

Developed on the
basis of:
Journal of Laws of 2020,
item 282, 782.
1378.

The Act
of 23 July 2003
on the protection and guardianship of monuments¹

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 the National Heritage Preservation and Protection Programme and the financing of conservation, restoration and construction works on historical monuments, and the organisation of monument protection authorities.

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

2. The protection of archival materials included in the national archival resources is regulated by the provisions of the Act of 14 July 1983 on the National Archival Resources and Archives (Journal of Laws of 2020, item 164), taking into account the provisions of Article 14a, section 2 and Chapter 2a.

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

- 1) monument - immovable or movable property, parts or assemblies thereof, being the work of humans, or related to human activity, and constituting a testimony of the past epoch or event, the preservation of which is in the social interest because of historical, artistic, or scientific value;
- 2) immovable monument - immovable object, its part or assemblies thereof, referred to in point 1;
- 3) movable monument - movable object, its part or assemblies thereof, referred to in point 1;
- 4) archaeological find – an immovable monument constituting surface, underground or underwater remnants of the existence and activity of humans, comprised of cultural layers as well as products contained therein or evidence thereof, or a movable monument being such a product;
- 5) cultural institution specialising in the care of monuments - a cultural institution within the meaning of the regulations on organising and conducting cultural activities, whose statutory objective is to exercise care of monuments;

¹ The Act implements, within the scope of its regulation, Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State (OJ EC L 74, 27.03.1993). The information concerning the publication of acts of European Union law contained in this Act - as of the date on which the Republic of Poland became a member of the European Union - concerns the publication of those acts in the Official Journal of the European Union - special edition.

- 6) conservation works - a set of activities aimed to safeguard and consolidate the substance of a historical monument with a view to slowing down its destruction and the documenting of such processes;
- 7) restoration works - activities aimed at exposing the artistic and aesthetic values of a monument, including, if necessary, supplementing or reconstructing parts of it, and documenting these activities;
- 8) construction works - construction works within the meaning of the provisions of the Construction Law, undertaken at or around the monument;
- 9) conservation research - activities aimed at recognising the history and function of the monument, determining the materials and technologies used to make it, determining the state of preservation of the monument, and developing a diagnosis, design and programme of conservation work, and if necessary, a programme of restoration work;
- 10) architectural research - activities interfering in the substance of the monument, aimed at recognising and documenting the original form of the building structure and determining the scope of its subsequent transformations;
- 11) archaeological research - activities aimed at discovering, recognising, documenting and protecting an archaeological find;
- 12) historical urban or rural layout - spatial urban or rural layout including building complexes, individual buildings and forms of organised greenery, distributed in a system of historical ownership and functional divisions, including streets or road networks;
- 13) historical building complex - spatially connected group of structures identified due to its architectural form, style, used materials, function, time of erection or connection with historical events;
- 14) cultural landscape - human-perceived space, containing natural elements and products of civilization, historically shaped by natural factors and human activities;
- 15) surroundings - the area around or next to the monument designated in the decision on its entry into the register of historic monuments in order to protect the visual values of the monument and its protection against harmful effects of external factors.

Article 4. Protection of historical monuments shall oblige public administration bodies to take appropriate action:

- 1) to ensure the legal, organisational and financial framework for the permanent preservation of historical monuments, including their management and maintenance;
- 2) to prevent threats that may reduce the value of historical monuments;
- 3) to prevent destruction and improper use of historical monuments;
- 4) to counteract theft, loss or illegal transfer of historical monuments abroad;
- 5) to control the state of preservation and intended use of historical monuments;
- 6) to include monument protection objectives in spatial planning and shaping of the environment.

Article 5. Guardianship of historical monuments exercised by its owner or holder shall consist, in particular, in ensuring proper conditions for:

- 1) scientific research and documentation of the monument;
- 2) conservation, restoration and construction works at the monument;
- 3) securing and maintaining the monument and its surroundings in the best possible state;

- 4) using the monument in a manner that ensures the permanent preservation of its value;
- 5) promoting and disseminating knowledge about the monument and its importance 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, in particular:
 - a) cultural landscape,
 - b) urban and rural layouts and building complexes,
 - c) works of architecture and building industry,
 - d) defensive structures,
 - e) technical structures, in particular mines, smelting plants, power plants and other industrial plants,
 - f) cemeteries,
 - g) parks, gardens and other forms of organised greenery,
 - h) sites commemorating historic events or activities of prominent figures or institutions;
- 2) moveable monuments, in particular:
 - a) works of fine arts, artistic craft and applied arts,
 - b) collections of items collected and ordered according to the collector's concept,
 - c) numismatic items and historical relics, in particular weaponry, banners, seals, badges, medals and orders,
 - d) technical devices, in particular equipment, means of transport as well as machines and tools that testify to a material culture and are characteristic of old and new forms of economy and document the level of science and civilization development,
 - e) library materials referred to in Article 5 of the Act of 27 June 1997 on Libraries (Journal of Laws of 2019, item 1479),
 - f) musical instruments,
 - g) works of folk art and handicraft and other ethnographic items,
 - h) items commemorating historic events or activities of prominent figures or institutions;
- 3) archaeological monuments, in particular:
 - a) outdoor remains of prehistoric and historic settlement,
 - b) cemeteries,
 - c) burial mounds,
 - d) relics of commercial, religious and artistic activities.

2. Protection is also provided to geographical, historical or traditional names of buildings, squares, streets or settlements (localities).

The forms and nature of protection of historical monuments

Article 7. The forms of protection of historical monuments shall be:

- 1) entry into the register of historic monuments;
- 1a) entry in the List of Heritage Treasures;
- 2) listing as a monument of history;
- 3) establishment of a culture park,
- 4) determination of safeguards in the spatial development plan or in the decision on the location of a public benefit investment, decision on land development, decision permitting a road investment, decision on the location of a railway line or decision permitting investment in a public airport.

Article 8. 1. The Register of Historical Monuments, hereinafter referred to as the "Register", shall be kept by the Voivodeship Monuments Inspector for monuments located in the voivodeship.

2. The Register shall be kept in the form of separate books for the following types of monuments:

- 1) immovable;
- 2) movable;
- 3) archaeological.

3. The Register shall contain personal data including the name, surname and address of residence or the name and address of the seat of the owner or holder of the monument or the perpetual usufructuary of the land on which the immovable monument is located.

Article 9. 1. An immovable monument shall be included in the Register on the basis of a decision issued by the Voivodeship Monuments Inspector *ex officio* or upon the request of the owner of the immovable monument or the perpetual usufructuary of the land on which the immovable monument is located.

2. The surroundings of a monument entered into the Register, as well as the geographical, historical or traditional name of that monument, may also be entered into the Register following the procedure specified in section 1.

3. Entering a historical urban or rural layout or a historical building complex into the Register shall not exclude the possibility of issuing a decision on the entry into the Register of immovable monuments included in such layouts or complex.

3a. The information on the initiation of the procedure for entering an immovable monument into the Register and on the final completion of the procedure shall be provided immediately by the voivodeship monuments inspector to the relevant district governor.

3b. Information on the commencement of the proceedings to enter an immovable monument into the Register until the final completion of the proceedings shall be announced to the public on the website of the Public Information Bulletin of the district governor's office on the territory of which the monument is located, as well as in the seat of the competent voivodeship monuments inspector or in the manner customary in the town or city where the monument is located.

3c. The provision of section 3b is without prejudice to Article 61(4) of the Code of Administrative Procedure and Article 94 of this Act.

4. The entry of an immovable monument into the Register shall be included in the land and mortgage register of a given property upon the request of the voivodeship monuments inspector, on the basis of a decision to enter that monument in the Register.

5. (repealed)

6. At the request of the voivodeship monuments inspector, information on the entry of an immovable monument into the Register shall be published in the voivodeship official journal.

7. Entries referred to in section 4 shall be free of charge.

Article 10. 1. A movable monument shall be included in the Register on the basis of a decision issued by the voivodeship monuments inspector or upon the request of the owner of the movable monument.

2. The voivodeship monuments inspector may issue an *ex officio* decision on the entry of a movable monument into the Register in the case of a justified fear of destruction, damage or illegal exportation of the monument abroad or exportation of a monument of exceptional historical, artistic or scientific value.

3. A movable monument constituting a cultural asset referred to in Article 12 Section 1 point 1 of the Act of 25 May 2017 on the Restitution of National Cultural Assets (Journal of Laws of 2019, item 1591) shall be *ex officio* entered into the Register. The Minister of Culture and National Heritage shall inform the voivodeship monuments inspector of the existence of grounds for the entry of a monument into the Register, providing the data of the monument and documents necessary for the entry.

Article 10a. 1. From the date of initiation of the proceedings on entry of a monument into the Register until the date of final entry, no conservation, restoration, construction or other works can be carried out that could alter the substance or the appearance of the monument.

2. The prohibition referred to in section 1 shall also apply to works covered by a building permit or a notification as well as to activities specified in another decision permitting their performance.

3. The provisions of sections 1 and 2 shall not apply to a monument serving the defence and security of the State.

Article 11. The following monuments shall not be entered into the Register:

- 1) entered in the List of Heritage Treasures;
- 2) entered in the museum inventory;
- 3) included in the national library resource.

Article 12. 1. The District Governor, in agreement with the voivodeship monuments inspector, may place a sign on a movable monument entered into the Register, informing that the monument is protected.

2. The Minister of Culture and National Heritage shall specify, by ordinance, the design and dimensions of the sign referred to in section 1.

3. The ordinance should specify the graphic form of the sign, distinguishing it from other signs, taking into account the design used so far, as well as written information that the object is a monument and is subject to protection.

Article 13. 1. A monument entered into the Register which has been destroyed to the extent that its historical, artistic or scientific value is lost or whose value on the basis of which the decision to enter it into the Register has not been confirmed by new scientific findings shall be removed from the register.

2. Section 1 shall apply to the removal of parts of the monument from the Register.

3. The surroundings of the monument shall be removed from the Register, if the monument is removed from the Register.

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

- 1) (repealed)
- 1a) a monument entered in the List of Heritage Treasures;
- 2) a monument entered in the museum inventory;
- 3) a monument included in the national library resource.

5. Removal from the Register shall be based on a decision of the minister competent for culture and the protection on national heritage.

6. The proceedings to remove a monument from the Register shall be initiated *ex officio* or upon the request of the owner of the monument or the perpetual usufructuary of the land on which the immovable monument is located.

Article 14. 1. On the basis of the decision on the removal of an immovable monument from the Register, the voivodeship monuments inspector shall apply for the removal of the entry referred to in Article 9(4) from the land and mortgage register.

2. (repealed)

3. At the request of the voivodeship monuments inspector, information on the removal of an immovable monument from the Register shall be published in the voivodeship official journal.

4. Deletions referred to in section 1 shall be free of charge.

Article 14a. 1. The List of Heritage Treasures shall be kept by the minister competent for culture and the protection on national heritage.

2. A movable monument of outstanding value to cultural heritage, falling into one of the following categories, shall be included on the List of Heritage Treasures:

- 1) archaeological finds which are more than 100 years old, constitute part of archaeological collections or have been acquired as a result of archaeological research or accidental discoveries,
- 2) elements that constitute an integral part of architectural finds, interior décor, monuments, statues and works of artistic craftsmanship that are more than 100 years old,
- 3) hand-made paintings made in any technique and on any material, other than those included in the categories indicated in points 4 and 5, which are more than 50 years old, whose value exceeds EUR 150,000 and are not owned by their authors,
- 4) hand-made watercolours, gouaches and pastels made on any material, which are more than 50 years old, whose value exceeds EUR 30,000 and are not owned by their authors,
- 5) mosaics, other than those included in the categories indicated in points 1 and 2, and drawings made in any technique and on any material, which are more than 50 years old, whose value exceeds EUR 15,000 and are not owned by their authors,
- 6) original graphics and their matrixes, as well as original posters, which are more than 50 years old, whose value exceeds EUR 15,000 and are 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 indicated in point 1, which are more than 50 years old, whose value exceeds EUR 50,000 and are not owned by their authors,
- 8) photographs, films and their negatives, which are more than 50 years old, whose value exceeds EUR 15,000 and are not owned by their authors,
- 9) incunabula and manuscripts, either individual or in collections, as well as maps and musical scores, which are more than 50 years old and which are not owned by their authors,
- 10) books, either individual or in collections, which are more than 100 years old and whose value

exceeds EUR 50,000,

- 11) printed maps that are more than 200 years old,
 - 12) means of transport that are more than 75 years old and whose value exceeds EUR 50,000,
 - 13) other categories, not listed in points 1-12, including monuments that are more than 50 years old and whose value exceeds EUR 50,000,
- on the basis of the decision issued by the minister competent for culture and the protection of national heritage *ex officio* or upon the request of the owner of a movable monument.

Article 14aa. 1. From the date of initiation of the proceedings on the entry of a monument in the List of Heritage Treasures until the date of final entry, no conservation or restoration or other works can be carried out that could alter the substance or the appearance of the monument.

2. The provisions of sections 1 shall not apply to a monument:

- 1) entered into the Register;
- 2) entered in the museum inventory;
- 3) included in the national library resource.

Article 14b. 1. A movable monument which no longer falls within one of the categories referred to in Article 14a(2) shall be removed from the List of Heritage Treasures.

2. Removal from the List of Heritage Treasures shall be based on the decision of the minister competent for culture and the protection of national heritage.

3. The proceedings to remove a monument from the List of Heritage Treasures are initiated *ex officio* or upon the request of the owner of the movable monument.

Article 15. 1. The President of the Republic of Poland, at the request of the minister competent for culture and the protection of national heritage, may, by way of an ordinance, reward the status of a monument of history to an immovable monument entered into the Register or a culture park of outstanding value for culture, specifying its boundaries.

2. The minister competent for culture and the protection of national heritage may submit the request referred to in section 1 after obtaining the opinion of the Council for the Protection of Historical Monuments.

3. The revocation of the awarding of the status of a monument of history to an immovable monument shall take place in the manner provided for such awarding.

4. The minister competent for culture and the protection of national heritage may submit a request to the World Heritage Committee for a monument of history to be entered in the “World Heritage List” to provide such monument with protection under the Convention for the Protection of the World Cultural and Natural Heritage, adopted in Paris on 16 November 1972. (Journal of Laws of 1976, item 190 and 191).

Article 16. 1. The municipal council, having obtained the opinion of the voivodeship monuments inspector, on the basis of a resolution, may create a culture park to protect the cultural landscape and preserve outstanding landscape areas with immovable monuments characteristic of the local construction and settlement traditions.

1a. The municipal council shall announce in the local press and by announcement, as well as in the manner customary in a given locality, that it will undertake work on the creation of a culture park, specifying the form, place and deadline for submitting applications concerning the draft resolution on the creation of a culture park, but not less than 21 days from the date of announcement.

2. The resolution shall specify the name of the culture park, its boundaries, the method of protection, as well as the prohibitions and restrictions referred to in Article 17(1).

3. The head of the commune (mayor, president of the city), in agreement with the voivodeship monuments inspector, shall draw up a plan for the protection of the culture park, which requires the approval of the municipal council.

4. In order to carry out tasks related to the protection of the culture park, the municipal council may create an organisational unit to manage the park.

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

6. A local spatial development plan shall be obligatory for areas where a culture park has been established.

Article 17. 1. Prohibitions and restrictions may be imposed on the area of a culture park or part thereof, concerning:

- 1) carrying out construction works and industrial, agricultural, breeding, commercial or service activities;
- 2) modifying the manner of using immovable monuments;
- 3) placing boards, inscriptions, advertisements and other signs not related to the protection of the culture park, with the exception of road signs and signs relating to the protection of public order and safety, subject to Article 12(1);
- 3a) the principles and conditions of location of street furniture;
- 4) the storage or disposal of waste.

2. In the event of a limitation on the use of the property as a result of prohibitions and restrictions referred to in section 1, the provisions of Articles 131-134 of the Act of 27 April 2001 shall apply accordingly - Environmental Protection Law (Journal of Laws of 2019, item 1396, as further amended²).

Article 18. [1. *The protection and guardianship of historical monuments shall be taken into consideration when drawing up and updating the concept of national spatial planning, voivodeship development strategies, voivodeship spatial development plans, the spatial development plan of internal sea waters, territorial sea and the exclusive economic zone, analyses and studies on spatial development of the district, municipal development strategy, studies on the conditions and directions of spatial development of municipalities and local spatial development plans or decisions on determining the location of a public purpose investment, a decision on development conditions, a decision on permission to implement a road investment, a decision on determining the location of a railway line or a decision on permission to implement an investment in the scope of a public use airport*].

<1. The protection and guardianship of historical monuments shall be taken into consideration when drawing up and updating voivodeship development strategies, voivodeship spatial development plans, the spatial development plan of internal sea waters, territorial sea and the exclusive economic zone, analyses and studies on spatial development of the district, municipal development strategy, supra-local development strategies, studies on the conditions and directions of spatial development of municipalities and local spatial development plans or

The new wording in section 1 and the introduction to the list in section 2 in Article 18 shall become effective on 13 November 2020 (Journal of Laws of 2020, item 1378).

² Amendments to the consolidated text of the aforementioned Act were announced in the Journal of Laws of 1403, 1495, 1501, 1527, 1579, 1680, 1712, 1815, 2087 and 2166.

decisions on determining the location of a public purpose investment, a decision on development conditions, a decision on permission to implement a road investment, a decision on determining the location of a railway line or a decision on permission to implement an investment in the scope of a public use airport.>

2. *[The concepts, strategies, analyses, plans and studies referred to in section 1 shall, in particular:] <The strategies, analyses, plans and studies referred to in section 1 shall, in particular:>*

- 1) take into consideration the national programme for the protection and guardianship of monuments;
- 2) specify the solutions necessary to prevent threats to monuments, ensuring their protection during the implementation of the investment and restoring monuments to the best possible condition;
- 3) specify the purpose and rules of area development taking into account the care of the monuments.

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

- 1) immovable monuments entered into the Register and their surroundings;
- 2) other immovable monuments, located in the municipal inventory of monuments;
- 3) culture parks.

1a. Decisions concerning the location of a public purpose investment, development conditions, building permit for roadworks investment, location of railways and building permit for public airport investment, shall in particular consider the protection of:

- 1) immovable monuments entered into the Register and their surroundings;
- 2) other immovable monuments, located in the municipal inventory of monuments.

1b. The resolution defining the rules and conditions for the location of street furniture, boards and advertising equipment and fences, shall in particular consider:

- 1) the protection of immovable monuments entered into the Register and their surroundings;
- 2) the protection of immovable monuments, other than those listed in point 1, located in the municipal inventory of monuments.
- 3) the conclusions and recommendations of landscape audits and landscape park protection plans.

2. In the event that a municipality has a municipal monument care programme, the provisions of that programme shall be included in the study and plan referred to in section 1.

3. The study and plans referred to in section 1 shall establish, as appropriate, conservation protection zones covering areas with specific restrictions, prohibitions and orders, as set out in the plan, aimed at protecting the monuments located in the area.

Article 20. Projects and amendments to the voivodeship and local spatial development plans are subject to agreement with the voivodeship monuments inspector in terms of development and land use planning.

Article 21. The inventory of monuments shall be the basis for the preparation of monument care programmes by voivodeships, districts and municipalities.

Article 22. 1. The General Monuments Inspector shall keep the national inventory of monuments in the form of a collection of inventory cards of monuments located in the voivodeship inventory of monuments.

2. The Voivodeship Monuments Inspector shall keep the voivodeship inventory of monuments in the form of a collection of inventory cards of monuments located in the voivodeship.

3. The inclusion of an inventory card of a movable monument not entered in the Register into the voivodeship inventory of monuments may take place with the consent of the owner of this monument.

4. The head of the commune (mayor, president of a city) shall keep the municipal inventory of monuments in the form of a collection of address cards of immovable monuments located in the commune.

5. The municipal inventory of monuments shall include:

- 1) immovable monuments entered into the Register;
- 2) other immovable monuments, located in the voivodeship inventory of monuments;
- 3) other immovable monuments selected by the head of the commune (mayor, president of a town) in agreement with the voivodeship monuments inspector.

6. The competent Maritime Office Director shall keep an inventory of monuments located in Polish sea areas in the form of a collection of inventory cards.

7. The inventories referred to in sections 1, 2, 4 and 6 may contain personal data including:

- 1) the name, surname and address of residence or the name and address of the seat of the owner or holder of the monument;
- 2) the name, surname and signature of the author of the registration or address card, or the name and surname of the person who completed the inventory card;
- 3) the name and surname or name of the contractor for conservation work, restoration work, conservation research or archaeological research on the monument.

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

2. The Voivodeship Monuments Inspector, the authorities of the Police, Border Guard, the National Revenue Administration, the public prosecutor's office and directors of museums and libraries, which are cultural institutions, are obliged to immediately provide the General Monuments Inspector with information concerning the monument stolen or unlawfully exported abroad for inclusion in the list.

3. The list shall contain personal data including the name, surname and address of residence or the name and address of the seat of the owner or holder of the monument.

Article 23a. The minister competent for culture and the protection of national heritage, shall specify, by way of an ordinance, the manner of keeping the List of Heritage Treasures and the scope of data included in the List of Heritage Treasures, taking into account the need to keep the List of Heritage Treasures in electronic form, to ensure public availability of the List of Heritage Treasures, to include in the List of Heritage Treasures data allowing identification of the monuments entered in the List of Heritage Treasures and their photographs.

Article 24. 1. The minister competent for culture and the protection of national heritage, shall specify, by way of an ordinance, the manner of keeping the register of historic monuments, the national, voivodeship and municipal inventory of monuments and the national list of monuments stolen or unlawfully exported abroad.

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

3. The ordinance should specify the specimens of national, voivodeship and municipal inventory

cards and the data that should be included in the individual books of the register, the inventory and address card of the monument and the information card, as well as the manner of collecting documents concerning the monument.

4. The ordinance should indicate the conditions under which the inclusion of inventory and address cards in the inventory is determined, as well as their exclusion from such inventories.

Chapter 2a

The national register of lost cultural property

Article 24a. 1. The minister competent for culture and the protection of national heritage shall keep the national register of lost cultural property.

2. The national register of lost cultural property shall include movable objects constituting:

- 1) monuments entered into the Register,
 - 1a) monuments entered in the List of Heritage Treasures;
 - 2) museum exhibits referred to in Article 21, section 1 and 1a of the Act of 21 November 1996 on museums (Journal of Laws of 2019, items 917 and 1726),
 - 3) library materials referred to in Article 5 of the Act of 27 June 1997 on libraries, belonging to the national library resource,
 - 4) archival materials referred to in Article 1 of the Act of 14 July 1983 on the national archival resource and archives
- lost by the owner as a result of committing a prohibited act referred to in Article 278(1) and (3), Article 279(1), Articles 280 to 283 or Article 284(1-3) of the Act of 6 June 1997 - Penal Code (Journal of Laws of 2019, items 1950 and 2128).

3. Entry in the national register of lost cultural property shall be made at the request of the Police, the public prosecutor, the voivodeship monuments inspector, the Chief Director of State Archives, the owner of the object referred to in section 2 or the person in charge of the organisational unit in whose collection or resources the object was located.

4. The application referred to in section 3 shall be submitted on an official form.

5. The owner of the object or the organisational unit in whose collection or resource the object was located shall be a party to the proceedings for entry in the national register of lost cultural property.

6. The following shall be enclosed to the application referred to in section 3:

- 1) a copy of the notification of the offence together with evidence of its submission to the law enforcement authority or a copy of the minutes of the oral notification of the offence or of the decision to initiate an investigation or prosecution, where the request is made by the owner of the lost object or by the person in charge of the organisational unit in whose collection or resource the object was located;
- 2) a photograph of the lost object, where the object is a monument or museum exhibit referred to in section 2, points 1 and 2, in the form of a digital file.

Article 24b. 1. The entry of a lost object in the national register of lost cultural property shall be made on the basis of a decision on the entry into the register of lost cultural property issued by the minister competent for culture and the protection of national heritage. The decision shall be

immediately enforceable.

2. Entry in the national register of lost cultural property shall consist in the entry of data enabling the lost object to be identified in the decision referred to in section 1 as soon as it is issued.

3. Entry in the national register of lost cultural property shall not be subject to the determination of the commissioning of the prohibited act referred to in Article 24a section 2, with a final conviction.

4. The minister competent for culture and the protection of national heritage shall, by means of a decision, refuse entry in the national register of lost cultural property if the data on the lost object included in the application referred to in Article 24a(3) do not allow it to be identified.

Article 24c. 1. The national register of lost cultural property, maintained in an ICT system, shall be open.

2. Copies from the national register of lost cultural property shall be issued on request to anyone who requests it.

3. The data on which the entry in the national register of lost cultural property is based shall be made available only to public authorities and the owner of the lost object or organisational unit, in the collection or resource of which it was located, and to other persons only upon the consent of the owner of the lost object or organisational unit, in the collection or resource of which it was located.

Article 24d. From the date of entry in the national register of lost cultural property, no one may claim not to know the data disclosed in this register.

Article 24e. 1. Removal of an entry from the register of lost cultural property shall be based on the decision of the minister competent for culture and the protection of national heritage.

2. Removal of an entry from the national register of lost cultural property shall take place at the request of the entities indicated in Article 24a(3) or ex officio, if:

- 1) the owner has regained possession of the lost object;
- 2) the data on which the entry was based have proved to be false.

3. In the case referred to in point 2 of section 2, the legal effects of an entry in the national register of lost cultural property shall be abolished with retroactive effect.

Article 24f. The minister competent for culture and the protection of national heritage shall specify, by way of an ordinance, the detailed manner of keeping the national register of lost cultural property, including the scope of data covered by the entry, the rules for issuing copies and a specimen application form for the entry, taking into account the maintenance of the national register of lost cultural property in the ICT system, the need to ensure transparency and completeness of the information contained in the national register of lost cultural property, changes and deletions of entries and the efficiency of the registration procedure.

Chapter 3

Management of monuments, carrying out research and works and other activities in relation to the monuments

Article 25. 1. The management of an immovable monument entered into the Register for commercial use shall require its owner or holder to possess:

- 1) conservation documentation specifying the state of preservation of the immovable monument and the possibility of its adaptation, taking into account its historical function and value, as well as the

possibility of its adaptation for people with special needs, referred to in the Act of 19 July 2019 on ensuring accessibility for people with special needs (Journal of Laws, items 1696 and 2473);

- 2) a programme of conservation work on an immovable monument, agreed with the voivodeship monuments inspector, specifying the scope and manner of carrying out the work and indicating the necessary materials and technologies to be used;
- 3) a programme for the management of an immovable monument together with its surroundings and further use of the monument, taking into account the exposure of its value, agreed with the voivodeship monuments inspector.

2. In order to meet the requirements referred to in section 1, the voivodeship monuments inspector is obliged to make the documentation of that monument held by it available for inspection free of charge to the owner or holder of the immovable monument and to enable the necessary copies of that documentation to be made.

Article 26. 1. In a contract of sale, exchange, donation or lease of an immovable monument entered into the Register, owned by the State Treasury or a local government unit, when determining the manner of using this monument, the buyer or lessee should be obliged to carry out the necessary conservation work on this monument within a specified time limit, if the state of preservation of the monument requires it.

2. Section 1 shall apply accordingly to a decision to place an immovable monument entered into the Register under permanent administration.

Article 27. At the request of the owner or holder of the monument, the voivodeship monuments inspector shall present, in writing, recommendations for conservation, specifying the manner of using the monument, its protection and the performance of conservation works, as well as the scope of admissible modifications that may be made to the monument.

Article 28. 1. Irrespective of the obligations arising from the guardianship of monuments referred to in Article 5, the owner or holder of a monument entered into the Register or of a monument located in the voivodeship inventory of monuments shall notify the voivodeship monuments inspector of the following:

- 1) damage, destruction, disappearance or theft of the monument, not later than within 14 days from the date on which the event occurred;
- 2) risk to the monument, not later than within 14 days of becoming aware of the occurrence of the risk;
- 3) change of the place of storage of a movable monument within one month from the date of this change;
- 4) changes concerning the legal status of the monument, not later than within one month from the date of their occurrence or becoming aware of them.

2. The owner or holder of a monument entered on the List of Heritage Treasures shall be notified of the events referred to in section 1 by the minister competent for culture and the protection of natural heritage.

Article 29. 1. The voivodeship monuments inspector at the time agreed with the owner or holder of the object being a monument or having the features of a monument may conduct research on that object in the place where the object is located.

2. The provision of section 1 shall not apply to an item being a monument entered on the List of Heritage Treasures.

3. The minister competent for culture and the protection of natural heritage at the time agreed

with the owner or holder of a monument entered on the List of Heritage Treasures, may conduct research on that monument at the place where the monument is located.

4. In the event of a refusal to make an object referred to in section 1 or a monument referred to in section 3 available, the voivodeship monuments inspector or the minister competent for culture and the protection of natural heritage, respectively, may issue a decision ordering that it be made available for the time necessary to carry out the research, but not longer than 3 months from the date on which the decision became final.

5. Damage caused in connection with the research referred to in sections 1 and 3 shall be compensated under the rules laid down in the Civil Code.

Article 30. 1. The owner or holder of an immovable monument or property with the features of a monument is obliged to make this monument or property available to a research contractor for the purpose of conducting the research.

2. In the case of refusal to provide access to an immovable monument or property referred to in section 1, the voivodeship monuments inspector may issue a decision ordering the owner or holder to provide access to that monument or property for the time necessary to carry out the research, but not longer than 3 months from the date on which the decision became final.

3. Damage caused in connection with the research referred to in sections 1 or 2 shall be compensated under the rules laid down in the Civil Code.

Article 31. 1. (repealed)³

1a. A natural person or organisational unit that intends to carry out:

- 1) construction works on an immovable monument entered into the Register or covered by conservation policy pursuant to the provisions of the local spatial development plan or included in the inventory of the voivodeship monuments inspector or
 - 2) earthworks or modify the nature of current activities in the area where archaeological monuments are located, which may lead to the transformation or destruction of an archaeological monument
- shall, subject to Article 82a(1), cover the costs of archaeological research and documentation if such research is necessary for the protection of those monuments.

2. The scope and type of necessary archaeological research referred to in section 1a shall be determined by the voivodeship monuments inspector by way of a decision only to the extent that the construction works or earthworks or a modification in the nature of the current activities in the area where the archaeological monuments are located will destroy or damage the archaeological monument.

3. A copy of the documentation of the research referred to in section 1a shall be handed over free of charge to the voivodeship monuments inspector after its completion.

Article 32. 1. Whoever, in the course of construction work or earthworks, discovers an object presumed to be a monument shall be obliged to:

- 1) cease any work that may damage or destroy the discovered object;
- 2) secure, with the use of available means, this object and the place where it was discovered;
- 3) immediately notify the competent voivodeship monuments inspector, and if this is not possible, the competent head of the commune (mayor, president of the city).

2. The head of the commune (the mayor, president of the city) is obliged to immediately, not later

³ As of 20 April 2009, on the basis of the judgement of the Constitutional Tribunal of 8 October 2007, Ref. No. K 20/07 (Journal of Laws, item 1394).

than within 3 days, submit the accepted notification referred to in section 1 point 3 to the voivodeship monuments inspector.

3. The voivodeship monuments inspector shall inspect the discovered object within 5 days from the date of receipt of the notification referred to in section 1 point 3 and section 2.

4. If, within the period specified in section 3, the voivodeship monuments inspector fails to inspect the discovered object, the interrupted works may be continued.

5. After the inspection of the discovered object, the voivodeship monuments inspector shall issue a decision:

- 1) allowing for the continuation of interrupted works if the discovered object is not a monument;
- 2) allowing for the continuation of interrupted works if the discovered object is not a monument and the continuation of works will not lead to its destruction or damage;
- 3) ordering that the works continue to be suspended and that, to the extent necessary, archaeological research be carried out at the expense of the natural person or organisational unit financing the works.

6. The works may not be suspended for a period longer than one month from the date of service of the decision referred to in section 5, point 3.

7. If a monument of exceptional value is discovered during archaeological research, the voivodeship monuments inspector may issue a decision to extend the suspension period. However, the period of suspension of works may not be longer than 6 months from the date of service of the decision referred to in section 5 point 3.

8. Upon completion of the archaeological research referred to in section 5, point 3, the voivodeship monuments inspector shall issue a decision allowing for the continuation of the interrupted works.

9. (repealed)

10. The discovery of the object referred to in section 1 in Polish maritime areas shall be immediately notified to the competent Maritime Office Director. The provisions of section 1, points 1 and 2 and sec. 3-8 shall apply accordingly.

Article 33. 1. Whoever accidentally finds an object which is presumed to be an archaeological monument is obliged, using the available means, to secure that object and mark the place where it was found, and immediately notify the competent voivodeship monuments inspector, and if this is not possible, the competent head of the commune (mayor, president of the city), of the finding of that object.

2. The head of the commune (the mayor, president of the city) is obliged to immediately, not later than within 3 days, submit the accepted notification referred to in section 1 to the voivodeship monuments inspector.

3. Within 3 days of receiving the notification referred to in sections 1 and 2, the voivodeship monuments inspector shall carry out an inspection of the found object and the place where it was found, and, if necessary, organise archaeological research.

4. The discovery of the object referred to in section 1 in Polish maritime areas shall be immediately notified to the competent Maritime Office Director.

Article 34. 1. Persons who have discovered or accidentally found an archaeological find shall be awarded a prize if they have fulfilled the obligations laid down in Article 32(1) or Article 33(1) respectively.

2. Section 1 shall not apply to persons professionally engaged in archaeological research or

employed in groups organised for the purpose of such research.

3. The conditions and procedure for awarding the prizes shall be determined, by way of a regulation, by the minister competent for culture and the protection of natural heritage, specifying the types of prizes, the sources of their financing and the amount of cash prizes.

Article 35. 1. Objects being archaeological finds discovered, found by accident or obtained in the course of archaeological research shall constitute the property of the State Treasury.

2. Objects being archaeological finds which were obtained in the course of searches referred to in Article 36(1)(12) shall also constitute the property of the State Treasury.

3. The place of storage of archaeological finds discovered, found by accident or obtained in the course of archaeological research or searches referred to in Article 36(1)(12) shall be determined by the voivodeship monuments inspector, depositing them by way of decision with a museum or another organisational unit, with its consent.

4. The handover of archaeological finds to the museum or another organisational unit may take place if that unit ensures:

- 1) their permanent storage;
- 2) carrying out an inventory and appropriate conservation work;
- 3) making these finds available for scientific purposes.

5. The voivodeship monuments inspector may issue a decision to withdraw the deposit of archaeological finds if the museum or another organisational unit does not provide the conditions referred to in section 4.

6. At the request of the director of the museum, the archaeological finds, which are in the deposit of this museum, can become its property on the basis of the decision of the voivodeship monuments inspector.

Article 36. 1. The following requires the approval of the voivodeship monuments inspector:

- 1) carrying out conservation, restoration or construction works on a monument entered into the register, including works consisting in removing a tree or bush from the property or its part being a park, garden or other form of organised greenery entered into the Register;
- 2) carrying out construction works in the surroundings of the monument;
- 3) conducting conservation research on a monument entered in the Register;
- 4) conducting archaeological research on a monument entered in the Register;
- 5) conducting archaeological research;
- 6) moving an immovable monument entered in the Register;
- 7) permanent transfer of a movable monument entered in the Register, in violation of the traditional interior décor in which the monument is located;
- 8) division of an immovable monument entered in the Register;
- 9) change of the purpose of a monument entered in the Register or the manner of using the monument;
- 10) placing on a monument entered in the Register: technical devices, advertising boards or advertising devices within the meaning of Article 2 points 16b and 16c of the Act of 27 March 2003 on spatial planning and development (Journal of Laws of 2018, item 1945, as further

amended⁴) and inscriptions, subject to Article 12 section 1;

11) taking other actions which could lead to a violation of the substance or change the appearance of the monument entered into the Register, with the exception of actions consisting in removing trees or bushes from the property or part of it which is not a park, garden or other form of organised greenery entered into the Register;

12) searching for hidden or abandoned movable monuments, including archaeological finds, using all kinds of electronic and technical devices and diving equipment.

1a. In the case of a monument entered in the List of Heritage Treasures:

1) conservation works,

2) restoration works,

3) conservation research

– may be carried out on the basis of a permit issued by the minister competent for culture and the protection of natural heritage.

2. In Polish maritime areas, the permit to undertake the activities referred to in section 1(5) and (12) shall be issued by the Maritime Office Director in agreement with the voivodeship monuments inspector appropriate for the place of the seat of the maritime office.

2a. The voivodeship monuments inspector may subject the taking of the activities covered by the permit referred to in section 1 to the submission by the applicant within a specified time limit of certain information concerning the activities listed in the permit, subject to the relevant condition in the permit. Article 162(1) of the Code of Administrative Procedure shall apply to this condition.

2b. The minister competent for culture and the protection of natural heritage may subject the taking of the activities covered by the permit referred to in section 1a to the submission by the applicant within a specified time limit of certain information concerning the activities listed in the permit, subject to the relevant condition in the permit. Article 162(1) of the Code of Administrative Procedure shall apply to this condition.

3. The permit referred to in sections 1 and 1a may lay down conditions which will prevent damage to or destruction of the monument.

4. The voivodeship monuments inspector may subject the granting of the permit to undertake the activities referred to in section 1(6), (9) and (11) to carrying out, at the applicant's expense, the necessary conservation, architectural or archaeological research. A copy of the research documentation is handed over free of charge to the voivodeship monuments inspector.

4a. The minister competent for culture and the protection of natural heritage may subject the granting of the permit to undertake the activities referred to in section 1a point 1 and 2 to carrying out, at the applicant's expense, the necessary conservation, architectural or archaeological research. A copy of the research documentation is handed over free of charge to the minister.

5. The permit referred to in sections 1 and 1a shall be issued at the request of a natural person or an organisational unit holding the legal title to use a monument entered on the List of Heritage Treasures or in the Register, resulting from ownership, perpetual usufruct, permanent administration or a limited right in rem or a liability relationship.

6. The permit to conduct archaeological research shall be issued at the request of a natural person or an organisational unit holding the legal title to use the property, resulting from ownership, perpetual usufruct, permanent administration or a limited right in rem or a liability relationship.

⁴ Amendments to the consolidated text of the aforementioned Act were announced in Journal of Laws of 2019, items 60, 235, 730, 1009, 1524, 1696, 1716 and 1815.

7. The permit to carry out conservation research on a monument entered on the List of Heritage Treasures, conservation and architectural research on a monument entered in the Register, or archaeological research or search for hidden or abandoned movable monuments, including archaeological finds, shall also be granted at the request of natural persons or organisational units intending to carry out such research or search. In the event of failure to obtain the consent of the owner or holder of the property to carry out such research or search, Article 30(1) and (2) shall apply accordingly.

8. Obtaining a permit from the voivodeship monuments inspector for undertaking construction work on a monument entered into the Register does not release from the obligation to obtain a building permit or notification in cases specified by the provisions of the Construction Law.

Article 36a. 1. A natural person or an organisational unit applying for a permit to carry out conservation works, restoration works or architectural research on a monument entered on the List of Heritage Treasures or to carry out conservation works, restoration works, restoration works or architectural research on a monument entered into the Register or archaeological research shall be obliged to ensure that such works and research are managed or carried out independently by persons meeting the requirements referred to in Article 37a(1) and (2), Article 37b(1) and (3), Article 37d(1) or Article 37e(1).

2. A natural person or an organisational unit applying for a permit to carry out construction work on an immovable monument entered into the Register shall ensure that such work is managed and supervised by persons meeting the requirements referred to in Article 37c.

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

- 1) the procedure for issuing the permits referred to in Article 36(1) and (1a);
- 2) the data and information which comprise applications for the permits referred to in Article 36(1) and (1a) and the documentation accompanying the applications necessary for their processing;
- 3) the data and information which the permits referred to in Article 36(1) and (1a) contain and the conditions under which they may be reserved;
- 4) elements which are included in the documentation of conservation and restoration works carried out on a movable monument entered into the Register or on the List of Heritage Treasures and documentation of archaeological research.

2. The procedure for issuing the permits referred to in section 1(1) shall be determined taking into account the competence of the authorities to issue them and the need to ensure the efficiency of the permit application procedure, including the procedure in the case where the contractor of the activities undertaken is selected through a public procurement procedure.

3. The data, information and documentation referred to in sections 1(2) and (3) shall be determined taking into account the need to carry out a comprehensive assessment of the impact of the planned activities on the monument, but without the need for the applicant to incur additional costs, the need to indicate such conditions for carrying out those activities as to ensure that the monument is preserved in the best possible condition, and the following information:

- 1) the name, surname and address of the person or the name, registered office and address of the organisational unit that made the request, or
- 2) the name and address of the person who manages, performs or supervises the activities referred to in Article 36(1).

4. The elements referred to in section 1, point 4 shall be determined in such a way that the individual stages of conservation and restoration works carried out on a movable monument entered

into the Register or on the List of Heritage Treasures and archaeological research are documented and take into account all the circumstances of the works being carried out, and include:

- 1) the name, surname and address of the person or the name, registered office and address of the organisational unit which prepared the documentation,
- 2) the name, surname and address or the name, seat and address of the owner or holder of the monument, or
- 3) name and surname of the author of the monument.

Article 37a. 1. Conservation work, restoration work or research on monuments entered into the Register shall be managed by a person who has completed a second-cycle programme or a full-time master's degree programme in the field of conservation and restoration of works of art or conservation of monuments and who, after commencing a second-cycle programme or having completed the sixth semester of a full-time master's programme, has taken part in conservation work, restoration work or research on monuments entered into the Register, the inventory of a museum which is a cultural institution or which falls within one of the categories referred to in Article 14a(2).

2. In areas not covered by the higher education programme referred to in section 1, conservation work, restoration work or conservation research carried out on monuments listed in the Register or on the List of Heritage Treasures shall be managed by a person who has:

- 1) a secondary vocational school-leaving certificate and a professional title or secondary level education or vocational secondary level education and a diploma certifying professional qualifications in a specific field, or
 - 2) a master certificate in a profession corresponding to the field in question
- and who has taken part, at least for 4 years, in conservation work, restoration work or research on monuments entered into the Register, the List of Heritage Treasures, the inventory of a museum which is a cultural institution or which falls within one of the categories referred to in Article 14a section 2.

3. The provisions of sections 1 and 2 shall apply to persons who carry out conservation work, restoration work or conservation research on monuments entered into the Register themselves.

Article 37b. 1. The conservation and restoration work carried out on monuments that are parks or other types of organised greenery entered into the Register shall be managed by a person who has completed a second cycle or a single master's degree course, the curriculum of which includes classes or groups of classes enabling the acquisition of knowledge and skills in this area, and who, after commencing second cycle studies or having completed the sixth semester of a single master's degree programme, has for at least 9 months participated in conservation or restoration work carried out on this type of monuments entered into the Register, or was employed at such works in a museum that is a cultural institution.

2. The provision of section 1 shall apply to persons who carry out conservation and restoration work on monuments which are parks entered into the Register or other types of organised greenery entered into the Register themselves.

3. Work of a technical nature within the scope referred to in section 1 shall be carried out independently by a person who holds a secondary vocational school leaving certificate and a professional title or a secondary or secondary vocational education and a professional diploma or a diploma confirming professional qualifications, in professions related to the care of greenery, or for at least nine months has participated in such work on monuments entered into the Register or has been employed in a museum which is a cultural institution.

Article 37c. Construction works shall be managed or supervised, at immovable monuments

entered into the Register, by a person who has construction qualifications specified in the Construction Law and who for at least 18 months has participated in construction works carried out on immovable monuments entered into the Register or the inventory of a museum being a cultural institution.

Article 37d. 1. Architectural research of monuments entered into the Register shall be managed by a person who:

- 1) has completed a second cycle or a uniform master's degree programme in architecture or architecture and urban planning, or
 - 2) has completed a second cycle or a single master's degree programme which included courses or groups of courses providing knowledge and skills in architectural research of at least 60 hours or which were awarded at least 6 ECTS credits, or
 - 3) has completed post-graduate studies in architectural research;
- and who for at least 6 months has participated in architectural research carried out on immovable monuments entered into the Register or the inventory of a museum being a cultural institution.

2. The provisions of sections 1 shall apply to persons who independently carry out architectural research on monuments entered into the Register.

Article 37e. 1. Archaeological research shall be managed by a person who has completed second cycle studies or a single master's degree programme in archaeology and has been involved in archaeological research for at least 12 months. Professional experience may be acquired outside the territory of the Republic of Poland.

2. The provisions of sections 1 shall apply to persons who independently carry out architectural research.

Article 37f. When determining the participation in conservation works, restoration works or conservation research, construction works or archaeological research on monuments entered into the Register or on the List of Heritage Treasures, participation in those works, research or construction works on monuments not entered into the Register shall be taken into account, provided that they were carried out before 26 August 2011.

Article 37g. 1. Participation in conservation work, restoration work or conservation research carried out on monuments entered on the List of Heritage Treasures, or in conservation work, restoration work, conservation research, construction work or architectural research carried out on monuments entered into the Register, the inventory of a museum being a cultural institution or other monuments falling into one of the categories referred to in Article 14a(2) and archaeological research or employment in a museum that is a cultural institution shall be confirmed by certificates, including those relating to apprenticeships, and other documents attesting to participation in or employment in such work, research or construction work, issued by the head of the organisational unit for the benefit of which the work, research or construction work was carried out or by the person under whose supervision it was carried out, including the job descriptions of the work positions in a museum that is a cultural institution or certificates issued by voivodeship monuments inspector.

2. Participation in conservation works, restoration works, construction works or architectural research carried out before 26 August 2011 on a monument not entered into the Register of historic monuments shall be confirmed by certificates, other documents or attestations referred to in section 1.

Article 37h. 1. The education and professional titles referred to in Article 37a, Article 37b, Article 37d and Article 37e may be obtained outside the territory of the Republic of Poland if they are recognised as equivalent to the education and professional titles obtained in the territory of the Republic of Poland under separate provisions.

2. The professional experience referred to in Article 37a, Article 37b and Article 37d may be acquired outside the territory of the Republic of Poland if it relates to conservation work, restoration work, conservation research or architectural research carried out on monuments included in the museum inventory or falling under one of the categories referred to in Article 14a(2).

Article 37i. 1. A monument entered on the List of Heritage Treasures shall be stored in a room equipped with technical security features in the event of theft, fire and other threats or having direct permanent physical protection within the meaning of the Act of 22 August 1997 on the protection of persons and property (Journal of Laws of 2018, items 2142 and 2245 and 2019, item 1495), hereinafter referred to as “permanent physical protection”.

2. The design of the security referred to in section 1, shall be agreed with the minister competent for culture and the protection of natural heritage.

3. The owner or holder of the monument is obliged to provide the security referred to in section 1 within 6 months from the date of receipt of the subsidy referred to in Article 83a, but not later than 12 months from the date of entry of the monument on the List of Heritage Treasures.

4. At the request of the owner of the monument referred to in section 1, the minister competent for culture and the protection of natural heritage shall ensure that the monument is stored in a room belonging to the state cultural institution.

5. During the transport of the monument referred to in section 1, permanent physical protection and conditions similar to those in the place of permanent storage of that monument shall be ensured.

6. The minister competent for culture and the protection of natural heritage, in consultation with the minister competent for internal affairs, shall determine, by ordinance, the requirements to be met by the safeguarding of the historical monument held and transported, as referred to in section 1, including:

- 1) the standard of the room intended for the storage of the monument, taking into account the high resistance of this room to burglary and the provision of fire protection measures;
- 2) the characteristics of the means of transport used to carry it, with a view to making these means of transport more resistant and providing them with hazard notification systems;
- 3) the way of escorting, with a view to ensuring permanent physical protection;
- 4) the entities to which information about the escorting of the monument is given, bearing in mind the safety of the monument.

Chapter 4

Conservation supervision

Article 38. 1. The voivodeship monument inspector or the employees of the voivodeship monuments protection office acting under his authority shall inspect the compliance with and application of regulations concerning the protection and guardianship of monuments.

1a. The inspection referred to in section 1 shall be carried out at least once every 2 years with regard to a monument entered on the List of Heritage Treasures.

1b. The inspection referred to in section 1 with respect to a monument entered on the List of Heritage Treasures may be commissioned at any time by the minister competent for culture and the protection of natural heritage.

2. The authorisation referred to in section 1 shall specify the person or persons authorised to carry out the inspection, the natural person or organisational unit to be inspected, the place and extent of the

inspection and the legal basis for the inspection.

3. While performing the inspection, the voivodeship monument inspector or persons referred to in section 1 shall be entitled to:

- 1) enter the property if there is a reasonable suspicion of destruction or damage to the monument;
- 2) assess the state of preservation, conditions of storage and protection of monuments entered in the register, as well as monuments located in museums, libraries and in collections or resources of other state organisational units and local government units, within the period agreed with their owner or holder;
- 3) check that any action taken in respect of monuments entered in the register and archaeological research carried out complies with the scope or conditions specified in the authorisation and the approved documentation;
- 4) request oral or written information to the extent necessary to establish the facts of the inspection;
- 5) require the presentation of documents and the provision of any data relating to the scope of the inspection;
- 6) make an entry in the construction log in the scope specified in the Construction Law.

4. Inspection activities shall be carried out in the presence of the inspected natural person or the manager of the inspected organisational unit or a person authorised, in compliance with the provisions on the protection of classified information.

4a. The voivodeship monuments inspector may apply to the locally competent Police Commissioner for assistance if this is necessary to carry out inspection activities.

4b. At the request of the voivodeship monuments inspector, the locally competent Police Commissioner shall be obliged to provide assistance to the persons referred to in section 1 in the course of performing inspection activities.

5. Inspection activities concerning immovable monuments listed in the Register which are either in the management of foreign countries or used by diplomatic and consular representatives of those countries or by other persons equal to them by virtue of laws, agreements or generally accepted international customs may be carried out with the consent of those representatives or persons.

Article 39. 1. The inspecting entity shall draw up a protocol on the inspection activities, one copy of which is delivered to the inspected natural person or the manager of the inspected organisational unit.

2. The inspection protocol contains a description of the actual state of affairs found during the inspection, including the established irregularities, taking into account the causes, scope and effects of these irregularities and the persons responsible for them.

3. The protocol shall be signed by the inspecting entity and the inspected natural person or the manager of the inspected organisational unit or a person authorised by him, who may make justified reservations and comments to the protocol.

4. In the case of refusal to sign the protocol by an inspected natural person or the manager of the inspected organisational unit or a person authorised by him/her, the inspector shall make a note of it in the protocol, and the person refusing to sign may present his/her written comments to the voivodeship monuments inspector within 7 days.

Article 40. 1. On the basis of the findings of the inspection, if it is found that the monument is in an inadequate state of preservation, the voivodeship monuments inspector may issue inspection recommendations to the inspected natural person or the manager of the inspected organisational unit to remove the irregularities found within a specified period, unless their nature justifies the issuance of

the decision referred to in Article 49(1).

2. The voivodeship monuments inspector may refrain from issuing post-inspection 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).

2a. The inspected natural person or the manager of the inspected organisational unit may, within 14 days from the date of receipt of the recommendations, raise reasoned objections to the recommendations of the inspection and provide additional explanations or documentation in writing.

2b. The voivodeship monuments inspector shall, within 14 days of receiving the objections to the inspection recommendations:

- 1) amend the post-inspection recommendations and communicate them, together with their justification, to the inspected natural person or manager of the inspected organisational unit, if all or part of the reservations are found to be justified, or
- 2) refuse to change the inspection recommendations and communicates its position, together with its reasons, to the inspected natural person or the manager of the inspected organisational unit, if the reservations are not taken into account in full.

3. In the case of an inspection of an organisational unit, the voivodeship monuments inspector may demand that official or other proceedings be carried out against the persons guilty of allowing the deficiencies and that they be informed within a specified period of time about the actions taken to remove those deficiencies.

Article 41. If it is found that an act or omission of an inspected natural person or a manager of an inspected organisational unit or its employee violates the provisions of Articles 108-118 of the Act, the voivodeship monuments inspector shall send a notification of a crime or misdemeanour to the Police, prosecutor's office or court respectively.

Article 42. The General Monuments Inspector may take actions referred to in Article 38(3), Article 39, Article 40(1) and (3) and Article 41 if this is necessary because of the particular importance of the matter. Article 38(4) and (5) shall apply accordingly.

Article 43. 1. The voivodeship monuments inspector shall issue a decision to withhold the following actions performed without his/her permit or in a manner not conforming to the scope and conditions specified in the permit:

- 1) conservation work, restoration work, conservation or 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 surroundings;
- 3) archaeological research or search as referred to in Article 36(1)(12);
- 4) other activities referred to in Article 36(1)(6) to (8), (10) and (11) in relation to a monument entered into the Register.

2. The minister competent for culture and the protection of natural heritage shall issue a decision to withhold the conservation works, restoration works or conservation research carried out in relation to a monument entered on the List of Heritage Treasures without his/her permit or in a manner not conforming to the scope and conditions specified in the permit.

3. The minister competent for culture and the protection of natural heritage shall issue a decision to withhold the activities carried out in relation to a monument entered on the List of Heritage Treasures, including:

- 1) permanent transfer of the monument in violation of the traditional interior décor in which the

monument is located;

- 2) change of purpose of this monument or the way it is used;
- 3) actions, other than those specified in section 2, which could lead to a change in the appearance of the monument.

Article 44. 1. The decision referred to in Article 43(1) shall expire after two months as of the date of its delivery if no decision is issued by the voivodeship monuments inspector within that period:

- 1) ordering the restoration 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 a permit from the voivodeship monuments inspector to carry out the suspended research, works, construction works or other activities carried out in relation to the monument, where the application for this permit shall be submitted within a period not exceeding 7 days from the date of delivery of the decision, or
- 3) imposing an obligation to take certain actions in order to ensure the conformity of research, works, construction works or other activities carried out in relation to the monument with the scope and conditions specified in the permit, indicating the time limit for carrying out these actions, or
- 4) prohibiting the suspended activities.

1a. The voivodeship monuments inspector shall issue the decision as regards the permit referred to in section 1(2) within no more than 30 days of the date of submitting the application for the issuance of such permit.

2. In the event of failure to obtain the permit referred to in section 1 point 2, or failure to fulfil the obligation referred to in section 1 point 3, the voivodeship monuments inspector shall issue a decision ordering the restoration of the monument to its previous state or the arrangement of the site, specifying the time limit for the performance of those activities.

3. After performing the obligation referred to in section 1 point 3, the voivodeship monuments inspector shall issue a permit for the resumption of suspended research, works, construction works or other activities carried out in relation to the monument.

3a. The decisions referred to in Article 43(2) and (3) shall expire after two months as of the date of their delivery if no decision is issued by the voivodeship monuments inspector within that period:

- 1) ordering the restoration of the monument to its previous state, specifying the time limit for carrying out these actions, or
- 2) imposing an obligation to take certain actions in order to bring the monument to its best possible condition, indicating the time limit for carrying out these actions, or
- 3) prohibiting the continuation of the suspended activities.

4. Whoever violates the provisions on monuments or breaches the scope and conditions specified in the permit shall be obliged, at his or her own expense, to perform the activities ordered in the decision referred to in section 1 points 1 and 3, section 2 or section 3a points 1 and 2.

Article 45. 1. If, without the required permit of the voivodeship monuments inspector, or in a manner nor conforming to the scope and conditions specified in the permit, the following work has been performed in relation to a monument entered into the Register:

- 1) conservation or restoration works,
- 2) construction works,
- 3) conservation research,

- 4) architectural research,
- 5) other activities referred to in Article 36(1)(6) to (8) and (10) to (12),
 - the voivodeship monuments inspector shall issue a decision ordering the restoration of the monument to its previous state or the arrangement of the site, specifying the time limit for carrying out these actions, or imposing an obligation to bring the monument to the best possible condition in the indicated manner and within the specified period.

2. If, without the required permit of the minister competent for culture and the protection of natural heritage, or in a manner not conforming to the scope and conditions specified in the permit, conservation works, restoration works, conservation research or other activities were carried out in relation to a monument entered on the List of Heritage Treasures, including:

- 1) permanent transfer of the monument in violation of the traditional interior décor in which the monument is located;
 - 2) change of purpose of this monument or the way it is used;
 - 3) actions, other than those specified in section Article 43(1)(1), which could lead to a change in the appearance of the monument.
- the minister competent for culture and the protection of natural heritage shall issue a decision ordering the restoration of the monument to its previous state, specifying the time limit for carrying out these actions, or imposing an obligation to bring the monument to the best possible condition in the indicated manner and within the specified period.

3. In the cases referred to in sections 1 and 2, Article 44(4) shall apply accordingly.

Article 46. 1. The voivodeship monuments inspector may issue a decision to suspend conservation, restoration or construction works carried out in relation to a monument not entered into the Register or on the List of Heritage Treasures, if the monument meets the conditions justifying its entry in the Register.

2. The minister competent for culture and the protection of natural heritage may issue a decision to suspend conservation or restoration works carried out in relation to a monument not entered on the List of Heritage Treasures, if the monument meets the conditions justifying its entry on the List of Heritage Treasures.

3. The decision referred to in sections 1 and 2 shall expire if within 14 days from the date of its delivery the proceedings for the entry of the monument into the Register or on the List of Heritage Treasures are not initiated.

4. (repealed)

Article 47. 1. The voivodeship monuments inspector may resume the proceedings concerning the permit issued, referred to in Article 36(1), and then amend or withdraw it, by way of a decision, if new facts and circumstances have arisen in the course of the research, works, construction works or other activities specified in the permit, which may lead to damage or destruction of the monument.

2. The minister competent for culture and the protection of natural heritage may resume the proceedings concerning the permit issued, referred to in Article 36(1a), and then amend or withdraw it, by way of a decision, if new facts and circumstances have arisen in the course of the works or research specified in the permit, which may lead to damage or destruction of the monument.

Article 47a. 1. The minister competent for culture and the protection of natural heritage, having obtained the opinion of the Main Conservation Commission, may *ex officio* revoke or amend the permit referred to in Article 36(1) if the implementation of the activities set out in that permit would result in:

- 1) damage to the value of the monument or
- 2) damage or destruction of the monument, or
- 3) improper use of the monument.

2. The procedure for revoking or amending the permit referred to in Article 36(1) may not be initiated more than two years after the date on which that permit has become definitive.

3. The minister competent for culture and the protection of natural heritage may withhold the permit referred to in Article 36(1) if that permit is likely to be revoked or amended.

4. The decision to suspend the execution of the permit referred to in Article 36, section 1 shall expire after the lapse of 3 months from the date of its delivery, if within that period the minister competent for culture and the protection of natural heritage shall not issue a decision on revoking or amending that permit.

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

- 1) withhold any research or search carried out without the permit as referred to in Article 36(2), or
- 2) amend or withdraw, as a result of the resumption of the proceedings, the permit referred to in Article 36(2) if new facts and circumstances have arisen which may lead to damage or destruction of the monument, or
- 3) withdraw the permit referred to in Article 36(2) if the research or search is not carried in conformity to the scope and conditions of that permit.

Article 49. 1. The voivodeship monuments inspector may issue a decision ordering a natural person or organisational unit holding a legal title to use a monument entered into the Register, resulting from right of ownership, perpetual usufruct, permanent administration or a limited right in rem or a liability relationship, to carry out, within the time limit specified in the decision, conservation works or construction works on that monument, if their performance is necessary due to the threat of destruction or significant damage to that monument.

1a. The minister competent for culture and the protection of natural heritage may issue a decision ordering a natural person or organisational unit holding a legal title to use a monument entered on the List of Heritage Treasures resulting from right of ownership, or a limited right in rem or a liability relationship, to carry out, within the time limit specified in the decision, conservation works on that monument, if their performance is necessary due to the threat of destruction or significant damage to that monument.

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

3. In the event of the performance of substitute conservation works or construction works in relation to an immovable monument, the voivodeship monuments inspector shall issue a decision specifying the amount of the State Treasury's claims on account of the performance of the substitute works, their scope and the due date of that claim.

4. The claim of the State Treasury on account of the performance of substitute conservation works or construction works in relation to an immovable monument shall be secured with a compulsory mortgage on that property, at the request of the voivodeship monuments inspector, on the basis of the decision referred to in section 3. If the property does not have a land and mortgage register, the security may be established by submitting a request and decision to the collection of documents.

5. The provision of section 4 shall not apply to immovable monuments owned by the State Treasury.

6. The claim of the State Treasury on account of the performance of substitute conservation works or construction works in relation to an immovable monument may be remitted in whole or in part or divided into instalments - if it is found that the claim cannot be enforced or its enforcement would cause significant damage to the financial standing of the person or unit referred to in section 1, by the voivode in agreement with the General Monuments Inspector.

7. The compulsory mortgage shall be removed from the land and mortgage register at the request of the voivode on the basis of the decision referred to in section 6. If the property does not have a land and mortgage register, the request and decision shall be submitted to the collection of documents.

Article 50. 1. In the event of a threat consisting in the possibility of destruction, damage, theft, disappearance or illegal export abroad of a movable monument entered into the Register or on the List of Heritage Treasures, the voivodeship monuments inspector may issue, and the minister competent for culture and the protection of natural heritage shall issue a decision to protect the monument in the form of establishing a temporary seizure until the threat has been removed.

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

3. In the event of a threat to an immovable monument entered into the Register, consisting in the possibility of its destruction or damage, the district governor, at the request of the voivodeship monuments inspector, may issue a decision to secure the monument by establishing a temporary seizure until the threat has been removed. The provisions on real property management shall apply accordingly.

4. If the threat referred to in sections 1 or 3 cannot be removed:

- 1) a movable monument may be taken over by the voivodeship monuments inspector, by way of a decision, to become the property of the State Treasury, to serve cultural, educational or tourist purposes, upon compensation corresponding to the market value of the monument;
- 1a) a movable monument entered on the List of Heritage Treasures shall be taken over by the Minister of Culture and National Heritage, by way of a decision, to become the property of the State Treasury, to serve cultural purposes, upon compensation corresponding to the market value of the monument;
- 2) an immovable monument may be expropriated by the district governor, at the request of the voivodeship monuments inspector, to the State Treasury or to the commune competent for the location of the monument, in accordance with the procedure and principles provided for in the regulations 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 finds which are more than 100 years old and which are part of archaeological collections or have been obtained as a result of archaeological research or accidental discoveries,
- 2) elements that constitute an integral part of architectural monuments, interior décor, monuments, statues and works of artistic craftsmanship that are more than 100 years old;
- 3) paintings made in any technique and on any material, other than those included in the categories

indicated in points 4 and 5, which are more than 50 years old and whose value exceeds PLN 40,000;

- 4) watercolours, gouaches and pastels made on any material, which are more than 50 years old and whose value exceeds PLN 16,000;
- 5) mosaics, other than those included in the categories indicated in points 1 and 2, and drawings made in any technique and on any material, which are more than 50 years old and whose value exceeds PLN 12,000;
- 6) original graphics and their matrixes, as well as original posters, which are more than 50 years old 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 indicated in point 1, which are more than 50 years old and whose value exceeds PLN 20,000;
- 8) single photographs, films and their negatives, which are more than 50 years old and whose value exceeds PLN 6000;
- 9) manuscripts, either individual or in collections, which are more than 50 years old and whose value exceeds PLN 4000;
- 10) books, either individual or in collections, which are more than 100 years old and whose value exceeds PLN 6000;
- 11) single printed maps and musical scores, which are more than 150 years old and whose value exceeds PLN 6000;
- 12) collections and objects from zoological, botanical, mineral or anatomical collections, whose value exceeds PLN 16,000;
- 13) collections of historical, palaeontological, ethnographic or numismatic significance, whose value exceeds PLN 16,000;
- 14) means of transport that are more than 50 years old and whose value exceeds PLN 32,000,
- 15) other categories, not included in points 1-14, including monuments that are more than 50 years old and whose value exceeds PLN 16,000.

2. The monuments referred to in sections 1 and 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 guarantee that it will not be destroyed or damaged and will be brought back to Poland before the expiry of the permit.

3. The monuments referred to in sections 1 and 4 may be temporarily exported abroad once one of the following has been obtained:

- 1) a single permit for temporary export of a monument abroad, or
- 2) a multiple individual permit for temporary export of a monument abroad, or
- 3) a multiple general permit for temporary export of a monument abroad.

2. Monuments:

- 1) entered into the Register,
- 2) entered on the List of Heritage Treasures;
- 3) constituting a part of public collections owned by the State Treasury, local government units or other organisational units belonging to the public finance sector,
- 4) listed in museum inventories or in the national library resource.

- 5) may not be permanently exported abroad, except for the cases specified in Article 26 and Article 42 of the Act of 25 May 2017 on the Restitution of National Cultural Property, when the export takes place in compliance with a final judgement ordering the return of foreign national cultural property referred to in Article 18(1) of that Act to the territory of a European Union country or on the basis of permits referred to in Article 39(1) or Article 43(1) of that Act.

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 natural heritage.

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

2. A natural person or an organisational unit which owns the monument shall apply for a single permit for permanent export of a monument abroad via the voivodeship monuments inspector.

3. (repealed)

4. Export of a monument abroad on the basis of the permit referred to in section 1 may take place no later than 12 months from the date of issue of that permit.

Article 53. 1. A single permit for temporary export of a monument abroad shall be issued by the voivodeship monuments inspector upon the request of a natural person or an organisational unit which owns the monument and intends to export the monument abroad once for commercial or exhibition purposes or to carry out conservation work.

1a. A single permit for temporary export of a monument entered on the List of Heritage Treasures shall be issued by the minister competent for culture and the protection of natural heritage at the request of the entities referred to in section 1.

2. The term of validity of the permits referred to in sections 1 and 1a shall be no more than 3 years from the date of issue.

Article 54. 1. A multiple individual permit for temporary export of a monument abroad shall be issued by the voivodeship monuments inspector upon the request of a natural person or an organisational unit which owns the monument and intends to export the monument abroad many times for commercial or exhibition purposes.

1a. On the basis of the permit referred to in section 1, a monument included on the List of Heritage Treasures may not be exported abroad.

2. The term of validity of the permit referred to in sections 1 shall be no more than 3 years from the date of issue.

Article 55. 1. Multiple general permits for the temporary export of a monument abroad shall be issued by the voivodeship monuments inspector upon the request of a museum or other cultural institution which, in connection with its activities, intends to export its collections repeatedly, in whole or in part, for exhibition purposes.

1a. On the basis of the permit referred to in section 1, a monument included on the List of Heritage Treasures may not be exported abroad.

2. The term of validity of the permit referred to in sections 1 shall be no more than 5 years from the date of issue.

Article 56. 1. The voivodeship monuments inspector may withdraw the permit referred to in Article 53(1), Article 54(1) or Article 55(1) by means of a decision.

2. The minister competent for culture and the protection of natural heritage may withdraw the

permit referred to in Article 53 (1a) by means of a decision.

3. The withdrawal of the permit referred to in sections 1 and 2 may take place if the state of preservation of the monument has deteriorated or new facts and circumstances have come to light which prove that the requesting party does not provide the guarantee referred to in Article 51(2).

4. The voivodeship monuments inspector or the minister competent for culture and the protection of natural heritage, respectively, shall immediately notify the National Revenue Administration of the withdrawal of the permit.

Article 56a. 1. A natural person or organisational unit, having obtained the permit referred to in Article 51(3), shall be required to import the exported monument to Poland during the period of validity of that permit.

2. Monuments included in public collections owned by the State Treasury, local government units and other organisational units belonging to the public finance sector, or monuments in their possession or included in the national library resource, temporarily exported abroad for exhibition purposes or for the purpose of designing the interiors of Polish diplomatic representations or consular offices, may not be imported into the territory of the Republic of Poland during the period of validity of the permit, if a subsequent permit for temporary export of the monument abroad is applied for.

3. The request shall be made not less than 90 days before the expiry date of the permit.

4. The request is accompanied by a current description of the state of preservation of the monument.

5. A request submitted in excess of the time limit referred to in section 3 shall be left unprocessed and the applicant shall be informed thereof.

6. In the case of a monument entered on the List of Heritage Treasures, the minister competent for culture and the protection of natural heritage shall consult the Council for the Protection of Historical Monuments before issuing another permit for temporary export of the monument abroad.

7. The next permit shall specify the conditions and manner of displaying and storing the monument, as well as performing the inspection of the state of preservation and destination of the monument, during the period of validity of this permit.

8. In the case of a refusal to grant another permit or to leave the request unprocessed, the applicant shall be obliged to bring the exported monument to the territory of the Republic of Poland within 60 days from the day on which the decision became final or from the day on which the applicant received information about leaving the request unprocessed.

Article 57. 1. The natural person or organisational unit which has received the permit referred to in Article 51(1), Article 54(1) or Article 55(1) shall be obliged, after having used that permit, to notify the voivodeship monuments inspector of bringing the monument to the territory of the Republic of Poland within 14 days of the expiry of the permit.

2. The natural person or organisational unit which has received the permit referred to in Article 53(1a) shall be obliged, after having used that permit, to notify the minister competent for culture and the protection of natural heritage of bringing the monument to the territory of the Republic of Poland within 14 days of the expiry of the permit.

3. If a monument is brought to the territory of the Republic of Poland after the expiry of the period of validity of the permit in the case referred to in Article 56a(8), the organisational unit shall be obliged to notify the voivodeship monuments inspector of bringing the monument to the territory of the Republic of Poland within 14 days of its arrival.

4. At the request of the voivodeship monuments inspector or the minister competent for culture and the protection of natural heritage, respectively, the natural person or organisational unit referred to

in sections 1-3 shall be obliged to make the monument available for inspection.

Article 58. As regards library materials, the permits referred to in Article 51(1) and (3) shall be issued by the Director of the National Library. The provisions of Article 51(1), (2) and (4), Article 52(1a) and Articles 53 to 57 shall apply accordingly.

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

- 1) monuments not falling into the categories referred to in Article 51(1), which are not included in the Register either on the List of Heritage Treasures or in the inventories of museums or which are not part of the national library inventory;
- 1a) monuments to be returned to the territory of a European Union country on the basis of a final judgement ordering the return of a foreign national cultural asset referred to in Article 18(1) of the Act of 25 May 2017 on the Restitution of National Cultural Property;
- 2) monuments imported from the territory of a country which is not a member 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 which is not a member of the European Union, covered by a marketing authorisation procedure subject to exemption from import customs duties, if the export of those monuments takes place within 5 years of their admittance to trading;
- 4) monuments imported from the territory of a Member State of the European Union for a period of not more than 3 years, provided that such monuments are exported within the territory of a Member State of the European Union;
- 5) monuments imported from abroad by persons enjoying diplomatic privileges or immunities, including those imported in order to furnish the interiors of diplomatic representations and consular offices;
- 6) works of living artists not included in museum inventories or not included in the national library resource;
- 6a) works of living artists to be returned to the territory of a European Union country on the basis of a final judgement ordering the return of a foreign national cultural asset referred to in Article 18(1) of the Act of 25 May 2017 on the Restitution of National Cultural Property;
- 7) monuments transferred through the territory of the Republic of Poland from the territory of a Member State of the European Union to the territory of a country which is not a member of the European Union and falling under categories A.1 to A.15 listed in the Annex to Council Regulation (EEC) No 116/2009 of 18 December 2008 on the export of cultural property (OJ EC L 39, 10.2.2009), if their value is below the financial thresholds listed in point B of that Annex;
- 8) monuments that have a certificate of import issued by a customs authority or the Border Guard pursuant to Article 59(3)(4).

2. If a monument is exported without the permit as referred to in Article 51(1) and (3) and the features of the monument indicate that its export requires a permit, the Border Guard or customs authority may require the person exporting the monument to produce a document proving that the exported monument does not require a permit.

3. The document referred to in section 2 shall include:

- 1) an assessment indicating the time of creation of the monument performed by a cultural institution specialising in the care of monuments, an expert of the Minister of Culture and National Heritage, an economic entity specialising in the trade in monuments on the territory of the Republic of Poland or a public administration body;

- 2) a valuation of the monument carried out by a cultural institution specialising in the care of monuments, an expert of the Minister of Culture and National Heritage or an economic entity specialising in the trade in monuments on the territory of the Republic of Poland;
- 3) an invoice containing data allowing the identification of the object, issued by an economic entity specialising in the trade in monuments on the territory of the Republic of Poland;
- 4) confirmation of importing the monument into the territory of the Republic of Poland, containing a photograph of the monument, issued at border crossings by the customs authority, or in case of its absence by the Border Guard authority. The confirmation shall be issued exclusively if the enclosed documents enabling unambiguous identification of the monument and its age and value indicate that it belongs to the category of monuments referred to in Article 51(1);
- 5) insurance of transport of a monument from abroad on the territory of the Republic of Poland;
- 6) a permit to export a monument from the territory of another European Union Member State.

4. If the person exporting the monument fails to produce the document referred to in section 2, or there is a reasonable fear that that document is not reliable, the Border Guard authority or customs authority may seize the monument for the time necessary to establish whether the export of the monument may have been executed without the permit referred to in Article 51(1) and (3).

5. The minister competent for culture and the protection of natural heritage shall specify, by means of an ordinance, the specimen of the document referred to in paragraph 3(1), (2) and (4), having regard to the need to harmonise those documents.

Article 59a. 1. A business entity specialising in trading in monuments on the territory of the Republic of Poland, hereinafter referred to as “the entity keeping the register book”, is obliged to keep a register book of monuments accepted or offered for sale, hereinafter referred to as “the register book”, both on its own behalf and on behalf of other persons, with a value exceeding PLN 10,000, as well as expert opinions issued by that entity, in particular the assessments indicating the time of creation of the monument and the valuations of the monument referred to in Article 59 section 3 points 1 and 2.

2. The record book shall include:

- 1) data enabling identification and determination of the value of the monument;
- 2) data of the seller and buyer of the monument, as well as persons acting as intermediaries in the sale and purchase of the monument, including persons representing legal persons;
- 3) the particulars of the person on whose behalf the expert opinion referred to in section 1 has been issued;
- 4) the original or a copy of a document certifying the acquisition of a monument by the entity keeping the register, together with the purchase price, and in addition, the Single Administrative Document (SAD) or another document confirming the release for circulation, if the entity purchased the monument outside the customs territory of the European Union;
- 5) a copy of the invoice or other document certifying the sale of the monument together with the sale price;
- 6) a copy of the expert opinion referred to in section 1;
- 7) a statement by the seller concerning the origin of the monument and the way it was acquired by the seller;
- 8) a statement by the entity keeping the register book on the steps taken to verify that the monument did not originate from a crime or has been unlawfully removed from the territory of a European Union country or a third country, indicating the information obtained from available registers, inventories and databases.

3. Data of persons referred to in section 2(2) and (3) with regard to natural persons shall include:

- 1) name and surname;
- 2) tax identification number (NIP) or PESEL number;
- 3) in relation to foreigners and persons without identification numbers referred to in point 2, the address of residence and the series and number of the document confirming identity.

4. The person authorised to make entries in the register book shall be any person authorised to represent the entity keeping the register book or a person authorised by such entity.

5. The entity keeping the register book shall keep it for the period of its activity.

6. If the entity keeping the register book is not an entity referred to in Article 42 of the Act of 14 July 1983 on National Archival Resource and Archives, or the register book is not part of the national archival resource, the provisions of the Act of 14 July 1983 on National Archival Resource and Archives concerning the registered non-state archival resource shall apply to that book.

7. The Police and the National Revenue Administration may, at the request of the minister competent for culture and the protection of natural heritage or *ex officio*, carry out explanatory activities aimed at verifying the fulfilment of the obligation to keep a register book and its correctness. An authorised representative of the minister competent for culture and the protection of natural heritage may take part in the explanatory activities.

8. The entity keeping the register book is obliged to make it immediately available to the common courts, administrative courts and authorities and entities referred to in Article 3(1), Article 5(1), Article 12(5) and Article 41 of the Act of 25 May 2017 on the Restitution of National Cultural Property, as well as to other entities issuing permits for the export of monuments abroad.

9. The entity keeping the register book is obliged to issue an excerpt or a copy of the entry, as well as an excerpt or a copy of the statements referred to in section 2(7) and (8) to the seller or buyer of the monument covered by the entry, or to the person on whose behalf it has issued an expert opinion covered by the entry, at the request of those persons.

10. The State archives to which the register book was handed over for archiving in accordance with section 6 shall make it available to the entity keeping the register book, bodies or entities referred to in Article 3 section 1, Article 5 section 1, Article 12 section 5 and Article 41 of the Act of 25 May 2017 on the Restitution of National Cultural Property, as well as to other entities issuing permits for the export of monuments abroad and persons referred to in section 9.

11. Before making the first entry, the entity keeping the register book shall submit the register book and its subsequent volumes to the voivodeship monuments inspector competent for the place of the entity's seat in order to assign a register number to the register book and its subsequent volumes.

12. The voivodeship monuments inspector referred to in section 11 shall keep inventory of the register books submitted to it, which shall include:

- 1) the registration number, the date of its assignment and the number of pages of the register book or the subsequent volume of the register book;
- 2) name and surname or business name of the entity keeping the register.

13. The inventory of register books is a document constituting archival material to be transferred to the relevant state archive in accordance with Article 5(1)(1) of the Act of 14 July 1983 on National Archive Resources and Archives.

14. The minister competent for culture and the protection of natural heritage shall determine, by means of an ordinance, the model of the register book, the detailed manner of its maintenance and storage and the documentation attached to the register book, taking into account the need to ensure transparency and completeness of the information contained in the register book, as well as security of

the data contained in the register book.

Article 60. The voivodeship monuments inspector may consult with cultural institutions specialising in the care of monuments when considering requests concerning the export of monuments or other objects abroad.

Article 61. The minister competent for culture and the protection of natural heritage shall determine, by means of an ordinance, the procedure for submitting requests and issuing single permits for permanent export of a monument abroad, single and multiple permits for temporary export of a monument abroad, as well as specimens of these permits, based on the need to unify these documents and the need to ensure protection of these monuments.

Chapter 6

(repealed)

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 a legal title to a monument resulting from the right of ownership, perpetual usufruct, permanent administration, limited rights in rem or a liability relationship shall finance the conservation, restoration and construction works carried out in relation to the monument.

2. The guardianship of monuments, including the financing of conservation, restoration and construction works in relation to the monument to which the legal title referred to in section 1 is held by a local government unit, shall be the own task of that unit.

Article 72. Pursuant to the principles and procedures specified in separate regulations, conservation, restoration and construction works in relation to monuments held by organisational units belonging to the public finance sector, shall be financed from financial resources allocated respectively by the administrators of budgetary elements or local government units to which those units are subordinate.

Article 73. The natural person, local government unit or other organisational unit which is the owner or holder of a monument entered into the Register or permanently administering such a monument or which is the owner or holder of a monument entered on the List of Heritage Treasures may apply for a targeted subsidy from the state budget to subsidise conservation, restoration or construction works on a monument entered into the Register or conservation or restoration works on a monument entered on the List of Heritage Treasures.

Article 74. 1. The subsidy to co-finance conservation, restoration or construction works in relation to a monument entered into the Register may be granted by the following:

- 1) the minister competent for culture and the protection of natural heritage from the state budget funds, from the part which remains at the disposal of the minister;
- 2) the voivodeship monuments inspector from the state budget funds, from the part which remains at the disposal of the voivode.

2. The subsidy to co-finance conservation or restoration works in relation to a monument included on the List of Heritage Treasures shall be granted from state budget funds, from the part which

remains at the disposal of the minister competent for culture and the protection of natural heritage.

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

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

- 1) expenditure necessary to carry out conservation, restoration or construction works in relation to a monument entered into the Register, determined on the basis of a cost estimate approved by the voivodeship monuments inspector, which shall be carried out in the year of submission of the application for subsidy by the applicant or in the year following the year of submission of that application;
- 2) expenditure necessary to carry out conservation, restoration or construction works in relation to a monument entered into the Register, which have been carried out in the three years preceding the year of submission of the application for subsidy by the applicant;
- 3) expenditure necessary to carry out conservation or restoration works in relation to a monument entered on the List of Heritage Treasures, determined on the basis of a cost estimate approved by the minister competent for culture and the protection of natural heritage, which shall be carried out in the year of submission of the application for subsidy by the applicant or in the year following the year of submission of that application;

2. The application for subsidy referred to in section 1, point 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 voivodeship monuments inspector.

Article 77. The subsidy may cover the expenditure necessary for:

- 1) preparing technical and conservation expert opinions;
- 2) carrying out conservation and 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 reconstructing the interior composition;
- 7) securing, preserving and consolidating the substance of the monument;
- 8) stabilising the construction of elements of the monument or their reconstruction to the extent necessary to preserve the monument;
- 9) renovating or completing plasterwork and architectural facings or their complete reconstruction, taking into account the characteristic colours of the monument;
- 10) reconstructing the destroyed belongingness of a monument, if such reconstruction does not exceed 50% of the original substance of that belongingness;
- 11) renovating or completely reconstructing the windows, including window frames and shutters, external door frames and doors, roof trusses, roofing, gutters and downpipes;
- 12) modernising electrical installation in wooden monuments or monuments that have original wooden components and inclusions;
- 13) installing dump insulation;
- 14) complementing outlines of defensive architecture constructions and immovable archaeological finds with their own landscape forms;

- 15) activities aimed at exposing the existing, original elements of the historic park or garden layout;
- 16) purchase of conservation and construction materials necessary to carry out the works in relation to the monument entered into the register referred to in points 7-15;
- 17) purchase and installation of anti-burglary, fire protection and lightning protection systems.

Article 78. 1. The subsidy may be granted in the amount of up to 50% of the expenditure necessary to perform the conservation, restoration or construction works in relation to a monument entered into the Register.

2. If the monument referred to in section 1 is of exceptional historical, artistic or scientific value or requires the carrying out of technologically complex conservation, restoration or construction works, the subsidy may be granted in the amount of up to 100% of the expenditure necessary to carry out the works.

3. If the state of preservation of the monument referred to in section 1 requires immediate conservation, restoration or construction works in relation to this monument, the subsidy may also be granted in the amount of up to 100% of the expenditure necessary to carry out the works.

4. The total amount of subsidies granted by the minister competent for culture and the protection of national heritage and the voivodeship monuments inspector may not exceed the amount of subsidies specified in sections 1-3.

5. The subsidy referred to in Article 74(2) shall be granted in the amount requested up to 100% of the expenditure required to carry out the conservation or restoration works.

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

2. The authorities referred to in Article 74 shall pursue the amounts due, together with interest in the amount specified as for tax arrears on account of unused or misuse of the granted subsidy, under the provisions on administrative enforcement proceedings.

Article 80. The minister competent for culture and the protection of natural heritage shall specify, by means of an ordinance:

- 1) detailed conditions and procedure for granting a targeted subsidy for conservation or restoration works on a monument entered on the List of Heritage Treasures and conservation, restoration and construction works on a monument entered into the Register,
 - 2) the data and information contained in the applications for subsidy and the documentation necessary to process those applications,
 - 3) the documents necessary for the conclusion of the agreement and elements of the subsidy agreement,
 - 4) documents necessary to settle the agreement,
- having regard to the need to define the period that must elapse before it will be possible to award another targeted subsidy for co-financing the work on the same monument, to organise at least one call for subsidy applications during the budget year, to publish information on calls for proposals, to ensure a comprehensive evaluation of the activities for the implementation of which the subsidy is to be granted, and to ensure the purposefulness and rationality of spending public funds.

Article 81. 1. Following the procedure laid down in separate regulations, a subsidy for conservation, restoration or construction works in relation to a monument entered into the Register or in the municipal inventory of monuments may be granted by the decision-making body of the

commune, district or voivodeship self-government, on the terms specified in the resolution adopted by this body.

2. The subsidy, within the scope specified in Article 77, may be granted in the amount of up to 100% of the expenditure necessary for the applicant to carry out conservation, restoration or construction works in relation to a monument entered into the Register or in the municipal inventory of monuments.

Article 82. 1. The total amount of subsidies for conservation, restoration or construction works in relation to a monument entered into the Register, granted by the minister competent for culture and the protection of national heritage, the voivodeship monuments inspector or a decision-making body of the commune, district or voivodeship self-government may not exceed 100% of the expenditure necessary to carry out such works.

2. The co-financing of conservation, restoration and construction works 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 set out in section 1, the bodies authorised to grant subsidies shall keep a record of the granted subsidies and shall inform each other of the granted subsidies.

Article 82a. 1. The minister competent for culture and the protection of national heritage shall grant a subsidy to a natural person or organisational unit intending to carry out the activities referred to in Article 31, section 1a, to carry out archaeological research referred to in Article 31, section 2, and to prepare their documentation, if the cost of the planned archaeological research and their documentation is higher than 2% of the cost of the planned activities. The provisions of Article 75 and Article 79 shall apply accordingly.

2. The provision of section 1 shall also apply in the event of an unexpected discovery of a previously unknown archaeological monument in the course of the implementation of the activities referred to in Article 31, section 1a, after it has been entered into the Register or entered in the inventory of the voivodeship monuments inspector and the scope and type of archaeological research has been determined.

3. The provision of section 1 shall not apply if one of the entities intending to carry out the activities referred to in Article 31(1a) is an organisational unit belonging to the public finance sector, or if those activities will be carried out with funds from the European Union, the EEA Financial Mechanism or the Norwegian Financial Mechanism.

4. The amount of the subsidy referred to in section 1 shall be equal to the difference between the costs of the planned archaeological research and documentation and the costs representing 2% of the cost of the planned activities referred to in Article 31(1a).

5. The subsidy shall be settled on completion of the actions referred to in Article 31(1a), but no later than five years after granting the subsidy, on the basis of the costs incurred in carrying out archaeological research and documentation and the costs incurred in implementing those actions. The provision of section 4 shall apply accordingly.

6. The natural person or organisational unit referred to in section 1 shall be required to reimburse all or part of the subsidy, together with interest, if the costs incurred in relation to carrying out archaeological research and preparing documentation do not exceed 2% of the costs incurred in carrying out the actions referred to in Article 31(1a), or if the difference between the costs incurred in relation to carrying out archaeological research and preparing documentation and the costs representing 2% of the costs incurred in carrying out the actions referred to in Article 31(1a) is 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 section 4, the costs incurred may be reimbursed in the amount constituting the difference between the justified actual costs and the costs planned on the basis of the application on which the voivodeship monuments inspector had given his/her opinion.

8. The subsidy referred to in section 1 shall be reimbursed, together with interest specified as for tax arrears, if the natural person or organisational unit referred to in section 1 fails to settle the subsidy within five years of the date on which the subsidy is transferred or if the documentation of archaeological research is not transferred to the voivodeship monuments inspector within three years of the date on which the archaeological research permit is issued.

Article 82b. The minister competent for culture and the protection of national heritage, taking into account the need to ensure compliance of the granted aid with the rules of spending public funds, shall specify, by means of an ordinance, the conditions and procedure for granting and settling the subsidy referred to in Article 82a(1) and (2), including the procedure for handling subsidy applications, the method of its settlement and the type of documents necessary to consider the application and settle the subsidy.

Article 83. Pursuant to the rules laid down in the legislation on higher education and research, the minister competent for higher education and science may allocate funds for conservation, architectural, archaeological or other scientific research related to the carrying out of conservation and restoration works on monuments.

Article 83a. 1. The natural person, local government unit or other organisational unit which is the owner or holder of a monument entered on the List of Heritage Treasures shall, at its request, receive a targeted subsidy from the state budget for equipping the premises where the monument will be stored with technical security measures referred to in Article 37i(1). The provisions of Article 75 and Article 79 shall apply accordingly.

2. The subsidy referred to in section 1 shall be granted from the funds of the state budget, from the part which remains at the disposal of the minister competent for culture and the protection of national heritage, in the amount requested up to 100% of the expenditure necessary to equip the premises with technical security measures.

3. The minister competent for culture and the protection of national heritage shall determine, by means of an ordinance, the method of determining the amount and settlement of the targeted subsidy for equipping the premises in which the monument entered on the List of Heritage Treasures will be stored, with technical security measures, including the types of costs subject to co-financing, the requirements that the application meets and the documents that should be attached to the application, guided by the need to ensure proper documentation by the applicants for the grant of the subsidy of the fulfilment of the conditions for its award and control of the use of the subsidy, as well as its proper settlement.

Article 83b. 1. A National Fund for the Protection of Historical Monuments shall be established, at the disposal of the minister competent for culture and the protection of national heritage.

2. The National Fund for the Protection of Historical Monuments shall be a state special purpose fund.

3. The revenue of the National Fund for the Protection of Historical Monuments shall be the proceeds of the fines referred to in Articles 107a-107e.

4. The resources of the National Fund for the Protection of Historical Monuments shall be allocated for co-financing:

1) the expenditure necessary to carry out conservation or restoration works on a monument entered on the List of Heritage Treasures,

- 2) the expenditure necessary to carry out conservation, restoration or construction works on a monument entered into the Register
- under the rules set out in this Chapter.

5. The costs of servicing the National Fund for the protection of Historical Monuments shall be covered from the Fund.

Chapter 8

The national programme for the protection and guardianship of monuments and preservation of historical monuments in the event of an armed conflict and crises situations

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

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

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

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

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

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

2. The programmes referred to in section 1 shall aim, in particular, at:

- 1) *[including the problems of monument protection in the system of strategic tasks resulting from the concept of national spatial planning;]*
- 2) taking into consideration the conditions for the protection of monuments, including the cultural landscape and archaeological heritage, together with the conditions for nature protection and ecological balance;
- 3) inhibiting the degradation of historical monuments and improving their state of preservation;
- 4) exposing individual historical monuments and values of the cultural landscape;
- 5) taking action to increase the attractiveness of monuments for social, tourist and educational needs and support initiatives generating financial means for the guardianship of monuments;
- 6) defining the conditions of cooperation with owners of historical monuments, thus

The provision repealing point 1 in section 1 of Article 87 shall enter into force on 13.11.2020. (Journal of Laws of 2020, item 1378).

eliminating conflict situations over the use of these monuments;

7) undertaking projects enabling the creation of jobs related to the guardianship of monuments.

3. The voivodeship, district and communal programme of care over monuments shall be adopted by the voivodeship regional council, district councils and commune councils respectively, after obtaining the opinion of the voivodeship monument inspector.

4. The programmes referred to in section 3 shall be published in the voivodeship official journal.

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

6. The report on the implementation of the voivodeship programme for the care of monuments shall be submitted to the General Monuments Inspector and the relevant voivodeship monuments inspector for use in the development, updating and implementation of the national programme for the protection and guardianship of monuments.

Article 88. 1. The minister competent for culture and the protection of national heritage shall draw up a national plan for the protection of monuments in the event of an armed conflict and crisis situations and shall coordinate the implementation of tasks aimed at securing monuments against the effects of threats arising in crisis situations.

2. The minister competent for culture and the protection of national heritage shall specify, by means of an ordinance, the organisation and method of protection of monuments in the event of an armed conflict or crisis situations, taking into account the tasks of administrative bodies of the relevant level and organisational units holding the monuments; and shall indicate the measures of conducting security works.

3. The minister competent for culture and the protection of national heritage shall present the Director-General of the United Nations Educational, Scientific and Cultural Organisation with an application for entering the monument in the “International Register of Cultural Property under Special Protection” in order for this monument 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. (Journal of Laws of 1957, item 212 and 215).

4. In order to coordinate projects related to the protection of monuments in the event of armed conflict, the Council of Ministers may establish, by way of an ordinance, a Polish Advisory Committee, acting as its auxiliary authority.

5. The ordinance shall specify the organisation of the Polish Advisory Committee, its scope and mode of operation and the method of financing the Committee’s activities, taking into account, in particular, the requirements related to the appointment and dismissal of the Committee’s Chairman, Secretary and members, the Committee’s tasks, voting methods and its administrative personnel.

Chapter 9

Organisation of monument protection authorities

Article 89. Monument protection authorities shall include:

- 1) the minister competent for culture and the protection of national heritage, on whose behalf tasks and competences in this scope are executed by the General Monuments Inspector;
- 2) the voivode, on whose behalf tasks and competences in this scope are executed by the

voivodeship monuments inspector.

Article 90. 1. The General Monuments Inspector shall hold the rank of secretary or undersecretary of state in the office reporting to the minister competent for culture and the protection of national heritage.

2. The tasks performed by the General Monuments Inspector shall include, in particular:

- 1) preparing the national programme for the protection and guardianship of monuments;
- 2) *[realising the tasks resulting from the national programme for the protection and guardianship of monuments and the concept of national spatial planning;]*

<2) realising the tasks resulting from the national programme for the protection and guardianship of monuments;>

- 3) undertaking activities related to the support of regional development and implementation of voivodeship contracts for the care of 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, provisions and certificates in matters specified in the Act and in separate regulations;
- 6) organising and exercising supervision in the scope of observance and application of the provisions concerning monument protection and guardianship;
- 7) supervising the activities of voivodeship monuments inspectors;
- 7a) coordinating the activities of voivodeship monuments inspectors;
- 7b) controlling the activity of voivodeship monuments inspectors on the principles set out in the Act of 15 July 2011 on Control in Government Administration (Journal of Laws, item 1092 and 2019, item 730);
- 8) promoting research in terms of conservation of monuments;
- 9) organising training for monument protection services;
- 10) organising competitions promoting the care of monuments, including the awarding of distinctions, financial and in-kind awards;
- 11) giving opinions on requests for the awarding of the “For taking care of historical monuments” badge;
- 12) cooperating with public administration bodies in terms of protection of monuments;
- 13) organising training courses on the protection and guardianship of monuments;
- 14) taking actions concerning the care of monuments connected with Polish history and remaining outside the territory of the Republic of Poland.

3. As part of coordinating the activities of voivodeship monuments inspectors, the General Monuments Inspector may establish general directions of their activities, issue instructions and guidelines defining the manner of their operations and demand reports on their activities.

4. The instructions and guidelines referred to in section 3 may not concern the settlement of the substance of the matter dealt with by an administrative decision.

Article 91. 1. The voivodeship monuments inspector shall be appointed by the voivode at the request of the General Monuments Inspector, indicating the candidate for the position.

2. The voivodeship monuments inspector shall be removed by the voivode at the request of the

<p>The new wording of point 2 in section 2 of Article 90 shall enter into force on 13.11.2020. (Journal of Laws of 2020, item 1378).</p>
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General Monuments Inspector or upon his/her consent.

3. The position of the voivodeship monuments inspector 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 related to monument protection and at least 5 years' professional experience in this field;
- 3) has knowledge of the functioning of public administration and the provisions concerning monument protection and guardianship;
- 4) has not been convicted of an intentional crime or an intentional fiscal offence by a final judgement.

4. The deputy voivodeship monuments inspector shall be appointed and removed by the voivode at the request of the voivodeship monuments inspector.

5. The tasks performed by the voivodeship monuments inspector shall include, in particular:

- 1) realising the tasks resulting from the national programme for the protection and guardianship of monuments;
- 2) preparing, within the allocated budget funds, plans of the protection and guardianship of monuments;
- 3) keeping the register and the voivodeship inventory of monuments and collecting documentation in this respect;
- 4) issuing, within competence, decisions and certificates in matters specified in the Act and in separate regulations;
- 5) supervising the correctness of conservation, architectural research, conservation, restoration, construction works and other activities on monuments and archaeological research;
- 6) organising and exercising supervision in terms of the protection and guardianship of monuments;
- 7) preparing voivodeship plans for the protection and guardianship of monuments in the event of an armed conflict and crises situations and coordinating actions connected with the implementation of these plans;
- 8) disseminating knowledge about monuments;
- 9) cooperation in matters concerning the protection of monuments with other public administration bodies and entities carrying out public benefit activities referred to in Article 3, sections 2 and 3 of the Act of 24 April 2003 on public benefit activities and volunteerism (Journal of Laws of 2019, items 688, 1570 and 2020).

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

2. The voivodeship monuments protection office acts on the basis of the rules and regulations issued by the voivode at the request of the voivodeship monuments inspector.

3. The voivode, at the request of the voivodeship monuments inspector, after consulting the General Monuments Inspector, may establish and liquidate branches of the voivodeship monuments protection office, specifying in particular the territorial scope of operation of those branches and their seats.

4. The branches referred to in section 3 shall constitute a part of the voivodeship monuments protection office.

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

5a. Heads of branches of a voivodeship monuments protection office shall be appointed and removed by the voivodeship monuments inspector at the request of the General Monuments Inspector or upon his/her consent.

6. Heads of branches referred to in section 5, upon authorisation from the voivodeship monuments inspector, shall carry out inspections and matters in the area of their operations, including, in particular, issuing administrative decisions.

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

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

2. In matters specified in Article 36(2) and Article 48, the authority of the first instance shall be the Maritime Office Director, while the minister competent for culture and the protection of national heritage shall be the authority of higher instance.

3. In matters concerning the issue of permits, as referred to in Article 51(1) and (3), for the export of monuments constituting library materials abroad, the Director of the National Library shall be the person conducting the proceedings in the first instance, and the minister competent for culture and the protection of national heritage shall be the authority of higher instance.

4. The tasks referred to in Article 12(1), Article 16(1) and (3) to (5), Article 22(4), Article 32(2), Article 33(2), Article 50(3) and (4)(2), Article 87(1) and Articles 103 and 105 shall be the own tasks of the regional or local self-government authorities and units designated in those provisions.

Article 94. In administrative proceedings concerning historical urban and rural layouts, historical building complexes and areas with a significant number of archaeological monuments, the parties to such proceedings may be notified of the decisions and other actions of the minister competent for culture and the protection of national heritage or the voivodeship monuments inspector by way of announcement or in another manner of public notification customary for a given location.

Article 95. 1. In civil cases related to the protection of monuments and cultural heritage, including public collections, restitution of cultural property, including the return of cultural property removed in violation of the law from the territory of the Republic of Poland, the minister competent for culture and the protection of national heritage has powers provided for the prosecutor by the provisions of the Code of Civil Procedure.

2. The minister competent for culture and the protection of national heritage or the voivodeship monuments inspector may act on the terms provided for the injured party and the auxiliary prosecutor in criminal proceedings in cases concerning prohibited acts threatening the protection of monuments, cultural heritage, including public collections, restitution of cultural property, including the return of cultural property removed in violation of the law from the territory of the Republic of Poland, in particular acts specified in Chapter 11.

3. The minister competent for culture and the protection of national heritage or the voivodeship monuments inspector may, in matters concerning the protection of monuments, cultural heritage, including public collections, restitution of cultural property, including the return of cultural property removed in violation of the law from the territory of the Republic of Poland, act as a party in administrative proceedings and on the rights of a public prosecutor in proceedings in misdemeanour cases.

Article 96. 1. The minister competent for culture and the protection of national heritage, at the

request of the General Monuments Inspector, may entrust the management of certain matters within the scope of his/her competence, with the exception of issuing administrative decisions, to the heads of cultural institutions specialising in the care of the monuments for which he/she is the organiser.

2. The voivode, at the request of the voivodeship monuments inspector, may entrust, by way of an agreement, the management of certain matters within the scope of his/her competence, including the issuance of administrative decisions, to communes, districts, associations of communes, associations of districts, associations of communes and districts or metropolitan associations, located within the territory of the voivodeship.

2a. For conducting the matters referred to in section 2, the commune, district, association of communes, association of districts, association of communes and districts or the metropolitan association shall establish a separate position of a communal (municipal) monuments protection officer, district monuments protection officer, commune and district monuments protection officer or metropolitan monuments protection officer, respectively.

2b. The communal (municipal) monuments protection officer, district monuments protection officer, commune and district monuments protection officer or metropolitan monuments protection officer shall be a person who meets the conditions specified in Article 91(2).

3. The voivode, at the request of the voivodeship monuments inspector, may entrust, by way of an agreement, the management of certain matters within the scope of his/her competence, including the issuance of administrative decisions, to managers of cultural institutions specialising in the care of monuments.

4. The provisions of sections 2 and 3 shall not apply to matters concerning the keeping of the register and voivodeship inventory of monuments, or the issuance of administrative decisions in this respect.

5. The delegation of matters, including the issuance of administrative decisions, to the managers referred to in section 3 may be made upon the consent of the organiser responsible for those institutions.

Article 97. 1. The Council for the Protection of Historical Monuments shall operate under the authority of the minister competent for culture and the protection of national heritage as a consultative and advisory body on the implementation of the policy of the Council of Ministers in the field of monument protection and care.

2. The tasks of the Council for the Protection of Historical Monuments shall include, in particular:

- 1) assumptions of the draft of the national programme for the protection and guardianship of monuments and the draft of this programme;
- 2) *[evaluating the realisation of the tasks resulting from the concept of national spatial planning in relation to monuments;]*
- 3) protecting of monuments of history;
- 4) drafts of legal acts regarding the protection and guardianship of monuments.

3. Members of the Council for the Protection of Monuments in the number of 10 to 20 shall be appointed for a period of 5 years from among persons with outstanding achievements and merits in the protection or care of monuments, and dismissed by the minister competent for culture and the protection of national heritage.

4. The Council for the Protection of Historical Monuments shall operate on the basis of the regulations given, by order, by the minister competent for culture and the protection of national heritage.

5. The General Monuments Inspector shall attend the meetings of the Council for the Protection

<p>The provision repealing point 2 in section 2 of Article 97 shall enter into force on 13.11.2020. (Journal of Laws of 2020, item 1378).</p>

of Historical Monuments.

6. Administrative and financial service for the Council for the Protection of Historical Monuments shall be provided by the office serving the minister competent for culture and the protection of national heritage.

Article 98. 1. The Main Conservation Committee shall operate at the General Monuments Inspector as a consultative body in matters related to conservation activities taken in relation to monuments.

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

- 1) using methods, technologies and materials necessary to save monuments;
- 2) the correctness and legitimacy of planned and carried out conservation, restoration and construction works on monuments and archaeological research;
- 3) the method and rules of conduct in case of threats to individual monuments.

3. Members of the Main Conservation Committee in the number of 10 to 15 shall be appointed for a period of 5 years from among specialists in specific areas of monument protection and care and removed by the General Monuments Inspector.

4. The Main Conservation Committee shall operate on the basis of the regulations given, by order, by the minister competent for culture and the protection of national heritage.

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

Article 99. 1. The Voivodeship Council for the Protection of Monuments operates at the voivodeship monuments inspector as an opinion-giving body in the field of protection and guardianship of monuments.

2. The Voivodeship Council for the Protection of Monuments shall be composed of 5 to 10 members, appointed for a period of 5 years from among specialists in specific fields of protection and guardianship of monuments and dismissed by the voivodeship monuments inspector after obtaining a positive opinion of the General Monuments Inspector.

3. The Voivodeship Council for the Protection of Monuments shall operate on the basis of the regulations issued, by means of an order, by the voivodeship monuments inspector after obtaining a positive opinion of the General Monuments Inspector.

4. The administrative and financial service of 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 the protection of national heritage shall grant and cancel expert licences in a particular fields of monument care.

2. The expert has the right to issue evaluations and opinions for monument protection authorities, judicial authorities, public prosecutor's office, the Police, National Revenue Administration authorities, the Border Guard, the Supreme Audit Office and the General Directorate for National Roads and Motorways.

3. The expert shall have the right to issue evaluations and opinions to entities other than those referred to in section 2 within the scope of Article 59(3)(1) and (2).

4. The minister competent for culture and the protection of national heritage shall keep a list of experts to record them.

5. The list of experts includes details of the persons covered:

- 1) name and surname;
- 2) academic degrees and titles;
- 3) the area of monument care in which the competences were granted.

6. The data collected in the list of experts shall be made available to the entities referred to in section 2 in so far as this is necessary for the performance of their statutory tasks and to other entities and persons with the consent of the person concerned.

7. The data of a person whose competences as an expert has expired shall be removed from the list of experts.

Article 101. 1. The minister competent for culture and the protection of national heritage shall specify, by means of an ordinance, the areas in which experts shall be appointed, the requirements to be met by the candidates for the appointment of experts, the procedure for granting or cancelling expert licences, the scope of their rights and obligations and the organisation of the expert service.

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

3. (repealed)

Chapter 10

Social inspectors of monuments

Article 102. 1. Social inspectors of monuments shall take actions related to preserving the value of monuments and keeping them in the best possible condition, as well as disseminating knowledge about the monuments.

2. The social inspector of monuments shall cooperate with the voivodeship monuments inspector and the district governor in matters of monument protection and care.

3. The social inspector of monuments can be a person who has full legal capacity, has not been punished for intentional crimes and has knowledge in the field of monument protection and care.

4. The tasks of the social inspector of monuments may also be performed by a legal person or another organisational unit without legal personality.

Article 103. 1. The social inspector of monuments shall be appointed, at the request of the voivodeship monuments inspector, by the district governor competent for the place of residence (seat) of the candidate for the position of social inspector of monuments.

2. At the request of the voivodeship monuments inspector, the district governor shall cancel the appointment of a social inspector of monuments if the inspector no longer meets the requirements specified in Article 102(3) or performs his/her tasks improperly

3. The voivodeship monuments inspector shall be notified by the district governor about the appointment of a social inspector of monuments or withdrawal of such appointment.

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

Article 104. The social inspector of monuments shall be entitled to instruct persons breaching the regulations on the protection and guardianship of monuments.

Article 105. 1. A natural person acting as a social inspector of monuments shall be issued a social inspector's identity card by the district governor, which includes his or her photo, first name, surname

and place of residence, the date of issue of the card and a signature with the name and surname as well as the official position of the person authorised to issue the card.

2. A legal person or another organisational unit without legal personality, performing the function of social inspector of monuments, shall be issue a certificate by the district governor which shall contain information on the powers of the inspector, the name and seat of that person or unit, the date of issue of the certificate and a signature with the name and surname as well as the official position of the person authorised to issue the certificate.

Article 106. 1. Persons of merit in terms of protection and guardianship of monuments shall be awarded the “For taking care of historical monuments” badge.

2. The “For taking care of historical monuments” badge shall be awarded by the minister competent for culture and the protection of national heritage on his/her own initiative or upon the request of:

- 1) a minister;
- 2) head of a central office;
- 3) government administration operating in the voivodeship;
- 4) bodies constituting local government units;
- 5) a social organisation whose statutory aim is the guardianship of monuments.

3. Opinions on requests for the awarding of the “For taking care of historical monuments” badge shall be issued by the General Monument Inspector.

4. The awarding of the badge to a person who does not hold Polish citizenship shall take place in agreement with the minister in charge of foreign affairs.

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

Chapter 10a

Administrative pecuniary sanctions

Article 107a. 1. The owner or holder of a monument entered on the List of Heritage Treasures or entered into the Register or another monument entered into the voivodeship inventory of monuments who did not notify the minister competent for culture and the protection of national heritage or the voivodeship monuments inspector, respectively, about:

- 1) damage, destruction, disappearance or theft of the monument, not later than within 14 days from the date on which the event occurred,
- 2) the risk to the monument, not later than within 14 days of becoming aware of the occurrence of the risk,
- 3) the change of the place of storage of a movable monument within one month from the date of this change,
- 4) changes concerning the legal status of the monument, not later than within one month from the date of their occurrence or becoming aware of them

– shall be subject to a financial penalty in the amount of PLN 500 to PLN 2,000.

2. The financial penalty referred to in section 1 shall be imposed by decision of the monument protection authorities, which the owner or holder was required to notify.

Article 107b. 1. A natural person or an organisational unit which has received a permit for the temporary export of a monument abroad, and who has not notified the competent authority within 14 days from the date of expiry of this permit of importing the monument to the territory of the Republic of Poland, shall be subject to a fine of between PLN 500 and 2,000.

2. The same fine shall be imposed on an organisational unit which, in the case referred to in Article 56a(8), failed to notify the voivodeship monuments inspector within 14 days of importing the monument to the territory of the Republic of Poland.

3. The fine referred to in section 1 shall be imposed by decision of the authority which issued the permit to export the monument abroad.

Article 107c. 1. A natural person or an organisational unit which prevents or impedes access to a monument to a monument protection authority exercising the rights resulting from the Act shall be subject to a fine in the amount of PLN 500 to 2,000.

2. The fine referred to in section 1 shall be imposed by decision of a monument protection authority which has been prevented or impeded from accessing the monument.

Article 107d. 1. Whoever, without the permit of the voivodeship monuments inspector, undertakes the activities referred to in Article 36(1)(1) to (5) shall be liable to a fine of between PLN 500 and 500,000.

2. Whoever undertakes the activities referred to in Article 36(1)(1) to (5), contrary to the scope or conditions specified in the voivodeship monuments inspector's permit, shall be subject to a fine in the amount of PLN 500 to PLN 500,000.

3. Whoever, without the permit of the minister competent for culture and the protection of national heritage, undertakes the activities referred to in Article 36(1a) shall be liable to a fine of between PLN 500 and 500,000.

4. Whoever undertakes the activities referred to in Article 36(1a), contrary to the scope or conditions specified in the permit of the minister competent for culture and the protection of national heritage, shall be subject to a fine in the amount of PLN 500 to PLN 500,000.

5. The fine referred to in sections 1-4 shall be imposed by decision of the monument protection authority which issued the permit or was competent to issue the permit.

Article 107e. 1. Whoever fails to comply with the post-inspection recommendations referred to in Article 40(1), contrary to his/her obligation, shall be subject to a fine of between PLN 500 and 50,000.

2. The fine referred to in section 1 shall be imposed by decision of a monument protection authority which issued the post-inspection recommendations.

Article 107f. The fine shall be paid within 14 days from the date on which the decision imposing it becomes final.

Article 107g. The provisions of Section IVa of the Code of Administrative Procedure shall apply to financial penalties.

Article 107h. The creditor of the claims for administrative fines referred to in Articles 107a-107e, within the meaning of the provisions on enforcement proceedings in administration, shall be the authority competent to impose the fine.

Article 107i. The enforcement authorities shall transfer the proceeds of the fines referred to in

Articles 107a to 107e to the account of the National Fund for the Protection of Historical Monuments.

Chapter 11

Penal provisions

Article 108. 1. Whoever destroys or damages a monument shall be subject to imprisonment of 6 months to 8 years.

2. If the person committing the act specified in section 1 acts unintentionally, he or she shall be subject to a fine, restricted liberty or imprisonment for up to 2 years.

3. In the event of a conviction for an offence referred to in section 1 consisting in the destruction of a monument, the court shall award the National Fund for the Protection Of Historical Monuments punitive damages up to the value of the destroyed monument.

4. In the event of a conviction for an offence referred to in section 1 consisting in damage to a monument, the court shall pronounce an obligation to restore the previous condition, and if such an obligation would not be enforceable - punitive damages to the National Fund for the Protection Of Historical Monuments up to the value of the damage to the monument.

5. In the event of a conviction for an offence referred to in section 2, the court may award the National Fund for the Protection Of Historical Monuments punitive damages in the amount between three and thirty times the minimum remuneration.

Article 109. 1. Whoever exports a monument abroad without a permit or after exporting it abroad does not return it to the territory of the Republic of Poland within the period of validity of the permit or, in the case referred to in Article 56a(8), within 60 days from the date on which the decision to refuse to issue another permit for the temporary export of a monument abroad became final or from the date of receiving information about leaving the request for the issuance of another permit for the temporary export of a monument abroad without consideration, shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

2. If the person committing the act specified in section 1 acts unintentionally, he or she shall be subject to a fine, restricted liberty or imprisonment for up to 2 years.

3. In the event of the conviction for the crime specified in section 1 the court shall, and in the event of conviction for the crime specified in section 2 the court may adjudicate punitive damages for a selected social purpose connected with the guardianship of monuments in the amount between three to thirty times the minimum remuneration.

4. The court may adjudicate the forfeiture of the monument, even if it is not the property of the perpetrator.

Article 109a. Whoever forges or alters a monument in order to use it in trade in monuments shall be subject to a fine, the penalty of restriction of liberty or imprisonment of up to 2 years.

Article 109b. Whoever disposes of a movable item as a movable monument or disposes of a monument as another monument, knowing that it is has been forged or altered, shall be subject to a fine, the penalty of restriction of liberty or imprisonment for up to 2 years.

Article 109c. Whoever, without a permit or contrary to the conditions of the permit, searches for hidden or abandoned monuments, including with the use of all kinds of electronic and technical devices and diving equipment, shall be subject to a fine, the penalty of restriction of liberty or imprisonment for up to 2 years.

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

2. In the event of committing an offence specified in section 1, punitive damages may be adjudicated in the amount of up to twenty times the minimum remuneration, to be donated to an indicated social purpose connected with the guardianship of monuments.

Article 111. (repealed)

Article 112. 1. Whoever breaches the prohibitions or restrictions in force in a culture park or part of it, shall be subject to arrest, restriction of freedom or a fine.

2. If the person committing the act specified in section 1 acts unintentionally, he or she shall be subject to a fine.

3. In the event of committing an offence specified in section 1 or 2, the following may be adjudicated:

1) forfeiture of the equipment and objects that served, or were designed for committing the offence, even if they were not property of the perpetrator;

2) forfeiture of the objects obtained directly or indirectly from the offence;

3) obligation to restore the previous state or pay the equivalent of the damage done.

[Article 113. 1. Whoever, being the owner or holder of a monument entered on the List of Heritage Treasures or entered into the Register or another monument entered into the voivodeship inventory of monuments does not notify the minister competent for culture and the protection of national heritage or the voivodeship monuments inspector, respectively, about:

1) damage, destruction, disappearance or theft of the 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) the change of the place of storage of a movable monument, within one month from the date of such change,

4) changes concerning the legal status of the monument, not later than within one month from the date of their occurrence or gaining knowledge of such change

– shall be subject to a fine.

2. In the event of committing an offence specified in section 1, punitive damages may be adjudicated in the amount of up to twenty times the minimum remuneration, to be donated to an indicated social purpose connected with the guardianship of monuments.]

[Article 113a. 1. Whoever, within 14 days of the expiry of the permit referred to in Article 51(3), has not notified that a monument has been brought to the territory of the Republic of Poland, shall be subject to a fine.

2. The same fine shall be imposed if, in the case referred to in Article 56a(8), the voivodeship monuments inspector has not been notified within 14 days of bringing the monument to the territory of the Republic of Poland.]

[Article 114. Whoever prevents or impedes access to a monument to a monument protection authority exercising the rights resulting from the Act shall be subject to a fine.]

Article 115. 1. Any person who failed to immediately notify the voivodeship monuments

<p>The provision repealing Articles 113-114 shall enter into force on 1.01.2024. (Journal of Laws of 2017, item 1595).</p>
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inspector or the head of the commune (mayor, president of the city) or the director of the maritime office of finding an object of alleged monument value during ground or construction works, and did not discontinue works which might damage or destroy the object and did not safeguard the object or the site where it was found using all available measures is subject to a fine.

2. In the event of committing an offence specified in section 1, punitive damages may be adjudicated in the amount of up to twenty times the minimum remuneration, to be donated to an indicated social purpose connected with the guardianship of monuments.

Article 116. 1. Any person who failed to immediately notify the voivodship monuments inspector or the head of the commune (mayor, president of the city) or the director of the maritime office of accidentally finding an object of alleged archaeological find value, and did not safeguard the object or the site where it was found using all available measures is subject to a fine.

2. In the event of committing an offence specified in section 1, punitive damages may be adjudicated in the amount of up to twenty times the minimum remuneration, to be donated to an indicated social purpose connected with the guardianship of monuments.

[Article 117. Whoever carries out the following activities without a permit or against the conditions of the permit:

- 1) *conservation, restoration works or conservation research in relation to a monument entered on the List of Heritage Treasures,*
 - 2) *conservation work, restoration, construction works, conservation or architectural research carried out in relation to a monument entered into the Register or construction works carried out in its surroundings or archaeological research*
- shall be subject to a fine.]*

The provision repealing Articles 117 and 119 shall enter into force on 1.01.2024. (Journal of Laws of 2017, item 1595).

Article 118. 1. Whoever, without permit, places on a monument entered into the Register: technical devices, advertising boards or advertising devices within the meaning of Article 2 points 16b and 16c of the Act of 27 March 2003 on spatial planning and development, shall be subject to a fine.

2. Inciting and abetting are punishable by law.

3. In the event of an offence, the forfeiture of the objects used or intended to be used to commit the offence may be ordered, even if they are not the property of the perpetrator, or an obligation to restore the previous condition may be adjudicated.

[Article 119. Whoever fails to comply with the post-inspection recommendations referred to in Article 40(1), shall be subject to a fine.]

Article 119a. Any person who, contrary to the obligation incumbent on him/her, does not keep a register book or keeps it in an unreliable or untrue manner shall be liable to a fine.

[Article 120. Ruling in cases referred to in Article 110-119a shall take place on the basis of the provisions of the Code of Misdemeanour Procedure].

<Article 120. Ruling in cases referred to in Article 110-118 shall take place on the basis of the provisions of the Code of Misdemeanour Procedure.>

The new wording of Article 120 will enter into force on 1.01.2024. (Journal of Laws of 2017, item 1595).

Amendments to existing legislation

Articles 121-138. (omitted)

Chapter 13

Transitional and final provisions

Article 139. 1. The provisions of this Act shall apply to cases initiated and not concluded by a final decision before the date of entry into force of the Act.

2. The competence of the authorities to deal with the matters referred to in section 1 shall be determined on the basis of the provisions of the Act.

Article 140. 1. Final decisions issued on the basis of the provisions of the Act of 15 February 1962 on the Protection of Cultural Property (Journal of Laws of 1999, item 1150, as further amended⁵) shall remain valid.

2. Agreements concluded on the basis of Article 12 sections 1 and 3 of the Act referred to in section 1 shall remain valid, however, not longer than 6 months from the date of entry into force of the Act.

Article 141. Persons holding expert licences granted by the minister competent for culture and the protection of national heritage, appointed under Article 10, section 1 of the Act referred to in Article 140, section 1, shall have their licences cancelled after the lapse of 6 months from the date of entry into force of the Act.

Article 142. 1. Cultural property awarded the status of a monument on the basis of the Ordinance of the President of the Republic of Poland of 6 March 1928 on the care of monuments (Journal of Laws, item 265, as further amended⁶), and 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 awarded the status of monuments of history on the basis of previous regulations shall become monuments of history within the meaning of this Act.

Article 143. 1. Within 3 years from the date of entry into force of the Act, the General Monuments Inspector, the voivodeship monuments inspector and the head of the commune (mayor, president of the city) shall establish a national, voivodeship and municipal inventory of monuments, respectively.

2. The inclusion of a card of a movable monument, previously located in the central inventory of cultural property, in the voivodeship inventory of monuments shall not require the consent of the owner of the monument.

Article 144. Within 6 months from the date of entry into force of the Act, the minister competent for culture and the protection of national heritage shall adapt the statutes of cultural institutions specialising in the care of monuments for which he is the organiser to the provisions of this Act, in order for those institutions to carry out tasks related to the establishment and keeping of the national inventory of monuments and the national list of monuments stolen or illegally exported abroad.

⁵ Amendments to the consolidated text of the aforementioned Act were announced in the Journal of Laws of 2000, item 1268, of 2002, items 253 and 984 and of 2003, item 717.

⁶ Amendments to the said Ordinance were announced in the Journal of Laws of 1933, items 62 and 599, of 1934, item 976 and of 1949, item 180.

Article 145. Until the establishment of the municipal inventory of monuments, the studies of conditions and directions of spatial development of the municipality and the findings of the local spatial development plan shall take into account, apart from the immovable monuments entered into the Register and their surroundings and the findings of the plans for the protection of culture parks, other immovable monuments indicated by the voivodeship monuments inspector.

Article 146. Within 12 months from the date of entry into force of the Act, the minister competent for culture and the protection of national heritage shall draw up the national programme for the protection and guardianship of monuments.

Article 147. 1. As of the date of entry into force of the Act, the existing voivodeship departments of the Monuments Protection Services and their branches shall become voivodeship monument protection offices and branches of these offices, respectively.

2. As of the date of entry into force of the Act, the existing voivodeship monument inspectors and their deputies shall become voivodeship monument inspectors and their deputies respectively within the meaning of the Act.

3. As of the date of entry into force of the Act, employees of existing voivodeship department of Monuments Protection Services and their branches shall become employees of voivodeship monument protection offices and their branches, respectively.

4. The existing obligations and claims of voivodeship department of Monuments Protection Services and their branches shall become the obligations and claims of competent voivodeship monument protection offices and their branches, respectively.

5. Real property under permanent administration of voivodeship departments of Monuments Protection Services and their branches shall, by law, be transferred to permanent administration of competent voivodeship monument protection offices and their branches.

6. The establishment of permanent administration referred to in section 5 shall be decided by the voivode.

Article 148. (omitted)

Article 149. The provisions of Chapter 6 shall apply from the date on which the Republic of Poland becomes a member of the European Union⁷.

Article 150. The Act of 15 February 1962 on the Protection of Cultural Property (Journal of Laws of 1999, item 1150, as further amended⁸ shall expire.

Article 151. The Act shall enter into force 60 days after its announcement⁹.

⁷ The Republic of Poland became a member of the European Union on 1 May 2004.

⁸ Amendments to the consolidated text of the aforementioned Act were announced in the Journal of Laws of 2000, item 1268, of 2002, items 253 and 984 and of 2003, item 717.

⁹ The Act was announced on 17 September 2003.