



**SEKRETARZ STANU
W MINISTERSTWIE KULTURY
I DZIEDZICTWA NARODOWEGO
GENERALNY KONSERWATOR ZABYTKÓW**

Piotr Żuchowski

Ref.no. NID-M/3673/524/14/DL

Warsaw, 7 May 2014

Mr. Kishore Rao
Director
UNESCO World Heritage Centre

Subject: Summaries of reports on the state of conservation of the Centennial Hall in Wrocław, Auschwitz Birkenau, German Nazi Concentration and Extermination Camp (1940-1945), Historic Centre of Warsaw, World Heritage Sites.

Dear Sir,

As requested by the letter of the Chairperson of the 38th session World Heritage Committee (ref. CL/WHC-13/23) to enhance transparency of the monitoring process of World Heritage sites, I would like to submit the summaries of reports on the state of conservation of the Centennial Hall in Wrocław (Ref. C 1165), Auschwitz Birkenau, German Nazi Concentration and Extermination Camp (1940-1945) (Ref. C31), World Heritage Sites.

On behalf of State Party I also agree on the publication on the web-site the report on state of conservation of the Historic Centre of Warsaw (Ref. C 30), World Heritage Sites.

Please accept the assurances of my highest consideration.

Appendices:

1. Report on the state of conservation of the Centennial Hall in Wrocław (Poland) (Ref. C 1165) – summary
2. Report on the state of conservation of the Auschwitz Birkenau German Nazi Concentration and Extermination Camp (1940-1945), (Poland) (Ref. C31) - summary
3. Report on the state of conservation of the Historic Centre of Warsaw (Poland) (Ref. C 30)

Cc:

1. Permanent Delegation of the Republic of Poland to UNESCO
2. Polish National Commission for UNESCO
3. Monuments Preservation Department of the Ministry of Culture and National Heritage

Report on the UNESCO World Heritage property

Historic Centre of Warsaw, (Poland) (Ref. C 30)

State of conservation of the **Historic Centre of Warsaw** in the context of construction of an office/commercial building between Podwale, Senatorska and Miodowa Streets

This Report has been drawn up in response to the letter of the Director of the UNESCO World Heritage Centre of 17 October 2013 concerning the conservation status of the Historic Centre of Warsaw, World Heritage site (CLT/WHC/6925/PL/AS/KR). It contains an explanation of the situation in connection with the information received by the Centre on the threat the new development may pose to the Outstanding Universal Value of the UNESCO World Heritage site.

The development in question was undertaken on a plot situated outside the boundaries of the World Heritage property, but abutting on that boundary. Construction started on the basis of a final building permit issued by the competent authority – in this case, by the Warsaw Municipal Government Office, containing, among other things, a positive opinion of the Director of Heritage Protection Department, City of Warsaw (Warsaw local government preservation officer who issues conservation decisions under an agreement whereby the above-mentioned powers are transferred to him by the State Monument Protection Service). Thus, in this case final decisions were taken without the direct involvement of state authorities, and consequently the Minister of Culture and National Heritage had no influence on the decision not to send information on the planned development to the World Heritage Centre in conformity with paragraph 172 of the Operational Guidelines to the Convention.

Upon receipt of the letter from the Director of the UNESCO World Heritage Centre, in November 2013, the Mayor of Warsaw took the decision to suspend construction and reopen the building permit procedure, but the decision was reversed by the higher instance /Mazovian Voivode/ in the absence of formal grounds for the reopening of such procedure.

In that situation, the State Party requested the assistance of the UNESCO World Heritage Centre by arranging an urgent advisory mission of international experts, whose independent opinion would be helpful in preparing corrective measures for the situation in place.

Together with the request on the matter in question sent to the Director of the World Heritage Centre by letter of 28 November 2013 /NID-M/9564/1372/13/MT/, the State Party furnished preliminary information on the project, including a note describing the legal conditions of legal protection of the area and the status of the administrative procedure on the development concerned, together with historical iconography.

The ICOMOS advisory mission was carried out in Warsaw on 19-21 December 2013.

The State Party will follow the ICOMOS recommendations after having received the advisory mission report.

Other issues related to the protection of the Outstanding Universal Value of the property

1. Response to the decision of the UNESCO World Heritage Committee 37COM 8B.52, whereby the UNESCO World Heritage Committee referred for examination the proposed buffer zone for the Historic Centre of Warsaw.

Pursuant to decision 37 COM 8B.52 on the provision of detailed information regarding the protection afforded by the buffer zone for the Historic Centre of Warsaw and consideration of possibility of listing the buffer zone in the register of monuments, please find below the information required:

According to the Act of 23 July 2003 on the Protection of Monuments and the Guardianship of Monuments, immovable monuments being cultural landscapes are subject to protection and guardianship in Poland¹. The buffer zone meets the statutory definition of cultural landscape as space historically shaped by human activity, containing products of civilisation and natural elements. On the other hand, according to Article 94 of the Act on the Protection of Monuments and the Guardianship of Monuments, in administrative proceedings concerning historic urban and rural layouts, historic building complexes and sites on which a significant number of monuments are situated, parties to such proceedings may be notified of decisions and other activities of the minister in charge of culture and national heritage or the voivodeship historic preservation officer by way of announcement or in other manner of public communication which is customary in the locality concerned. This provision does not allow for notification by way of announcing administrative decisions concerning cultural landscapes (and a monument listing decision is an administrative decision). Hence the inclusion of the buffer zone in the register of monuments would practically make it necessary to reach the owner of each property situated within the buffer zone. Consequently, the provisions of the Act prevent effective listing of the buffer zone in the register of monuments.

Apart from listing in the register of monuments, the Act on the Protection of Monuments and the Guardianship of Monuments provides for other form of protection. These are:

1. recognition as a monument of history,
2. establishment of a cultural park,
3. establishing protection under the local area development plan.

Re. 1. According to Article 15 of the Act on the Protection of Monuments and the Guardianship of Monuments, the President of the Republic of Poland at the request of the minister in charge of culture and national heritage protection may recognize, by regulation, a listed immovable monument or a cultural park of special value for culture as a monument of history, by specifying its boundaries. The buffer zone, which is not listed in the register of monuments, could not be recognised as a monument of history.

Re. 2 and 3. In the case of a cultural park, according to Article 16 of the above-mentioned Act, an obligatory local area development plan is drawn up and only that plan ensured the effective protection of the area.

Thus, the most appropriate and effective form of protection of the buffer zone under today's legal conditions is to combine the existing area listings in the register of monuments (marked in red on the

¹ The Act also enumerates other immovable monuments subject to protection. These are: urban and rural layouts, building complexes, works of architecture and construction, works of defence construction, technology sites, in particular mines, ironworks, power plants and other industrial plants, cemeteries, parks, gardens and other forms of designed greenery, places commemorating historical events or activity of outstanding persons or institutions.

attached map²) with the establishment of protection under local area development plans. In the case of listing in the register of monuments, conservation permission is required for virtually any activities affecting a monument, which could interfere with its fabric or change its appearance [activities concerning the monument itself, and not its surroundings, unless the surroundings are also listed in the register of monuments]³. Moreover, according to Article 18 et seq. of the Act on the Protection of Monuments and the Guardianship of Monuments, the legislature, has stipulated that the protection of monuments and the guardianship of monuments is taken into consideration at the stage of drawing up (...) land use studies of municipalities and local area development plans (...). The concept, strategies, analyses, plans and studies include, in particular (...) solutions necessary to prevent threats to monuments, (...) the determination of use and rules of land development that include the guardianship of monuments. Depending on needs, the study and the plan (...) establish conservation protection zones including areas in which restrictions, bans and orders apply as imposed by the plan, aimed to ensure protection of the monuments situated in the area.

According to Article 9 of the Act of 27 March 2003 on Spatial Planning and Development, in order to determine the municipality's spatial policy, including local rules of spatial development, the municipality council takes a resolution to proceed with the preparation of the municipality's land use study ("study of the conditions and directions of spatial development"). The assignments of the study are binding on the municipality bodies in drawing up local plans. Local area development plans are drawn up by the municipality and they are consulted e.g. with the relevant bodies in charge of monument protection. All local development plans already adopted had also been consulted with the historic preservation officer, who determines conservation conditions in the plans (enclosed is a map showing the coverage of the buffer zone by local plans).

Moreover, on 30 October 2013, the Capital City of Warsaw completed work on a draft resolution to adopt the revision of the Land Use Study for the Capital City of Warsaw, as implementation of Resolution No. L/1424/2013 of the Council of the Capital City of Warsaw of 21 February 2013 to proceed with the revision of the Land Use Study for the Capital City of Warsaw. The draft, which is currently released for consultation, a buffer zone is formally introduced for the Historic Centre of Warsaw (enclosed is a map forming an appendix to the text of the Study). Thus, it will function in official documents defining the spatial policy of the Capital City of Warsaw. The Study is a widely

² Figure No. 15, Protection of National Heritage, an appendix to the draft revision of the Warsaw City Land Use Study.

³ According to Article 36 of the Act on the Protection of Monuments and the Guardianship of Monuments, the following require the preservation officer's a permission:

- 1) carrying out conservation, restoration and construction works on a listed monument;
- 2) carrying out construction works in the surroundings of monument;
- 3) conducting conservation research on a listed monument;
- 4) conducting architectural research on a listed monument;
- 5) conducting archaeological research;
- 6) moving a listed immovable monument;
- 7) transferring permanently a listed movable monument in a way that disturbs the traditional decor of the interior in which the monument is situated;
- 8) dividing a listed immovable monument;
- 9) changing the use of a listed monument, or the way of using it;
- 10) placing on a listed monument technical equipment, boards, billboards and inscriptions, subject to Article 12 (1);
- 11) taking other measures that could disturb the fabric of a monument, or change the appearance of a listed monument;
- 12) searching for hidden and abandoned movable monuments, including archaeological monuments, using all kinds of electronic and technical equipment as well as diving equipment.

consulted document. Its development schedule provides for the completion of a consultation process required by law in the weeks to come and release for public consultation in April 2014. The Study is subsequently expected to be adopted by the City Council in October this year.

It should also be noted that in the areas where no local area development plans have been adopted so far, and which are subject to the forms of conservation protection specified in the Act on the Protection of Monuments and the Guardianship of Monuments, or which are included in the municipal records of monuments⁴, in the case of works that require a building permit, it is necessary to obtain the planning permission decision. The decision is consulted with the historic preservation officer.

2. UNESCO World Heritage Management Plan

The Management Plan developed on the initiative of the authorities of the city was sent to the World Heritage Centre by letter of 23 January 2013 /NID-M/435/55/13/DL/.

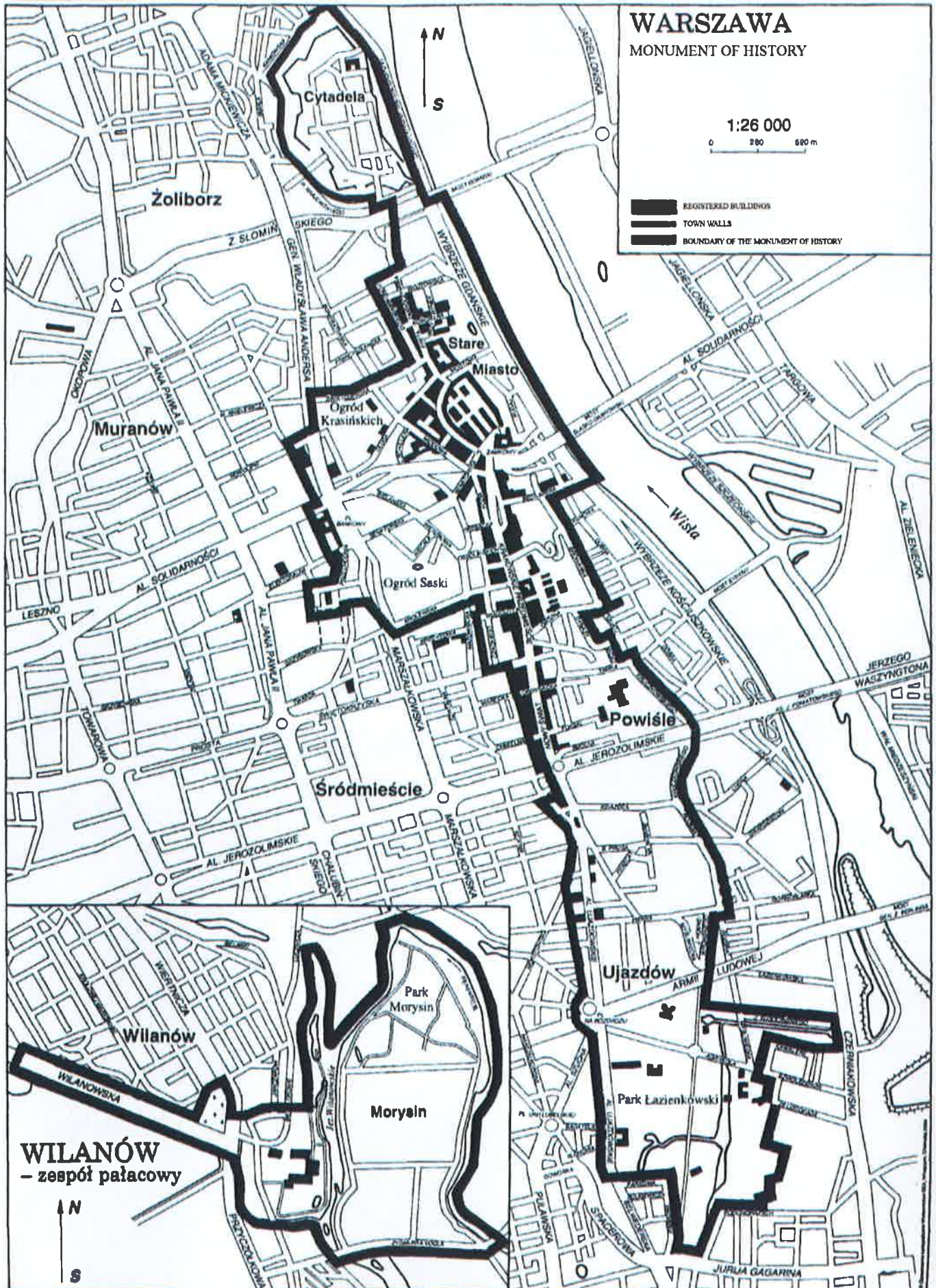
By letter of 6 December 2013 /CLT/WHC/7055/PL/AS/KR, the Director of the World Heritage Centre transmitted the ICOMOS comments on the Management Plan for the Historic Centre of Warsaw World Heritage site. The comments were referred to the site manager, who undertook to analyse them in depth and, subject to legal, financial and organisational capabilities, to take them into account in the amended draft management plan, which will be referred for expert and public consultations and then adopted by resolution of the City Council.

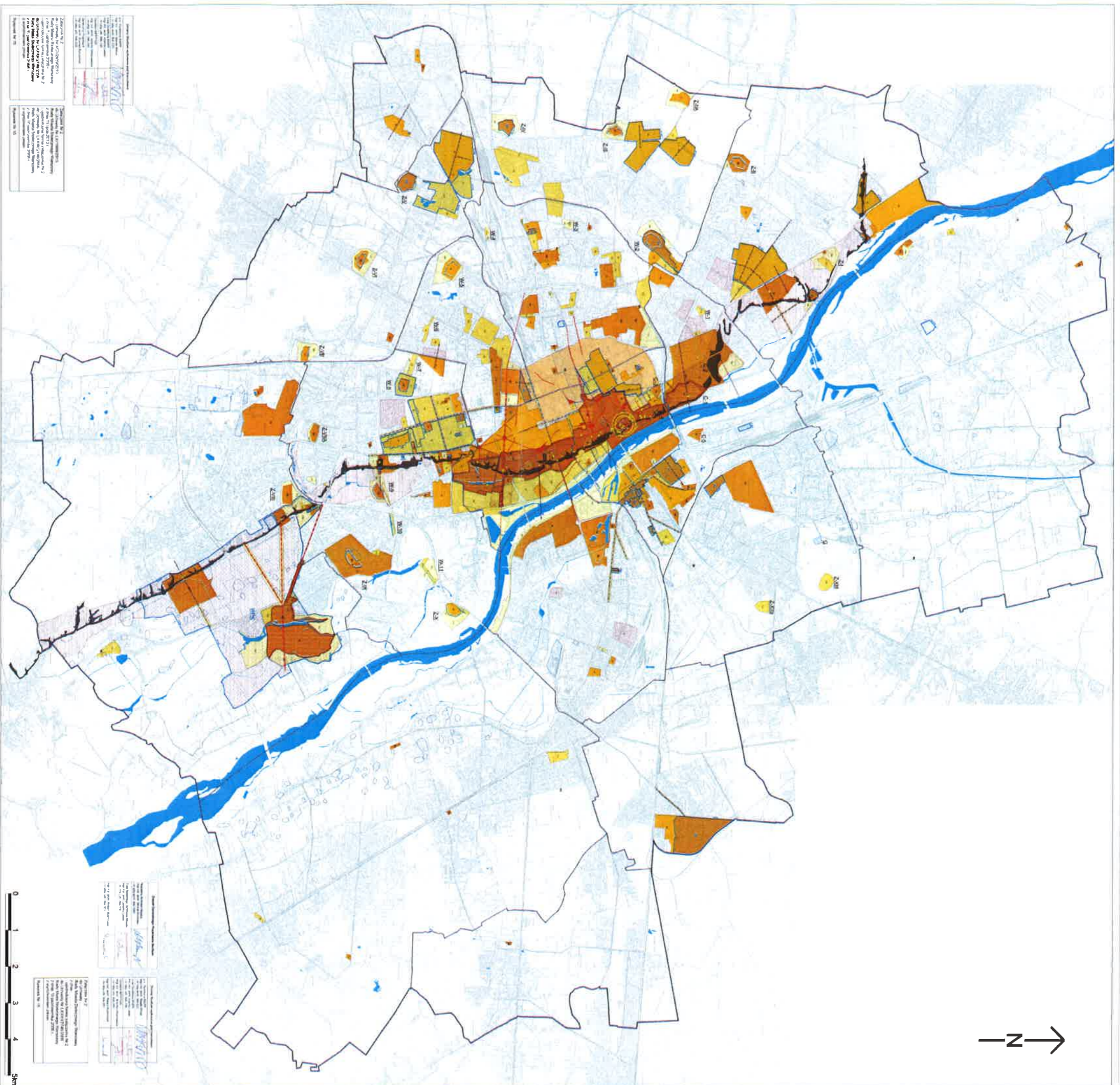
Appendices:

1. Monument of History "Warsaw – historic urban complex with the Royal Route and Wilanów"
2. Map of coverage of the proposed buffer zone by local spatial development plans
3. Figure No. 15, Protection of National Heritage, an appendix to the draft revision of the Warsaw City Land Use Study.

⁴ A significant part of the buffer zone consists of the Monument of History "Warsaw – historic urban complex with the Royal Route and Wilanów" (please find enclosed the Regulation establishing the Monument of History including a map)

Załącznik do zarządzenia Prezydenta Rzeczypospolitej Polskiej z dnia 8 września 1994 r. (poz. 423)





LEGENDA:

Obszar chroniony i kierunki rozwoju przestrzennego

- Obszar chroniony - Obszar chroniony
- Kierunki rozwoju przestrzennego - Kierunki rozwoju przestrzennego

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WARSAW CITY LAND USE STUDY

PROTECTION OF NATIONAL HERITAGE – DIRECTIONS OF SPATIAL DEVELOPMENT – FIGURE NO. 15

Zmiany Studium wykonane pod kierunkiem:	
p.o. Dyrektora BAIiPP mgr inż. arch. Marek Mikos - nr izby arch. MA-023	
z-ca Dyrektora BAIiPP mgr inż. arch. Jolanta Latała - nr Izby urb. WA-106	
Dyrektor MPPPiSR mgr inż. arch. Jolanta Urbanowska - nr Izby urb. WA-290	
Generalny Projektant mgr inż. arch. Konrad Burczyński - nr Izby urb. WA-020	

Revisions to the Study made under the supervision of:	
acting Director of BAIiPP (Architecture and Spatial Planning Office) Marek Mikos, MSc Arch. - Chamber of Architects No. MA-023	
Deputy Director of BAIiPP Jolanta Latała, MSc Arch. - Chamber of Urban Planners No. WA-106	
Director of MPPPiSR (Municipal Office for Spatial Planning and Development Strategy) Jolanta Urbanowska, MSc Arch. - Chamber of Urban Planners No. WA-290	
General Designer Konrad Burczyński, MSc Arch. - Chamber of Urban Planners No. WA-020	

Załącznik Nr 2
do Uchwały Nr XCII/2689/2010
Rady Miasta Stołecznego Warszawy
z dnia 7 października 2010 r.
- ujednoczona forma załącznika Nr 2
do Uchwały Nr LXXXII/2746/2006
Rady Miasta Stołecznego Warszawy
z dnia 10 października 2006 r.,
z wyróżnieniem zmian

Rysunek Nr 15

Załącznik Nr 2
do Uchwały Nr LXI/1669/2013
Rady Miasta Stołecznego Warszawy
z dnia 11 lipca 2013 r.
- ujednoczona forma załącznika Nr 2
do Uchwały Nr LXXXII/2746/2006
Rady Miasta Stołecznego Warszawy
z dnia 10 października 2006 r.,
z wyróżnieniem zmian

Rysunek Nr 15

Appendix 2
to Resolution No. XCII/2689/2013
of the Warsaw City Council
of 7 October 2010 – consolidated Appendix 2 to
Resolution No. LXXXII/2746/2006 of the Warsaw
City Council of 10 October 2006, with highlighted
revisions

Figure No. 15

Appendix 2
to Resolution No. LXI/1669/2013
of the Warsaw City Council
of 11 July 2013 – consolidated Appendix 2 to
Resolution No. LXXXII/2746/2006 of the Warsaw
City Council of 10 October 2006, with highlighted
revisions

Figure No. 15

Zespół Generalnego Projektanta Studium	
Naczelnny Architekt Miasta mgr inż. arch. Michał Borowski - nr izby arch. Ma 1690	
Z-ca Naczelnego Architekta Miasta mgr inż. arch. Jolanta Latała - nr izby urb. Wa 106	Z-ca Naczelnego Architekta Miasta  Jolanta Latała
mgr inż. arch. Robert Kuźmiczuk - nr izby urb. Wa 351	

Study General Designer's Team	
Chief City Architect Michał Borowski MSc Arch. - Chamber of Architects' No. 1690	
Deputy Director of BAiPP Jolanta Latała, MSc Arch. - Chamber of Urban Planners No. WA 106	
Robert Kuźmiczuk, MSc Arch. - Chamber of Urban Planners No. Wa 351	

Zmiany Studium wykonane pod kierunkiem:	
p.o. Dyrektora BAiPP mgr inż. arch. Marek Mikos - nr izby arch. MA-023	
Z-ca Dyrektora BAiPP mgr inż. arch. Jolanta Latała - nr izby urb. WA-106	ZASTĘPCY DYREKTORA Biurowo Architekcyjnego i Urbanistycznego  Jolanta Latała
Dyrektor MPPPiSR mgr inż. arch. Jolanta Urbanowska - nr izby urb. WA-290	Jolanta Urbanowska Miastni Pracowni Urbanistycznej Pracowni Planowania i Strategii Rozwoju 
mgr inż. arch. Robert Kuźmiczuk - nr izby urb. WA-351	

Revisions to the Study made under the supervision of:	
acting Director of BAiPP (Architecture and Spatial Planning Office) Marek Mikos, MSc Arch. - Chamber of Architects No. MA-023	
Deputy Director of BAiPP Jolanta Latała, MSc Arch. - Chamber of Urban Planners No. WA-106	
Director of MPPPiSR (Municipal Office for Spatial Planning and Development Strategy) Jolanta Urbanowska, MSc Arch. - Chamber of Urban Planners No. WA-290	
Robert Kuźmiczuk, MSc Arch. - Chamber of Urban Planners No. WA-351	

Załącznik Nr 2
do Uchwały
Rady Miasta Stołecznego Warszawy
z dnia
- ujednoliconą formą załącznika Nr 2
do Uchwały Nr LXXXII/2746/2006
Rady Miasta Stołecznego Warszawy
z dnia 10 października 2006 r.,
z wyróżnieniem zmian

Rysunek Nr 15









Appendix 2
to Resolution No.
of the Warsaw City Council
of – consolidated Appendix 2 to
Resolution No. LXXXII/2746/2006 of the
Warsaw City Council of 10 October 2006, with
highlighted revisions

Figure No. 15

LEGEND:

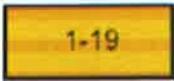


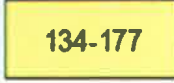


CONSERVATION AREAS UNDER LEGAL PROTECTION








(LIST OF AREAS IN TABLE 19 IN THE TEXT OF THE STUDY)

	<p>AREA INSCRIBED ON THE WORLD HERITAGE LIST – OLD TOWN</p>
	<p>AREA RECOGNISED AS A MONUMENT OF HISTORY (KZ-PH) – HISTORIC TOWN COMPLEX WITH THE ROYAL ROUTE AND WILANÓW</p>
	<p>AREAS LISTED IN THE REGISTER OF MONUMENTS (KZ-RZ/1-5) 1-29 - urban layouts, urban/architectural complexes (KZ-RZ/1) 30-61 - palace and park complexes, manors with parks, parks and gardens (KZ-RZ/2) 62-71 - industrial development and municipal utility complexes (KZ-RZ/3) 72-86 - defence structures – forts and barracks (KZ-RZ/4) 87-95 - cemeteries (KZ-RZ/5)</p>
	<p>AXES OF LARGE-SCALE URBAN DEVELOPMENTS LISTED IN THE REGISTER OF MONUMENTS</p>
	<p>STREETS AND SQUARES LISTED IN THE REGISTER IN THE REGISTER OF MONUMENTS</p>
	<p>MAJOR HISTORIC OBJECTS SHAPING THE SILHOUETTE OF THE CITY ON THE WARSAW EMBANKMENT</p>
	<p>ARCHAEOLOGICAL SITES LISTED IN THE REGISTER OF MONUMENTS</p>
	<p>ARCHAEOLOGICAL AREAS LISTED IN THE REGISTER OF MONUMENTS</p>

AREAS COVERED BY CONSERVATION PROTECTION ZONES

(LIST OF AREAS IN TABLE 20 IN THE TEXT OF THE STUDY)

	<p>PROTECTION ZONE FOR ALL PARAMETERS OF HISTORIC URBAN LAYOUT (KZ-A)</p> <p>1-5 - urban layouts, urban/architectural complexes 6-10 - palace and park complexes, manors with parks, parks and gardens 11-14 - defence structures – forts and barracks (KZ-RZ/4) 15-19 - cemeteries</p>
	<p>PROTECTION ZONE FOR SIGNIFICANT PARAMETERS OF HISTORIC URBAN LAYOUT (KZ-B)</p> <p>20-45 - urban layouts, urban/architectural complexes 46 - industrial development and municipal utility complexes 47-51 - palace and park complexes, manors with parks, parks and gardens 52-56 - defence structures – forts and barracks 57-59 - cemeteries</p>
	<p>PROTECTION ZONE FOR SELECTED PARAMETERS OF HISTORIC URBAN LAYOUT (KZ-C)</p> <p>60-108 - urban layouts, urban/architectural complexes 109-113 - palace and park complexes, manors with parks, parks and gardens 114-126 - defence structures – forts and barracks 127-133 - cemeteries</p>
	<p>PROTECTION ZONE FOR SURROUNDINGS AND VIEWS OF MONUMENTS (KZ-E)</p> <p>134-146 - surroundings and views of urban layouts 147-153 - surroundings and views of palace and park complexes 154-172 - surroundings and views of defence structures 173-177 - surroundings of cemeteries</p>
	<p>PROTECTION ZONE FOR LINEAR PARAMETERS OF HISTORIC URBAN LAYOUT (KZ-L)</p>
	<p>PROTECTION ZONE FOR PRE-1939 LAYOUT ELEMENTS AND RELATED BUILDING COMPLEXES (KZ-G)</p>






	CULTURAL LANDSCAPE PROTECTION ZONE (KZ-K)
	WARSAW EMBANKMENT
	ARCHAEOLOGICAL OBSERVATION ZONES
	HISTORIC AXES OF URBAN AND VIEW COMPOSITIONS
	VANTAGE POINTS
	VIEW CONNECTIONS ALONG AXES OF LARGE-SCALE URBAN DEVELOPMENTS
	VIEW AXES
	FORTIFICATION SYSTEM OF 19 TH CENTURY WARSAW FORTRESS POTENTIAL ELEMENT OF CULTURAL PARK
<u>C-...</u>	CITADEL COMPLEX WITH FORTS
<u>W-....</u>	INNER CIRCLE ELEMENTS
<u>Z-...</u>	OUTER CIRCLE ELEMENTS
<u>G</u>	OLD BRÓDNO HILL FORT POTENTIAL ELEMENT OF CULTURAL PARK

CONTEMPORARY CULTURAL PROPERTY AREAS






(LIST OF AREAS IN TABLE 21 IN THE TEXT OF THE STUDY)

 1-16	CONTEMPORARY CULTURAL PROPERTY AREAS UNDER URBAN PLANNING PROTECTION
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INFORMATION ELEMENTS OF THE STUDY

	CITY BOUNDARIES
	DISTRICT BOUNDARIES
	HYDROGRAPHIC SYSTEM
	PUBLIC ROAD AND STREET AREAS
	ROAD TUNNELS

DESIGNATION OF REVISIONS:

KZ-RZ 	AREAS LISTED IN THE REGISTER OF MONUMENTS (KZ-RZ)
KZ-GEZ 	AREAS INCLUDED IN THE MUNICIPAL RECORD OF MONUMENTS (KZ-GEZ)
KZ-WEZ 	AREAS INCLUDED IN THE VOIVODESHIP RECORD OF MONUMENTS (KZ-WEZ)
KZ-PK 	CULTURAL PARK AREA "WILANÓW CULTURAL PARK" (KZ-PK)
KZ-UNESCO 	BUFFER ZONE OF AREA INSCRIBED ON THE WORLD HERITAGE LIST – OLD TOWN