



Published on *HEREIN System* (<http://www.herein-system.eu>)

[Home](#) > Heritage Legislation - Poland

Heritage Legislation - Poland

Country: Poland

Hide all

7.1.A Council of Europe conventions which have been signed and ratified by the state

7.1.A Council of Europe conventions which have been signed and ratified by the state:

Convention	Date de signature (dd/mm/yyyy)	Date de ratification (dd/mm/yyyy)
Granada	03/18/2010	11/22/2011
Valetta	01/16/1992	01/30/1996
Florence	12/21/2001	09/27/2004
Faro		

7.1.A Brief Overviw

Granada:

Polish legislation already complies with the requirements posed by the Convention. Preservation of architectural heritage is present at Polish legal system for nearly a hundred years and has a rich history (since 1918). Nowadays, the primary legal act concerning architectural heritage protection is the Act on the Protection of Monuments and the Guardianship of Monuments (Dziennik Ustaw 2003, No. 162, item 1568). Significant regulations in the scope of historic architecture protection are also included in the Construction Law (Dziennik Ustaw 2006, No.156, item 1118). Provisions of the Law indicate some cases, in which the rules of monument protection are superior to the rules of construction.

Valetta:

Statements included in the Convention have solved problems that Poland and most of European countries were facing since decades. The need of adoption of such regulations was determined by: - changes in the theory of archaeological sites' protection. The preservation of archaeological sites has been emphasised instead of test excavations, which is a destructive method; - adoption of the rule: "who destroys, must pay" in the sphere of investments destroying archaeological sites; - the need to take pre-emptive action before the investment is started. The aim of such a rule is to give a diagnosis of archaeological resources threatened by investments. That is why maps of archaeological sites should be taken into consideration while preparing Environmental Impact Assessments and spatial planning at all levels of administration. The main result of the implementing of La Valetta Convention is to ensure that no investment will destroy any archaeological site before undertaking rescue excavations. Practical effects of the implementation of this rule are following: - taking into account the presence of archaeological sites in the Environmental Impacts Assessments; - increasing number of rescue excavations and a significant reduction of the number of excavations undertaken just for research (at archaeological sites not threatened by a destruction); - increasing need for archaeological institutions and enterprises, which might lead rescue excavations in difficult conditions (winter). It made not only "commercial archaeology" emerge but also numerous private companies specialised in archaeological excavation appeared. Polish legislation complies with the requirements posed by the Convention. Preservation of archaeological heritage is present at legal system. The primary legal act concerning archaeological heritage protection is the Act on

the Protection of Monuments and the Guardianship of Monuments (Dziennik Ustaw 2003, No. 162, item 1568).

Florence:

Although there is no legal definition of "landscape" in Polish law, there are definitions of the terms "landscape values", "landscape protection" and in the context of heritage protection: "cultural landscape". 11 Landscape is the subject of several provisions included in the following acts: - Act on the nature conservation (Dziennik Ustaw 2004, No. 92, item 880) - Act on spatial planning and management (Dziennik Ustaw 2003, No. 80, item 717) - Environmental Protection Law (Dziennik Ustaw 2001, No. 62, item 627) - Act on the Protection of Monuments and Guardianship of Monuments (Dziennik Ustaw 2003, No. 162, item 1568) The Act on the Protection of Monuments and the Guardianship of Monuments defines the term "cultural landscape" as follows: historically-shaped space resulting from human activity, containing products of civilisation and elements of nature. The "landscape" defined in this manner is an object of legal protection and guardianship provided by the Polish law: - the protection and guardianship, regardless of the state of preservation, cover immovable monuments, in particular: cultural landscapes (...), (article 6 of the Act); - the Commune Council (Rada Gminy) following the opinion of the Voivodeship Inspector of Monuments may establish a cultural park in order to protect the cultural landscape and preserve the distinctive landscape grounds with the immovable monuments characteristic for local construction and settlement tradition (practice resulting directly from article 5d of the Florence Convention). The Council specifies the name of the cultural park, its boundaries, the way of protection as well as bans and limitations as referred in further articles. The head of local administration in collaboration with the Voivodeship Inspector of Monuments draws up a plan for the cultural park protection. The plan requires the Municipality Council approval (till the end of 2010 more than 20 cultural parks were established in Poland). The obligatory local spatial development plan is to be prepared for the areas on which the cultural park has been established. On the areas of cultural parks, or a part of them the bans and restrictions may be applied to: construction works as well as industry, agriculture, breeding, trade and service activity; change of the use of immovable monuments; placing bulletin boards, written texts, billboards and other signs not connected with the cultural park protection, excluding roads signs and signs connected with the public order and public security protection; waste disposal and storage (articles 16 and 17 of the Act), - the heads of local authorities at all levels draw up for the period of 4 years a voivodeship/county/commune programme for the guardianship of monuments, The programme's aim - in particular - is to consider conditions of monument protection, including the cultural landscape and archaeological heritage, combined with the nature protection and ecological balance conditions as well as present individual monuments and advantages of cultural landscape (article 87 of the Act). National Heritage Board of Poland conducts a programme, the subject of which - in the context of heritage protection - is the cultural landscape. The programme Protection of the Cultural Landscape in Poland, according to articles 5 and 6 of the Florence Convention, aims at: - updating and implementing the instruction for creating cultural parks (promoting the idea of protection of cultural landscapes, preparing a guide presenting cultural parks, organising a nationwide seminar concerning rules of cooperation at all levels of administration); - identifying cultural landscapes also in natural protected areas (NATURA 2000); - preparing sessions of: the Minister of Culture and National Heritage, the Minister of the Environment, managers of National Parks, Landscape Parks, Natura 2000 sites and 12 Cultural Parks - in order to establish an Integrated National Programme for the Protection of Cultural Heritage, Nature and Landscape.

7.1.B If your state has not yet ratified all of these conventions, please briefly describe the efforts being made to reach this

Brief overview

Faro:

7.1.C Council of Europe Recommendations about cultural heritage reflected / incorporated in legislation or policy of your state.

7.1.C Recommendations:

Recommendation	Theme	Reflected/incorporated in Legislation	Reflected/incorporated in Policy	Not applic
Rec (1980) 16	Specialised	No	No	No

training				
Rec (1981) 13	Declining craft trades	No	No	No
Rec (1985) 8	Film heritage	No	No	No
Rec (1986) 11	Urban open space	No	No	No
Rec (1986) 15	Architectural heritage - Craft trades	No	No	No
Rec (1987) 24	Industrial towns	No	No	No
Rec (1989) 5	Archaeology - town / country planning	No	No	No
Rec (1989) 6	Rural architectural heritage	No	No	No
Rec (1990) 20	Industrial, technical and civil engineering heritage	No	No	No
Rec (1991) 6	Funding architectural heritage	No	No	No
Rec (1991) 13	20th Century architectural heritage	No	No	No
Rec (1993) 9	Architectural heritage / natural disasters	No	No	No
Rec (1995) 3	Documentation architectural heritage	No	No	No
Rec (1995) 9	Cultural Landscapes	No	No	No
Rec (1996) 6	Protection against unlawful acts	No	No	No
Rec (1997) 2	Physical deterioration - pollution	No	No	No
Rec (1998) 4	Historic complexes, immoveable and moveable property	No	No	No
Rec (1998) 5	Heritage education	No	No	No
Rec (2001) 15	History teaching	No	No	No

Rec (2003) 1	Tourism as a factor for sustainable development	No	No	No
Rec (2004) 3	Geological heritage	No	No	No
Rec (2005) 13	University heritage	No	No	No
Rec (2008) 3	Guidelines - implementing the Landscape Convention	No	No	No

▼ 7.1 Commentary

7.1 Commentary

Integrated approach

The majority of statements included in the recommendations issued by the Council of Europe for the management of cultural heritage have already been present in Polish legal system mainly in the Act on the Protection of Monuments and the Guardianship of Monuments. The Act precisely describes all issues related to the protection and guardianship of all types of monuments and closely corresponds to the Conventions of La Valetta, Granada and Florence and follows mentioned recommendations. Due to the fact that recommendations are not binding and their implementation is not necessary, its only function is setting standards and indicating doctrines; development directions in historical monuments (immovable, movable, archaeological sites and cultural landscape) protection and any institution or person is allowed to follow them.

▼ 7.2.A Are visions or strategies for heritage going to change in the short and medium term?

7.2.A Vertical Tabs

Integrated Approach

- - The medium term priorities concerning policy of the conservation, protection and management of the cultural heritage are included in the "National Strategy for Culture Development 2004-2013" and its supplement till 2020. The document states that the primary mission and strategic goal for all managing, forwarding, financing and co-operating institutions should be the sustainable development of the culture in the whole country. This aim should determine all actions undertaken by all institutions working in the sphere of culture. Preserving cultural heritage and effective monument protection is one of eight indirect goals that lead to the main aim's implementation.

According to the Strategy, heritage protection policy provides establishing financial support for monuments preservation (details in section 3.3) as well as changes in legislation:

- exclusion of the Voivodeship Offices for Monument Protection from the conjoint voivodeship administration and establishing their subordination to the General Inspector of Monuments;
- enforcement of mechanisms of civil liability of Voivodeship Inspectors of Monuments for illegal activities and causing potential losses of investors (this would entail, inter alia, compulsory insurance against civil liability of Inspectors);

- strengthening the position of the National Heritage Board of Poland as an institution responsible for developing and implementing strategies in the area of monument protection;
- decentralisation of decision procedures – transferring the responsibility for management of historic monuments (facade repairs, routine interior renovation, advertisements' exposure) to urban inspectors of monument protection;
- establishing effective rules of conservation works in historic buildings, undertaken at the initiative of Voivodeship Inspectors of Monuments or National Heritage Board of Poland as well as establishing the principles of charging the monuments' owners for these works;
- supporting of the protection of cultural heritage by acquiring additional resources of financing.

The Strategy suggests to establish a state fund (the National Heritage Fund), granted with funds provided by real estate investors of 0,5% of construction costs (excluding housing). It is estimated that the fund could be transferred with more than 200 million PLN annually. The National Heritage Fund would be managed jointly by local government units. The alternative solution suggested is the proposal to consider imposing on the investor an obligation to allocate at least 1% of the cost of construction (except housing investments) for decoration of buildings, improvement of the surroundings and purchase of works of modern art to the buildings' interiors.

Short term priorities were formulated by National Heritage Board of Poland and are included in its Strategy for the period of 2009-2011:

- public access to the information about cultural heritage (creating a nationwide database of monuments; digitisation of archives and documents),
- valorisation of cultural heritage resources (verification of the National Inventory of Monuments, re-definition of the value of monuments),
- creating substantive bases for the protection of monuments (appointing Memorials of History, providing special conservation treatment for the monuments inscribed on the World Heritage List),
- education about heritage (actions aimed at increasing the awareness of cultural heritage and its protection among whole society)..

•

Source URL: <http://www.herein-system.eu/heritage-legislation-poland>