

Certified translation from Polish

THE ACT of 7 May 1999

on the Protection of Sites of the Former Nazi Extermination Camps

Chapter 1

General provisions

Article 1

1. The Act defines the principles for the protection of sites of former Nazi extermination camps, hereinafter referred to as “Holocaust Memorials”.
- 2) The protection of Holocaust Memorials shall consist in the establishment of protective zones and the implementation on the sites of Holocaust Memorials and within their protective zones of special principles regarding:
 - 1) holding of assemblies,
 - 2) conducting business activity,
 - 3) erection of buildings, temporary buildings and other facilities,
 - 4) expropriation of real property.
3. Protection of the Holocaust Memorials shall be a public purpose undertaking.
4. Protection of the Holocaust Memorials falls within the competences of the state administration.

Article 2

The Holocaust Memorials shall be the areas within which the following are located:

- 1) Martyrdom Memorial in Oświęcim,
- 2) Martyrdom Memorial in Majdanek,
- 3) “Stutthof” Museum in Sztutowo,
- 4) Gross-Rosen Museum in Rogoźnica,
- 5) Mausoleum of the Struggle and Martyrdom in Treblinka,
- 6) Martyrdom Museum – Camp in Chełmno on the Ner river,
- 7) Museum of the Former Nazi Extermination Camp in Sobibór,

8) former Nazi Extermination Camp in Bełżec.

Article 3

1. Protective zones shall be established around the Holocaust Memorials.
2. A protective zone shall be a strip of land, whose width shall not exceed 100 meters from the boundaries of the Holocaust Memorial.

Article 4

1. The boundaries and areas of the protective zones shall be delineated with a view to ensuring the necessary protection for the Holocaust Memorials and in a manner least inconvenient for third parties. The boundaries of protective zones shall be unambiguously marked as strips of land under protection.
2. The minister responsible for matters of culture and national heritage protection shall define, by way of a regulation, ways of marking the boundaries of Holocaust Memorials and their protective zones, as well as template signs marking these boundaries.
3. The minister responsible for matters of culture and national heritage protection shall define, upon consultation with the local commune administrator or mayor (wójt, burmistrz, prezydent miasta), by way of a regulation:
 - 1) the boundaries of the area of the Holocaust Memorial, within which the Martyrdom Memorial in Oświęcim is located, in pursuance with its boundaries and area delineated under the provisions of the Act of 2 July 1947 on the Commemoration of the Martyrdom of the Polish Nation and other Nations in Oświęcim (Journal of Laws, No. 52, Item 265), as well as the area and boundaries of its protective zone,
 - 2) the boundaries of the area of the Holocaust Memorial, within which the Martyrdom Memorial in Majdanek located, in pursuance with its boundaries and area delineated under the provisions of the Law of 2 July 1947 on the Commemoration of the Martyrdom of the Polish Nation and other Nations in Majdanek (Journal of Laws, No. 52, Item 266), as well as the area and boundaries of its protective zone,
 - 3) the boundaries of the area of the Holocaust Memorial, within which “Stutthof” Museum in Sztutowo is located, as well as the area and boundaries of its protective zone,
 - 4) the boundaries of the area of the Holocaust Memorial, within which Gross-Rosen Museum in Rogoźnica is located, as well as the area and boundaries of its protective zone,

5) the boundaries of the area of the Holocaust Memorial, within which the Mausoleum of Struggle and Martyrdom in Treblinka is located, as well as the area and boundaries of its protective zone,

6) the boundaries of the area of the Holocaust Memorial, within which the Martyrdom Museum, Camp in Chełmno on the Ner river is located, as well as the area and boundaries of its protective zone,

7) the boundaries of the area of the Holocaust Memorial, within which the Museum of the Former Nazi Extermination Camp in Sobibór is located, as well as the area and boundaries of its protective zone,

8) the boundaries of the area of the Holocaust Memorial, within which the former Nazi Extermination Camp in Belżec is located, as well as the area and boundaries of its protective zone.

4. Failure to issue the opinion referred to under Section 3 within two weeks of the date on which the minister responsible for matters of culture and national heritage protection issued the request for this opinion, shall be interpreted as the issuance of a positive opinion.

5. Clear marking of the boundaries of the Holocaust Memorials and their protective zones, as well as the maintenance of signs marking these boundaries shall fall within the competences of the Voivode.

Article 5

1. Gminas shall be responsible for the preparation of local land development plans for the sites of the Holocaust Memorials and their protective zones.

2. Local land development plans and decisions on land development and management for the areas located within the boundaries referred to under Section 1 above shall be consulted with the minister responsible for matters of culture and national heritage protection.

3. If a local land development plan referred to under Section 1 above, or a change of the plan is passed, Article 36 of the Law of 27 March 2003 on Spatial Planning and Land Development (Journal of Laws, No. 80, Item 717) shall apply, but compensation for a real damage, expropriation of property or a part thereof, or compensation equal to the reduction in real estate value or a part thereof may be sought from the State Treasury represented by the voivode. The voivode shall be the competent authority for matters referred to under Sections 3 and 9-11 herein. Provisions of Article 36 Section 1 (3) shall not apply.

Article 6

1. The Voivode shall be the authority representing the State Treasury in matters of management of real property located within the boundaries of the Holocaust Memorials and their protective zones.
2. Real property of the State Treasury referred to under Section 1 above may be released for permanent administration free of charge, pursuant with the provisions of the Act of 21 August 1997 on Real Estate Management (Journal of Laws, No. 115, Item 741 and of 1998, No. 106, Item 668).

Chapter 2

Detailed rules for holding assemblies, conducting business activity and erection of buildings, temporary buildings and other facilities in the areas of the Holocaust Memorials and their protective zones, as well as expropriation of real property located within the areas of the Holocaust Memorials and their protective zones

Article 7

1. The holding of an assembly on the site of a Holocaust Memorial or within its protective zone requires the consent of the Voivode issued by way of a decision.
2. The application for the consent referred to under section 1 above shall be filed no later than 30 days prior to the planned date of the assembly. An application filed later shall not be examined. The Voivode ruling not to process the application shall be issued by way of a decision.
3. The application referred to under section 2 above shall contain the following data:
 - 1) identification of the organiser of the assembly and address of the organiser's headquarters;
 - 2) the purpose and agenda of the assembly, as well as the language in which its participants will communicate;
 - 3) the place and date, starting hour, planned duration, expected number of participants and planned itinerary, if the agenda provides for a change of location during the assembly;

4) a description of the measures the organiser plans to employ towards securing a peaceful course of the assembly, and of measures, which the organiser requests from the Voivode.

4. The Voivode shall refuse the consent referred to under section 1 above, if:

- 1) the purpose or fact of holding of that assembly remains in contradiction with this Act or with the Act of 5 July 1990 – Law on Assemblies (Journal of Laws, No. 51, item 297), or violates the provisions of penal law,
- 2) the holding of that assembly may pose a threat to the life or health of individuals or to property of considerable value,
- 3) the purpose or fact of the holding of that assembly may disturb the dignity or nature of the Holocaust Memorial.

5. Denial of consent to the holding of an assembly shall be delivered to the organiser within 14 days of the date of receipt of the application referred to under section 2 above.

6. The Voivode may delegate representatives to attend the assembly.

7. When so requested by the organiser, the Voivode shall, to the extent required, secure police protection under provisions of the Act on the Police of 6 April 1990 (Journal of Laws. No. 30, Item 179; of 1991, No. 94, Item 422; No. 107, Item 461; of 1992, No. 54, Item 254; of 1994, No. 53, Item 214; of 1995, No. 4, Item 17, No. 34, Item 163 and No. 104, Item 515; of 1996 No. 59, Item 269 and No. 106, Item 496; of 1997, No. 28, Item 153, No. 80, Item 499, No. 88, Item 554, No. 106, Item 680, No. 123, Item 779 and No. 141, Item 943; of 1998, No. 106, Item 668), to ensure a proper course of the assembly.

8. Upon arriving at the site of the assembly, the delegated representative of the Voivode shall be obliged to produce his/her authorisation to the leader of the assembly.

9. An assembly may be disbanded by the representative of the Voivode if the course of that assembly poses a threat to the life or health of individuals or to property of considerable value, disturbs the dignity or nature of the Holocaust Memorial, or violates the provisions of this Act, the Law on Assemblies, or of penal law, and the leader refuses to disband the assembly despite being warned that this is necessary.

10. The disbandment of an assembly under section 9 above shall be effected by an oral decision preceded by three consecutive addresses to the participants, warning about the possibility of disbandment, and then communicated to the leader of the assembly; the decision is immediately enforceable. The decision in writing shall be delivered to the organiser within 24 hours of the moment of its adoption.

11. The organiser and any participant of the assembly may appeal against the decision to disband the assembly within 3 days of the date of such disbandment.

12. In matters not regulated by this Act, the holding of an assembly on the site of a Holocaust Memorial or within its protective zone, the provisions of the Law on Assemblies shall apply, with the exception of Article 4 thereof.

13. The provisions under Sections 1-12 above shall not apply to assemblies held within the activities of churches and religious unions with the purpose of public practising of religious cult, and organised in churches, temples, chapels, church buildings, and on church-owned land.

Article 8

1. On the site of a Holocaust Memorial and within its protective zone business activity may only be conducted to the extent necessary to protect the Holocaust Memorial from destruction or damage, to ensure order and cleanliness on the site, to provide permanent maintenance and proper marking of its boundaries or the boundary of its protective zone and necessary to ensure proper access for visitors.

2. A consent of the Voivode, issued by way of a decision, is required to conduct the business activity referred to under Section 1.

3. Application for the consent referred to under Section 2 above shall contain the following information:

1) identification of the entrepreneur and his/her office (address of residence), and if attorneys have been appointed to carry out legal acts on behalf of the entrepreneur, also the names and surnames of the attorneys,

2) identification of the entrepreneur's scope of activity,

- 3) identification of the place of business,
- 4) date of commencement of business activity.

4. The Voivode, by way of a decision, shall deny the consent, if:

- 1) the scope of the intended business activity exceeds the scope referred to under Section 1,

- 2) the conduct of the business activity might violate the dignity or nature of the Holocaust Memorial.

5. The Voivode, by way of a decision, may deny the consent, if the business activity already conducted on the site of the Holocaust Memorial or within its protective zone, ensures the implementation of the goals referred to under Section 1 above.

6. The Voivode, by way of a decision, may withdraw the consent referred to under Section 2, if:

- 1) the scope of the conducted business activity exceeds the scope defined in the decision,

- 2) the conducted business activity violates the dignity or nature of the Holocaust Memorial,

- 3) the conducted business activity has ceased to be necessary for the implementation of the goals referred to under Section 1 above.

7. In the case of the consent withdrawal referred to under Section 6 above, the entity conducting business activity shall cease to conduct the business activity within a month of the date of issue of a final decision. The entity conducting the business activity shall not be entitled to compensation, except the instances referred to under Section 6, paragraph 3.

8. In cases referred to under Section 6 paragraph 3, the amount of compensation for the incurred losses shall be established by the Voivode by way of a decision.

Article 9

The acquisition of consent referred to under Article 8, Section 2, shall not release the entity from the obligation to report the commencement of business activity to the register of business activity or to acquire the license or permit to conduct the business activity, in pursuance with the principles set out in separate regulations.

Article 10

1. The erection of buildings, temporary buildings and other facilities on the sites of the Holocaust Memorials and within their protective zones shall be prohibited, with the exception of facilities and installations necessary to protect the Holocaust Memorial from destruction or damage, to provide order and cleanliness on its site, to ensure permanent maintenance, marking of its boundaries and those of its protective zone, and to ensure the necessary to ensure proper access for visitors.

2. The acquisition of permits, required under separate regulations, to construct buildings, temporary buildings and other facilities referred to under Section 1 above, or a commencement of construction of such structures if no construction permit is required, shall be subject to the consent of the Voivode issued by way of a decision.

3. The Voivode shall order, by way of a decision, demolition of a building or a part thereof, which is under construction or which has been constructed without the required permit referred to under Section 2.

Article 11

1. The expropriation of real property located on the sites of the Holocaust Memorials and within their protective zones shall be governed by the provision of the Law on Real Estate Management, unless the provisions of this Act indicate otherwise.

2. Expropriation for the purposes of protection of a Holocaust Memorial shall not affect real estate or parts thereof, within which churches, temples, chapels or residential buildings are located.

Article 12

The Voivode shall be the competent authority in matters of expropriation of real estate for purposes of protection of a Holocaust Memorial.

Article 13

Real estate located on the site of a Holocaust Memorial or within its protective zone may be expropriated only for the benefit of the State Treasury.

Article 14

Article 121, Section 3 of the Law on Real Estate Management shall not apply to the real estate expropriated for purposes of protection of a Holocaust Memorial.

Article 15

1. Decisions referred to under Article 8, Sections 2,5 and 6, Article 10, Sections 2 and 3, as well as decisions regarding expropriation of real estate for purposes of protection of a Holocaust Memorial shall be issued by the Voivode upon consultation with the local commune administrator or mayor. The provision of Article 106 of the Administrative Procedure Code shall not apply.

2. Failure to issue an opinion referred to under Section 1 above within 2 weeks of the date of the Voivode requesting to do so, shall be interpreted as the issuance of a positive opinion.

Article 16

The minister responsible for matters of culture and national heritage protection shall be the superior authority for matters referred to under Articles 7, 8, 10 and 12 above, and Article 26, Section 3 and Article 27, Sections 4 and 5.

Article 17

The Voivode's competence *ratione loci* shall be identified by the location of the Holocaust Memorial and its protective zone. If the Memorial and/or the zone spread over the territory of two or more voivodeships, the Voivode competent *ratione loci* shall be appointed, by way of an order, by the minister responsible for matters of public administration.

Article 18

1. An authority that has instituted administrative proceedings the effects of which may affect a Holocaust Memorial or its protective zone shall immediately notify the minister responsible for matters of public administration of the institution of such proceedings.
2. In the proceedings referred to under Section 1 above, the minister responsible for matters of public administration shall enjoy the rights of party to administrative proceedings and to proceedings before the administrative court, if the intention to join such proceedings is communicated within 7 days of the date of delivery of the notification on institution of administrative proceedings.
3. The provision under Section 2 above shall not apply to administrative proceedings in which the minister responsible for matters of culture and national heritage protection is the competent authority in the first or second instance.

Chapter 3

Penal regulations

Article 19

1. Whoever conducts a business activity on the site of a Holocaust Memorial or within its protective zone despite not having acquired a relevant permit shall be subject to a fine.
2. Proceedings in cases referred to under Section 1 above shall be conducted in pursuance with the provisions of the petty offences procedure code.

Chapter 4

Changes in the regulations in force

Article 20

In the Act of 2 July 1947 on the Commemoration of the Martyrdom of the Polish Nation and other Nations in Oświęcim (Journal of Laws, No. 52, Item 265), in Article 3, Article 4, Section 1 and Article 5 the words “State Museum in Oświęcim – Brzezinka” shall be replaced by “State Auschwitz-Birkenau Museum in Oświęcim”.

Article 21

In the Act of 23 December 1988 on Business Activity (Journal of Laws, No. 41, Item 324; of 1990, No. 26, Item 149, No. 34, Item 198; of 1991, No. 31, Item 128, No. 41, Item 179, No. 73, Item 321, No. 105, Item 452, No. 106, Item 457, No. 107, Item 460; of 1993, No. 28, Item 127, No. 47, Item 212, No. 134, Item 646; of 1994, No. 27, Item 96, No. 127, Item 627; of 1995, No. 60, Item 310, No. 85, Item 426, No. 90, Item 446, No. 141, Item 700, No. 147, Item 713; of 1996, No. 41, Item 177, No. 45, Item 199; of 1997, No. 9, Item 44, No. 23, Item 117, No. 43, Item 272, No. 54, Item 348, No. 60, Item 369, No. 75, Item 471, No. 88, Item 554, No. 96, Item 591, No. 98, Item 602, No. 106, Item 677, No. 113, Item 733, No. 114, Item 740, No. 121, Item 769 and 770, No. 124, Item 783, No. 133, Item 884, No. 157, Item 1026 and of 1999, No. 40, Item 401), Article 24b shall be added that reads:

“Article 24b. Business activity on the site of a Holocaust Memorial and within its protective zone shall be subject to restrictions, in pursuance with the Act of 7 May 1999 on the Protection of Sites of the Former Nazi Extermination Camps (Journal of Laws, No. 41, Item 412).”

Article 22

In the Act of 5 July 1990 – Law on Assemblies (Journal of Laws, No. 51, item 297) in Article 2 the full-stop shall be replaced by a comma and the following words shall be added: “as well as the protection of Holocaust Memorials within the meaning of the Act of 7 May 1999 on the Protection of Sites of the Former Nazi Extermination Camps (Journal of Laws, No. 41, Item 412).”

Article 23

In the Act of 7 July 1994 – the Building Law (Journal of Laws, No. 89, Item 414; of 1996, No. 100, Item 465, No. 106, Item 496, No. 146, Item 680; of 1997, No. 88, Item 554, No.

111, Item 726; of 1998, No. 22, Item 118, No. 106. Item 668), Article 39a shall be added that reads:

“Article 39a. The erection of a civil structure, temporary civil structure and a technical facility on the site of a Holocaust Memorial or within its protective zone within the meaning of the Act of 7 May 1999 on the Protection of Sites of the Former Nazi Extermination Camps (Journal of Laws, No. 41, Item 412) requires that a consent of the competent Voivode be acquired prior to the issuance of a decision regarding a construction permit.”

Article 24

In the Act of 7 July 1994 on Spatial Planning (Journal of Laws, 1999, No. 15, Item 139), in Article 10 Section 1a shall be added that reads:

“1a. The local spatial development plan shall delineate the boundaries of Holocaust Memorials and their protective zones, as well as the restrictions on business activity permitted on these sites, enshrined in the Act of 7 May 1999 on the Protection of Sites of the Former Nazi Extermination Camps (Journal of Laws, No. 41, Item 412).”

Article 25

In the Act of 4 September 1997 on Public Administration Departments (Journal of Laws, No. 141, Item 943; of 1998, No. 162, Item 1122) in Article 6:

a) in Section 1 (3), the full stop shall be replaced with a comma and a paragraph 4 shall be added that reads:

4) Holocaust Memorials and their protective zones within the meaning of the Act of 7 May 1999 on the Protection of Sites of the Former Nazi Extermination Camps (Journal of Laws, No. 41, Item 412).”

b) in Section 2, the full stop shall be replaced with a comma and the following words shall be added: “as well as the Council for the Commemoration of Struggle and Martyrdom.”

Chapter 5

Transitional and final provisions

Article 26

1. Individuals conducting business activity on the site of the Holocaust Memorial or within its protective zone on the day of entry of this Act into force shall be obliged to apply to the

Voivode for a permit to conduct this business activity within 6 months of the date on which the regulation referred to under Article 4, Section 3 pertaining to this Holocaust Memorial and its protective zone becomes effective.

2. The provisions of Article 8 shall apply to the procedure of permit issuance.

3. Individuals who have been refused the permit shall be entitled to compensation for the incurred losses. The amount of the compensation shall be determined by the Voivode by way of a decision.

4. If the application for permit issuance has not been filed within the time limit referred to under Section 1, the individual conducting business activity is obliged to cease to do so within one month of the date of the final deadline referred to under Section 1. In such cases, individuals conducting business activity shall not be entitled to compensation.

Article 27

1. Within 3 months of the date on which the regulation pertaining to the Holocaust Memorial and its protective zone, referred to under Article 4, Section 3 becomes effective, the Voivode may terminate the contracts in force on that day, to which the State Treasury is a party and which pertain to the use of the real estate that is owned by the State Treasury and is located on the site of the Holocaust Memorial or within its protective zone. The termination shall be subject to a one month notice and effective as of the end of the calendar month.

2. If the contract referred to under Section 1 above is subject to court proceedings on the day on which the regulation referred to under Article 4, Section 3 pertaining to the Holocaust Memorial and its protective zone, becomes effective, the 3-month period shall run from the date on which the proceedings are concluded with a binding legal effect.

3. An individual with regard to whom a contract is terminated shall be entitled to seek compensation for the losses resulting from the termination of the contract. Compensation may not be sought for the lost opportunity of future earnings that could be gained had the contract not been terminated.

4. The amount of compensation shall be determined by the Voivode by way of a decision.

5. If the occupant of the real estate referred to under Section 1 above, refuses to release the real estate despite the lapse of contract termination notice period for the use of the real estate, and his/her continued occupation of the real estate violates the dignity and nature of the Holocaust Memorial, the Voivode may, by way of a decision, order the real estate to be released.

6. The decision shall include the date on which the real estate should be released.

7. The decision may be made immediately enforceable.

8. If the occupant of the real estate evades to release the real estate, the decision shall be subject to enforcement in pursuance with the regulations on enforcement proceedings in administration.

9. The Voivode shall be the competent authority to carry out the administrative enforcement in cases referred to under Section 8 above.

Article 28

The provisions of Article 27, Sections 5 – 9 shall apply to the release of real estate located on the site of the Holocaust Memorial or within its protective zone by its occupant, with regard to whom the contract for the use of the real estate was terminated, if as of the date on which the Act enters into force the real estate has not been released.

Article 29

This Act shall enter into force 14 days of the date of its publication.

I, Dorota Bartz, a court-accredited translator (TP/205/07), hereby certify that this translation is a true and faithful representation of the document in Polish presented to me on 26 November 2007.

Rep. 802/2007

Poznań, 26 November 2007