing administrative decisions, to heads of institution of cultures specialising in guardianship of monuments.

4. The provisions of Article 96.2 and Article 96.3 shall not apply to cases regarding the keeping of the register and the voivodeship inventory of monuments, as well as issuing administrative decisions in this respect.

5. The commissioning of cases, including the issuing of administrative decisions, to heads referred in Article 97.3 may take upon consent of the organiser competent for these institutions.

Article 97. 1. The Council for the Protection of Monuments to the minister competent for culture and protection of national heritage shall operate as a consultative and advisory authority in matters connected with the implementation of the Council of

Ministers policy in terms of protection and guardianship of monuments.

2. The tasks of the Council for the Protection of Monuments shall include issuing opinions regarding in particular:

- 1) Assumptions of the draft of the national programme for protection and guardianship of monuments and the draft of this programme;
- 2) Evaluating the realisations of tasks resulting from the country area development concepts in relation to monuments;
- 3) Protecting the monuments of history;
- 4) Drafts of legal acts regarding protection and guardianship of monuments.

3. The members of the Council for the Protection of Monuments, in the number between 10 and 20, shall be appointed for a period of 4 years by the minister competent for culture and protection of national heritage from among persons with outstanding achievements and merits in protection of and guardianship of monuments.

4. The Council for the Protection of Monuments shall operate on the basis of rules and regulations introduced by means of an ordinance of the minister competent for culture and protection of national heritage.

5. The meetings of the Council for the Protection of Monuments shall be attended by the General inspector of monuments.

6. Administrative and financial services to the Council for the Protection of Monuments shall be provided by the office servicing the minister competent for culture and protection of national heritage.

Article 98. 1. The Main Conservation Committee to the General Inspector of monuments shall operate as a consultative authority in matters connected with conservation actions taken in relation to monuments.

2. The Main Conservation Committee shall issue, in particular, opinions on:

- 1) Using methods, technologies and materials necessary for saving monuments;
- 2) Correctness and legitimacy of conservation, restoration and construction works planned and carried out in relation to monuments, as well as of archaeological monuments;
- 3) Manner and principles of acting in the event of a threat to particular monuments.

3. Members of the Main Conservation Committee shall be appointed and removed by the General Inspector of monuments from among specialists in certain fields of protection and guardianship of monuments.

4. The Main Conservation Committee shall operate on the basis of rules and regulations introduced by means of an ordinance by the minister competent for culture and protection of national heritage.

5. Administrative and financial services to the Main Conservation Committee shall be provided by the office servicing the minister competent for culture and protection of national heritage.

Article 99. 1. The Voivodeship Council for the Protection of Monuments to the voivodeship inspector of monuments shall operate as a consultative authority in matters connected with protection and guardianship of monuments.

2. The Voivodeship Council for the Protection of Monuments shall be composed of between 5 and 10 members, appointed for a period of 4 years by the voivodeship inspector of monuments from among specialists in certain fields of protection and

guardianship of monuments.

3. The Voivodeship Council for the Protection of Monuments shall operate on the basis of rules and regulations introduced by the voivode, by means of an order, upon request from the voivodeship inspector of monuments.

4. Administrative and financial services to the Voivodeship Council for the Protection of Monuments shall be provided by the voivodeship monuments protection office.

Article 100. 1. The minister competent for culture and protection of national heritage shall grant and cancel expert licences in particular fields of guardianship of monuments.

2. The expert may issue evaluations and opinions for monuments protection authorities, authorities of the judicial system, prosecutors' offices, the Police, customs authorities, the Border Guard, fiscal control authorities, the Supreme Audit Office and the General Directorate for National Roads and Motorways.

3. Experts have the right to issue evaluations and opinions for entities other than indicated in Article 100.2 in the scope specified in Article 59.3.1 and Article 59.3.2.

Article 101. 1 The minister competent for culture and protection of national heritage shall specify, by means of an ordinance, the fields in which experts shall be appointed, the requirements candidates for experts should meet, the procedure of granting and cancelling expert licenses, the scope of rights and duties of the experts and the organisation of providing services to experts.

2. The ordinance shall indicate the conditions that must be met in order for an expert license to be granted or cancelled.

3. The authority providing organisational services to experts shall keep a list of the experts.

Chapter 10

Social inspector of monuments

Article 102. 1. Social inspector of monuments shall take actions connected with the preservation of monuments' value and keeping them in the best possible conditions and shall disseminate knowledge about monuments.

2. The social inspector of monuments shall cooperate with the voivodeship inspector of monuments and the head of the district in matters connected with protection monuments and guardianship of monuments.

3. The position of the social monuments may be held by a person who has full capacity to perform acts in law, has not been punished for intentional criminal offences and possesses knowledge in terms of protection and guardianship of monuments.

4. The tasks of the social inspector of monuments may also be carried out by a legal person or another organisational unit not being a legal person.

Article 103. 1. The social inspector of monuments shall be appointed, upon a request of the voivodeship inspector of monuments, the head of the district competent for the place of residence (seat) of the candidate for a social inspector of monuments.

3. The head of the district shall cancel the appointment of the social inspector of monuments, upon a request of the voivodeship inspector of monuments, if the social

inspector of monuments has ceased to meet the requirements specified in Article 102.3 or carries out his tasks improperly.

3. The head of the district shall notify the voivodeship inspector of monuments of the appointment or cancellation of appointment of a social inspector of monuments.

4. The head of the district shall keep a list of social inspectors of monuments.

Article 104. Social inspectors of monuments shall be entitled to instruct persons breaching provisions on protection and guardianship of monuments.

Article 105. 1. The head of the district shall issue social inspector of monuments cards to natural persons performing the functions of social inspector of monuments. The cards shall contain a photograph, name, surname and place of residence of the holder, the date of issuance, as well as the signature with the name and surname and the official position held by the person authorised to issue the card.

2. The head of the district shall issue certificates to legal persons and other organisational units not being legal persons performing the function of social inspector of monuments. The certificates shall contain an information on granting the rights of a social inspector of monuments, the name and seat of this legal person or unit, the date of issuance of the certificate, as well as the signature with the name and surname and the official position held by the person authorised to issue the card.

Article 106. 1. Persons of merit in terms of protection and guardianship of monuments shall be awarded the "For the guardianship of monuments" badge.

2. The "For the guardianship of monuments" badge shall be awarded by the minister competent for culture and protection of national heritage on their own initiative or upon a request of:

- 1) Minister;
- 2) Head of a central office;
- 3) Government administration authority operating in a voivodeship;
- 4) Authority of a unit of local self-government;
- 5) Social organisation whose statutory objective is guardianship of monuments.

3. The General Inspector of monuments shall issue opinions on requests for the awarding of the "For the guardianship of monuments" badge.

4. The awarding of the badge to a person not being a Polish citizen shall take place in cooperation with the minister competent for foreign affairs.

Article 107. The minister competent for culture and protection of national heritage shall specify, by means of an ordinance, the procedure of submitting requests for the awarding of the "For the guardianship of monuments" badge, the graphic design of the badge, its dimensions and the manner of its presentation and wearing, taking into account the designs used in Polish faleristics.

Chapter 11

Penal provisions

Article 108. 1. Whoever destroys or damages a monument shall be subject to imprisonment of between 3 months and 5 years.

2. If the person committing the act referred to in Article 108.1 has acted unintentionally, they shall be subject to a fine, community work or imprisonment of up to 2 years.

3. In the event of a conviction for the criminal offence specified in Article 108.1, the court shall, and in the event of a conviction for the criminal offence specified in Article 108.2, may adjudicate punitive damages to be paid for a selected public purpose connected with the guardianship of monuments, in the amount of between three to thirty times the value of a minimum salary.

Article 109. 1. Whoever exports a historical artefact abroad without a permit or does not return the historical artefact, once it has been exported abroad, during the period of validity of the permit, shall be subject to imprisonment of between 3 months and 5 years.

2. If the offender committing an act referred to in Article 109.1 has acted unintentionally, they shall be subject to a fine, community work or imprisonment of up to 2 years.

3. In the event of a conviction for the criminal offence specified in Article 109.1, the court shall, and in the event of a conviction for the criminal offence specified in Article 109.2, may adjudicate punitive damages to be paid for a selected public purpose connected with the guardianship of monuments, in the amount of between three to thirty times the value of a minimum salary.

4. The court may adjudicate the forfeiture of the monument, even if the offender is not its owner.

Article 109a. Whoever fakes or alters a monument in order to use it in trading in , shall be subject to community work or imprisonment of up to 2 years.

Article 109b. Whoever disposes of a movable as a movable monument or disposes of a monument as another monument, knowing that they have been faked or altered, shall be subject to a fine, community work or imprisonment of up to 2 years.

Article 110. 1. Whoever, being the owner of a monument, has not secured it properly against damage, destruction, loss or theft, shall be subject to arrest, community work or a fine.

2. In the event of committing a petty offence specified in 110.1, punitive damages may be adjudicated in the amount of up to twenty times the minimum salary to be paid for a selected public purpose connected with the guardianship of monuments.

Article 111. 1. Whoever, without permit or contrary to the conditions of the permit, searches for hidden or abandoned monuments, including with the use of any type of electronic and technical devices and diving equipment, shall be subject to arrest, community work or a fine.

2. In the event of a petty offence specified in Article 111.1 having been committed, the following may be adjudicated:

- 1) Forfeiture of tools and objects that have been used or intended to commit the petty offence, even if the offender is not their owner;
- 2) Forfeiture of objects obtained directly or indirectly through the petty offence;
- 3) Obligation of restitution of the previous state or of payment of the equivalent of the

damage done.

Article 112. 1. Whoever breaches prohibitions or limitations in force on the territory of a cultural park or a part of it, shall be subject to arrest, community work or a fine.

2. If the offender committing an act referred to in Article 109.1 has acted unintentionally, they shall be subject to a fine.

3. In the event of a petty offence specified in Article 112.1 or Article 112.2 having been committed, the following may be adjudicated:

- 1) Forfeiture of tools and objects which have been used or intended to commit the petty offence, even if the offender is not their owner;
- 2) Forfeiture of objects obtained directly or indirectly through a petty offence;
- 3) Obligation of restitution of the previous state or of payment of the equivalent of the damage done.

Article 113. 1. Whoever, being the owner or possessor of a monument entered into the register of another monument included on the voivodeship inventory of monuments does not notify the voivodeship inspector of monuments of:

- 1) damage, destruction, loss or theft of a monument immediately upon gaining knowledge of the occurrence of such event,
- 2) threat to a monument, immediately upon gaining knowledge of the presence of the threat,
- 3) Change of place of keeping of a movable monument, within one month from the date of such change,
- 4) Changes regarding the legal status of a monument, no later than within one month as of the date of such change or gaining knowledge of such change

shall be subject to a fine.

2. In the event of a petty offence specified in 113.1 having been committed, punitive damages may be adjudicated in the amount of up to twenty times the minimum salary to be paid for a selected public purpose connected with the guardianship of monuments.

Article 113a. Whoever has not made a notification, within 14 days from the date of expiry of the permit referred to in Article 51.3, of the fact that they had returned a historical artefact to the territory of the Republic of Poland, shall be subject to a fine.

Article 114. Whoever makes the access to a historical artefact impossible or difficult for a monuments protection authority executing its rights under this Act, shall be subject to a fine.

Article 115. 1. Whoever has not immediately notified the voivodeship inspector of monuments or the head of the commune, mayor or president of the city or the Maritime Office Director of discovering, during construction or earth works, an object potentially being a historical artefact and has not stopped all works that could damage or destroy the object found and has not secured this object and the place of finding it with the use of available means, shall be subject to a fine.

2. In the event of a petty offence specified in 115.1 having been committed, punitive damages may be adjudicated in the amount of up to twenty times the minimum salary to be paid for a selected public purpose connected with the guardianship of monuments.

Article 116. 1. Whoever has not notified the voivodeship inspector of monuments or the head of the commune, mayor or president of the city or the Maritime Office Director of an accidental discovery of an object potentially being a historical artefact and has not secured this object and the place of its finding with the use of available, means shall be subject to a fine.

2. In the event of a petty offence specified in 116.1 having been committed, punitive damages may be adjudicated in the amount of up to twenty times the minimum salary to be paid for a selected public purpose connected with the guardianship of monuments.

Article 117. Whoever carries out conservation, restoration or construction works or conservation or architectural research in relation to a monument entered into the register or construction works in its surrounding or archaeological research, shall be subject to a fine.

Article 118. Whoever places, without permission, technical devices, boards, advertisements or inscriptions on a monument entered into the register, shall be subject to a fine.

Article 119. Whoever does not execute post-control recommendations referred to in Article 40.1, shall be subject to a fine.

Article 120. Adjudicating in matters specified in Articles 110–119 shall take place on the basis of the provisions of the Code of Procedure in Petty Offence Cases.

Chapter 12

Changes to provisions in force

Article 121. In the Act of 31 January 1959 on cemeteries and burial of the deceased (Journal of Laws of 2000, No. 23, item 295; No. 120, item 1268; Journal of Laws of 2002, No. 113, item 984 and Journal of Laws of 2003, No. 80, item 717), Article 6.4 shall be worded as follows:

"4. Using a cemetery area for a different purpose is allowed on condition of preserving the monuments which are located there and which can be moved to another place after having obtained a permit for moving them from the voivodeship inspector of monuments".

Article 122. In the Act of 28 July 1983 on the inheritance and donations tax (Journal of Laws of 1997, No. 16, item 89; No. 137, item 926; No. 139, item 932; Journal of Laws of 2000, No. 22, item 270, No. 120, item 1268, Journal of Laws of 2001, No. 8, item 64; Journal of Laws of 2002, No. 200, item 1681 and Journal of Laws of 2003, No. 137, item 1302), Article 4.1.9.c shall be worded as follows:

"c) Movable monuments and collections entered into the register of monuments and monuments lent to a museum for scientific, academic or exhibition purposes for a period not shorter than 2 years".

Article 123. In the Act of 6 April 1984 on foundations (Journal of Laws of 1991, No. 46, item 203; Journal of Laws of 1997, No. 121, item 769 and Journal of Laws of 2000,

No. 120, item 1268), Article 1 shall be worded as follows:

"Article 1. Foundations may be established for socially or economically useful purposes in line with basic interests of the Republic of Poland, especially such as: health protection, development of science and economy, education and upbringing, social care and assistance, environmental protection and guardianship of monuments."

Article 124. In the Act of 15 November 1984 on agricultural tax (Journal of Laws of 1993, No. 94, item 431; Journal of Laws of 1994, No. 1, item 3; Journal of Laws of 1996, No. 91, item 409, Journal of Laws of 1997, No. 43, item 272; No. 137, item 926; Journal of Laws of 1998, No. 108, item 681; Journal of Laws of 2001, No. 81, item 875; Journal of Laws of 2002, No. 200, item 1680 and Journal of Laws of 2003, No. 110, item 1039), Article 12.1.11 shall be worded as follows:

"11) Land entered into the register of monuments, provided that it has been put to use and has been maintained in accordance with the provisions on protection and guardianship of monuments,".

Article 125. In the Act of 17 May 1989 – Laws of geodesy and cartography (Journal of Laws of 2000, No. 100, item 1086; No. 120, item 1268; Journal of Laws of 2001, No. 110, item 1189; No. 115, item 1229 and No. 125; item 1363), the following amendments shall be made:

1) Article 13.2.1 shall be worded as follows:

"1) provisions on protection and guardianship of monuments, on environmental protection, on forests and on public roads,";

2) Article 54.4 shall be worded as follows:

"4) Act of 23 July 2003 on protection and guardianship of monuments (Journal of Laws No. 162, item 1568),".

Article 126. In the Act of 8 March 1990 on commune-level self-governments (Journal of Laws of 2001, No. 142, item 1591; Journal of Laws of 2002, No. 23, item 220; No. 62, item 558; No. 113, item 984; No. 153, item 1271; No. 214, item 1806 and Journal of Laws of 2003, No. 80, item 717), Article 7.1.9 shall be worded as follows:

"9) Culture, including commune libraries and other institutions of culture and protection and guardianship of monuments,".

Article 127. In the Act of 28 November 1991 on forests (Journal of Laws of 2000, No. 56, item 679; No. 86, item 958, No. 121, item 1258; Journal of Laws of 2001, No. 110, item 1189; No. 145, item 1623; Journal of Laws of 2002, No. 25, item 253; No. 113, item 984; No. 200, item 1682 and Journal of Laws of 2003, No. 80, items 717 and 721), the following amendments shall be made:

1) Article 7.3 shall be worded as follows:

"3. Forest management in forests entered into the register of monuments and in forests in which archaeological monuments entered into the register of monuments shall take place upon an agreement of the voivodeship inspector of monuments, taking into account the provisions on protection and guardianship of monuments.";

2) Article 40.1.8 shall be worded as follows:

"8) Care about monuments,".

Article 128. In the Act of 16 October 1991 on protection of nature (Journal of Laws of 2001, No. 99, item 1079; No. 100, item 1085; No. 110, item 1189; No. 145, item 1623; Journal of Laws of 2002, No. 130, item 1112 and Journal of Laws of 2003, No. 80, item 717), the following amendments shall be made:

1) Article 2a.1a shall be worded as follows:

"1a) Tree stand of park nature – shall mean complexes of trees and other flora shaped functionally and artistically, of historical value within the meaning of provision on protection of and care about historical artefact, spatial and artistic value or nature value,";

2) Article 34a.1 shall be worded as follows:

"1. Area covered with tree stand of park nature and not subject to provisions on protection and guardianship of monuments may be made into a commune park by the commune council if this area is property of the State Treasury or property of a unit of local self-government.".

Article 129. In the Act of 25 November 1991 on organising and conducting cultural activity (Journal of Laws of 2001, No. 13, item 123; Journal of Laws of 2002, No. 41, item 364 and Journal of Laws of 2003, No. 96, item 874), the following amendments shall be made:

1) Article 1.2 shall be worded as follows:

"2. The state shall carry out patronage over cultural activity consisting in supporting and promoting artistic work, education and cultural education, cultural actions and initiatives and guardianship of monuments.";

2) Article 7b.1 and Article 7b.2 shall be worded as follows:

"1. The Minister competent for culture and protection of national heritage, other ministers and head of central offices relative to cultural centres and institutions subject to them, as well as units of local self-government may grant scholarships to persons engaging in artistic work, dissemination of culture and guardianship of monuments.

2. The scholarship referred to in Article 7b.1 shall consist in granting financial funds to persons realising certain undertakings in terms of artistic work, guardianship of monuments and dissemination of culture.";

3) Article 28.2 shall be worded as follows:

"2. Revenues of institutions of culture shall be profits from their operations, including sale of elements of movable property, except for monuments, and profits from rental and lease of elements of property, budget subsidies, funds received from natural and legal persons and from other sources.";

4) In Article 32:

a) Article 32.1 shall be worded as follows:

"1. Institutions of culture, especially museums, organisational units executing guardianship of monuments, research and documentation centres, offices of art exhibitions, galleries and art centres, the National Film Archive, libraries, community centres, day rooms and clubs, artists retreats, shall conduct, in particular, activity in terms of disseminating culture.".

b) Article 32.2.2 shall be worded as follows:

- "2) Executing guardianship of monuments,";
5) Article 40 shall be worded as follows:

"Article 40. Provisions of this Act shall not breach the provisions of the Act of 23 July 2003 on protection of monumentsmonuments and the guardianship of monuments (Journal of Laws No. 162, item 1568), the Act of 27 June 1997 on libraries (Journal of Laws 85, item 539; Journal of Laws of 1998, No. 106, item 668; Journal of Laws of 2001, No. 129, item 1440 and Journal of Laws of 2002, No. 113, item 984), and the Act of 21 November 1996 on museums (Journal of Laws of 1997, No. 5, item 24; Journal of Laws of 1998, No. 106 and Journal of Laws of 2002, No. 113, item 984) in respect of conducting cultural activity in forms specified in these Acts."

Article 130. In the Act of 27 October 1994 on toll motorways (Journal of Laws of 2001, No. 110, item 1192; Journal of Laws of 2002, No. 25, item 253 and Journal of Laws of 2003, No. 80, item 721; No. 139, item 1325), the following amendments shall be made:

- 1) Article 22.1.4 shall be worded as follows:

"4) Conditions resulting from the needs in terms of environmental protection and protection of monuments,";

- 2) Article 57.3 shall be worded as follows:

"3) Observing technical, construction and use provisions on motorways, provisions on environmental protection and provisions on protection of monumentsmonuments and the guardianship of monuments,".

Article 131. In the Act of 3 February 1995 on the protection of agricultural and forest lands (Journal of Laws No 16, item 78; Journal of Laws of 1997, No. 60, item 370; No. 80, item 505; No. 160, item 1079; Journal of Laws of 1998, No. 108, item 668; Journal of Laws of 2000, No. 12, item 136; No. 120, item 1268; Journal of Laws of 2001, No. 81, item 875; No. 100, item 1085; Journal of Laws of 2002, No. 113, item 984 and Journal of Laws of 2003, No. 80, item 717), Article 34 shall be worded as follows:

"Article 34. In relation to land on which archaeological monuments are located, the voivodeship inspector of monuments may specify, by means of a decision, the scope and manner of use of such land."

Article 132. In the Act of 21 November 1996 on museums (Journal of Laws of 1997, No. 5, item 24; Journal of Laws of 1998, No. 106, item 668 and Journal of Laws of 2002, No. 113, item 984), the following amendments shall be made:

- 1) Article 1.1 shall be worded as follows:

"1. A museum shall be a non-profit organisational unit, whose objective is to execute guardianship of monuments, inform about the values and contents of its collections, disseminating basic values of Polish history, science and culture, shaping cognitive and ethical sensitivity and enabling contact with the collection by means of actions specified in Article 2.";

- 2) Article 2 shall be worded as follows:

"Article 2. Museums shall realise the objectives specified in Article 1 in particular by means of:

- 1) Collecting monuments within the scope defined in their statutes;

- 2) Cataloguing and scientifically handling the collected items,
 - 3) Keeping the collected monuments in conditions enabling the proper state of their preservation and safety, as well as storing them in a manner enabling their use for scientific and academic purposes,
 - 4) Securing and conserving museum items and, as far as possible, securing immovable archaeological monuments and other immovable objects of material culture and nature,
 - 5) Organising exhibitions,
 - 6) Organising scientific research and expeditions, including archaeological expeditions,
 - 7) Conducting educational activity,
 - 8) Making collections available for educational purposes,
 - 9) Ensuring proper conditions of visiting and using collections,
 - 10) Conducting publishing activity.";
- 3) Article 20 shall be worded as follows:
"Article 20. Registered museums, when acquiring monuments, are entitled to:
- 1) Right of pre-emption as regards purchase from entities, whose operations consist in offering monuments for sale – within 14 days from the date of the museum notifying its intent to purchase the historical artefact,
 - 2) Right of pre-emption directly during auctions, at the bade price.";
- 4) Article 21.2 shall be worded as follows:
"2. The minister competent for culture and protection of national heritage shall specify, by means of an ordinance, the scope, forms, and method of making identification lists of monuments in museums, indicating in particular the type of identification documentation, requirements for the keeping of this documentation, method of marking museum items and the procedures of documenting them in the event of transferring away from the seat of the museum and removing them from the identification list."

Article 133. In the Act of 20 June 1997 – Traffic Laws (Journal of Laws of 2003, No. 58, item 515; No. 124, item 1152; No. 124, item 1152; No. 130, item 1190; No. 137; item 1302; No. 149, items 1451 and 1452), Article 2.39 shall be worded as follows:

"39) "historical vehicle" – vehicle that on the basis of separate provisions has been entered into the register of monuments or is included in the voivodeship inventory of monuments;"

Article 134. In the Act of 21 August 1997 on real property management (Journal of Laws of 2001, No. 46, item 543; Journal of Laws of 2001, No. 129, item 1447; No. 154, item 1800; Journal of Laws of 2002, No. 25, item 253; No. 74, item 676; No. 113, item 984; No. 126, item 1070; No. 130, item 1112; No. 153, item 1271; No. 200, item 1682; No. 240, item 2058 and Journal of Laws of 2003, No. 1, item 15; No. 80, items 717, 720 and 721; No. 96, item 874; No. 124, item 1152), the following amendments shall be made:

1) Article 6.5 shall be worded as follows:

"5) Protection of and guardianship of real estate being monuments within the meaning of the provisions on protection and guardianship of monuments,";

- 2) Article 13.4 shall be worded as follows:
"4. Sale, exchange, donation or perpetual lease of real estate entered into the register of monuments and being property of the State Treasury or a unit of local self-government, as well as contributing these real estates in kind to companies or partnerships, shall require a permit from the voivodeship inspector of monuments.";
- 3) After Article 45.2, Article 45.2a shall be added, worded as follows:
"2a. In case of a real property entered into the register of monuments, the decision of creating permanent administration may oblige, as far as necessary, an organisation unit to reconstruct or renovate historical construction objects located on this real property within the time limit specified in the decision.";
- 4) In Article 96:
 - a) After Article 96.1, Article 96.1a shall be added, worded as follows:
"1a. In relation to a real property entered into the register of monuments, the decision referred to in Article 96.1 shall be issued upon obtaining a permission of the voivodeship inspector of monuments to divide this real property.";
 - b) Article 96.2 shall be worded as follows:
"2. In the event of a court deciding about the division, the decision referred to in Article 1 and 1a shall not be issued. Should the division be subject to the provisions of the local area development plan, the court shall obtain the opinion of the head of the commune, mayor or president of the city, and - in case of a real property entered into the register of monuments - also the opinion of the voivodeship inspector of monuments. Article 93.5 shall apply to these opinions."

Article 135. In the Act of 4 September 1997 on branches of government administration (Journal of Laws of 2003, No. 159, item 1548), Article 14.1 shall be worded as follows:

- "1. The "culture and protection of national heritage" branch shall cover matters connected with development and guardianship of material and non-material national heritage and matters of cultural activity, including state patronage over such activity, in particular in terms of:
 - 1) Maintaining and disseminating national and state traditions;
 - 2) Protection and guardianship of monuments;
 - 3) Operations of museums;
 - 4) Places of national remembrance, war graves and cemeteries, monuments of extermination and their protection zones;
 - 5) Creative, artistic, folk culture and artistic handicraft and their protection;
 - 6) Publishing houses, bookselling, libraries and reading;
 - 7) Cultural education;
 - 8) Art exhibitions;
 - 9) Audiovisual policy;
 - 10) Amateur artistic movements, regional and socio-cultural organisations and associations;
 - 11) Cultural exchange with foreign countries;
 - 12) Show business".

Article 136. In the Act of 5 June 1998 on voivodeship-level self-government (Journal of Laws of 2001, No. 142, item 1590 and Journal of Laws of 2002, No. 23, item 220; No. 62, item 558; No. 153, item 1271; No. 214, item 1806), the following amendments shall be made:

- 1) Article 11.2.7 shall be worded as follows:
"7) Supporting the development of culture and executing care about cultural heritage and its rational use,";
- 2) Article 14.1.3 shall be worded as follows:
"3) Culture and protection of monuments,".

Article 137. In the Act of 5 June on district-level self-governments (Journal of Laws of 2001, No. 142, item 1592 and Journal of Laws of 2002, No. 23, item 220; No. 62, item 558; No. 113, item 984; No. 153, item 1271; No. 200, item 1688; No. 214, item 1806), Article 4.1.7 shall be worded as follows:

"7) Culture and protection and guardianship of monuments,".

Article 138. In the Act of 27 April 2001 – Environment Protection Law (Journal of Laws No. 62, item 627; No. 115, item 1229; Journal of Laws of 2002, No. 74, item 676; No. 113, item 984; No. 153, item 1271, No. 233, item 1957 and Journal of Laws of 2003, No. 46, item 392; No. 80, items 717 and 721), the following amendments shall be made:

- 1) The words "cultural properties" used in Article 19.3.3., Article 47.1.c, Article 52.1.5, Article 96 and Article 101.7 shall be replaced with the words "monuments";
- 2) Article 238.1.e shall be worded as follows:
"e) Monuments existing in the proximity or immediate reach of impact of the facility and protected under provisions on protection and guardianship of monuments,".

Chapter 13

Transitional and final provisions

Article 139. 1. The provisions of this Act shall apply to cases instigated and not ended with a final decision before the date of this Act entering into force.

2. The competence of authorities to settle cases referred to in Article 139.1 shall be specified on the basis of the provisions of this Act.

Article 140. 1. Final decisions issued on the basis of the provisions of the Act of 15 February 1962 on protection of cultural properties (Journal of Laws of 1999, No. 98, item 1150; Journal of Laws of 2000, No. 120, item 1268; Journal of Laws of 2002, No. 25, item 253; No. 113, item 984 and Journal of Laws of 2003, No. 80, item 717) shall remain valid.

2. Arrangements concluded on the basis of Article 12.1 and Article 12.3 of the Act referred to in Article 140.1 shall remain valid, not longer, however, than 6 months as of the date of this Act entering into force.

Article 141. Persons holding expert licenses granted by the minister competent for culture and protection of national heritage on the basis of Article 10.1 of the Act referred to in Article 140.1, shall have their licenses cancelled after the lapse of 6 months from the date of this Act entering into force.

Article 142. 1. Cultural properties classified as monuments on the basis of the ordinance of the President of the Republic of Poland of 6 March 1928 on care about monuments (Journal of Laws No. 29, item 265; Journal of Laws of 1933, No. 10, item 62, No. 82, item 599; Journal of Laws of 1934, No. 110, item 976 and Journal of Laws of 1949, No. 25, item 180), as well as cultural properties entered into the register on the basis of the Act referred to in Article 140.1 shall become monuments entered into the register within the meaning of this Act.

2. Immovable monuments classified as monuments on the basis of previous provisions shall become monuments of history within the meaning of this Act.

Article 143. 1. The General inspector of monuments, voivodeship inspector of monuments and heads of the municipalities, mayors or president of cities shall, within 3 years from this Act entering into force, establish, respectively, national, voivodeship and municipal lists of monuments.

2. The inclusion of the card of a movable historical artefact previously included on the central inventory of cultural properties on the voivodeship inventory of monuments shall not require the consent of the owner of this historical artefact.

Article 144. Within 6 months from this Act entering into force, the minister competent for culture and protection of national heritage shall adapt the statutes of institution of cultures specialising in care about monuments, for which he or she is the organiser, to the provisions of this Act, in order for these institutions to realise tasks connected with the establishment and keeping the national inventory monuments and the national list of monuments that have been stolen or illegally exported abroad.

Article 145. Until the commune inventory of monuments has been established, the studies of conditions and directions of commune area development plan and local area development plans shall take into account, apart from immovable monuments entered into the register and their surroundings and the provisions of cultural parks protection plans, other immovable monuments indicated by the voivodeship inspector of monuments.

Article 146. Within 12 months from this Act entering into force, the minister competent for culture and protection of national heritage shall prepare the national programme of protection and guardianship of monuments.

Article 147. 1. On the day of this Act entering into force, the voivodeship divisions of the Conservation Protection Service and their branches shall become, respectively, voivodeship monuments protection offices and their branches.

2. On the day of this Act entering into force, voivodeship inspector of monuments and their deputies shall become, respectively, voivodeship inspector of monuments and their deputies within the meaning of this Act.

3. On the day of this Act entering into force, employees of voivodeship divisions of the Monuments Protection Service and their branches shall become, respectively, employees of voivodeship monuments protection offices and their branches.

4. The obligations and claims of voivodeship divisions of the Monuments Protection Service and their branches shall become the obligations and claims of competent

voivodeship monuments protection offices and their branches.

5. Real estate under permanent administration of voivodeship divisions of the Monuments Protection Service and their branches, shall be transferred, by operation of Laws, to permanent administration of competent voivodeship offices for the protection of monuments and their branches.

6. The permanent administration referred to in Article 147.5 shall be established by the voivode by means of a decision.

Article 148. Until secondary legislative acts provided for in this Act have been published, not later, however, than for 6 months from this Act entering into force, secondary legislative acts published on the basis of the Act referred to in Article 140.1 shall remain in force, provided that they are not contradictory to the provisions of this Act.

Article 149. The provisions of Chapter 6 shall apply as of the date of Poland becoming a member of the European Union.

Article 150. 1. Final decisions issued on the basis of the provisions of the Act of 15 February 1962 on protection of cultural properties (Journal of Laws of 1999, No. 98, item 1150; Journal of Laws of 2000, No. 120, item 1268; Journal of Laws of 2002, No. 25, item 253; No. 113, item 984 and Dz. U. of 2003, No. 80, item 717) shall be vacated.

Article 151. This Act shall enter into force 60 days from its publication.

¹⁾ The regulations of this Act implement Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State (Official Journal EC L 74 of 27/03/1993). Information regarding the publication of European Union legal acts contained in this Act, as of the date of the Republic of Poland becoming a member state of the European Union, regard the publication of these acts in the special edition of the Official Journal of the European Union.