



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

Piotr Żuchowski

Warsaw, 4 February 2015

Ref.no. NID-M/648/90/15/DL

Mr. Kishore Rao
Director
UNESCO World Heritage Centre

Dear Sir,

I would like to submit a report on the state of conservation of the Centennial Hall in Wrocław as the World Heritage Site.

Please accept the assurances of my high consideration,

Appendices:

1. Report on the state of conservation of the UNESCO World Heritage property, the Centennial Hall in Wrocław, (Poland) (Ref. C 1165)

Cc:

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

**Report on the state of conservation of the UNESCO World Heritage property
The Centennial Hall in Wrocław (Poland)(Ref. C 1165)**

The last decision of the World Heritage Committee concerning the Centennial Hall in Wrocław was adopted in 2012 (36 COM. 7B.80). All issues raised in it were explained in the correspondence to the World Heritage Centre from 2013 (17 May 2013, Ref. no: NID-M/3993/594/13/ AMB, 19 June 2013, Ref. No. NID-M/4931/722/13/AMB) and then again in the governmental report transferred on 10 February 2014. Additional information was sent in the letter of 26 May 2014. (Ref. no: NID-M/4234/597/14/DL).

This Report has been prepared in answer to the comments of ICOMOS (3 July 2014, CLT/HER/WHC/7414/PL/AS/KR), concerning the report on the state of conservation of 2014.

This document has been drawn up on the basis of the information obtained from the company Hala Ludowa Spółka z o.o. - the manager of the Centennial Hall, the Authorities of Wrocław and the National Museum in Wrocław – the manager of the Four Domes Pavilion.

1. Response from the State Party to the World Heritage Committee's Decision, paragraph by paragraph

[Note: this information has to refer to developments over the past year or since the last decision of the Committee for this property]

World Heritage property

Four Domes Pavilion

The State Party would like to inform that it sustains its position concerning the purposefulness of the actions taken, connected with the restoration of the original exhibitory function of the Four Domes Pavilion. At the same time, we would like to point out again that the first information about the state of conservation of the Pavilion and the plans of its restoration was communicated during the Reactive Monitoring Mission in November 2011. Extensive information on the planned works was communicated in the report on the state of conservation submitted on 15 March 2012, including the design drawings: att. 11 Situational plan of Four Domes Pavilion; Att. 12-13. Architectural design – floor plan of the ground floor part 1-2; Att. 14-15 Architectural design – floor plan of the underground floor part 1-2; Att. 16. Architectural design – cross section 1; Att. 17. Architectural design – cross section 2;

Following the decision of the UNESCO World Heritage Committee (36 COM 7B.80), further materials were transferred (dated 23 January 2013) – complete architectural files of the entire investment with the information that works would begin as soon as financing was granted. In spite of that, the State Party received the first opinions on that subject as late as in November 2013. The information previously submitted was updated in the following report on the state of conservation on 31 January 2014.

After many years, the building will be restored its original exhibitory function. The main principle of the planned works is preserving the original spatial layout and architecture of the building, among others, by removing the post-war modifications of the interior for the purpose of exposing its original modular division resulting from the ferroconcrete construction. The accepted design of adaptation of the building involves minimum interference in the substance of a historical value and its nature is reversible.

Obtaining appropriately a large usable area was an economic condition for undertaking restoration works and the adaptation aimed at restoring the exhibitory function of the Four Domes Pavilion, very important from the point of view of restoration of the original concept and nature of the entire exhibitory premises.

The building of the Four Domes Pavilion was in a disastrous technical state. Performing the restoration works and finding an appropriate function for it was necessary. It required finding appropriate funds and preparing a design, which was a complicated and long-lasting task. In November 2011, the experts participating in the Reactive Monitoring Mission were informed about the adaptation design and, following that, detailed information about the design was submitted in the report on the state of conservation on 15 March 2012. By spring 2013, when works in the Pavilion began, the State Party had not received any position in that matter – as it has been said, it was sent as late as in November 2013.

The redecoration design of the Four Domes Pavilion with roofing of the yard, in the complex of the Centennial Hall in Wrocław, was the object of a meeting of the Committee for the World Cultural Heritage in Poland, a supporting authority of the Minister of Culture and National Heritage, which took place on 23 October 2014. The Committee stated that the works undertaken are a result of a compromise worked out between the manager, the investor and monuments protection services.

The State Party also wishes to inform that the completion of adaptation works of the Four Domes Pavilion is scheduled on 30 June 2015.

Underground car park

To supplement the previous materials, the State Party informs that, within the monitoring of vertical-dislocation, the following measurements were conducted.

Before the initiation of works connected with securing the excavation in a form of a tight wall made of steel sheet piles, the measurement points (bench marks) were installed with the following numbers: on the Centennial Hall building - numbers 1-4, on the residential building - numbers 5-7 and on the pergola column - number 8 (attachment 1). In February 2013, before the beginning of installation of the mentioned above wall, a zero measurement of those points was conducted, whilst in April, during the installation of the wall, the first measurement was made, when the risk of damaging the foundations of the Hall was the highest. The values of vertical dislocations for the bench marks, during the measurement in April 2013, were within the range from -0,1 to +0,2 mm. The movements of the absolute value below 0.4 mm are deemed to be negligibly small.

Due to the fact that, in the tests conducted at that time, no movements were found, no need to repeat the measurements at a later date was seen.

Attachment 1.: Map of locations of the measurement points

Buffer zone

Africarium

Referring to the comments of ICOMOS, the State Party would like to underline again that Africarium, the investment being executed, is separated from the Centennial Hall with Wróblewskiego Street, along which there are mature tree lines. In addition, the said investment is away from the street, that is why no new plantings are necessary. Due to the colours and materials used, the newly-erected building is hardly visible from the side of the Centennial Hall and does not infringe upon the integrity of the area surrounding the World Heritage site in any manner.

The Africarium was open to visitors on 26 October 2014.

The visualization suggested by ICOMOS was conducted and submitted to the World Heritage Centre together with a presentation of the entire concept of the Africarium, which was planned at that time, in the report on the state of conservation on 15 March 2012. (Att. 18). The project executed is consistent with the materials provided at that time, and its appearance and visual impact is illustrated by the attached photographic material.

Attachment 2.: Photographs of the Africarium from the side of the Centennial Hall

Revitalization of the WUWA

The implementation of the investment was postponed, it is going to begin not earlier than in the second quarter of 2015. The application for a building permit has been filed. No buildings will be dismantled within the revitalization. Only contemporary detached sheet metal garages and four detached shops which are temporary buildings without any historical value and disturb the spatial layout of the residential area are going to be dismantled.

Within the project, a publication on the history of the exhibition and the residential area was prepared in three languages (English, German and Polish), which is aimed at popularizing the knowledge about that part of Wrocław. Its electronic version is available on the website: <http://www.wuwa.eu/?lang=en>.

Attachment 3.: Photograph of the pavilions to be dismantled.

The Great Island Avenue

The State Party wants confirm again the decision of the Mayor of Wrocław of 13 October 2011 to design and construct a single-carriageway local street (Z class). We also would like to underline that the decision made is integral with the planning regulations. It is consistent with the *Study of the condition and directions of spatial development for Wrocław*, adopted by the City Council of Wrocław (consolidated text adopted by Resolution No L/1467/10 of the City Council of Wrocław of 20 May 2010). It specifies the directions of the spatial policy of the Commune of Wrocław, among others, in the scope of the transport system. These provisions are of a general nature and do not refer to individual lots or buildings, but urban complexes. The provisions included in *the Study* are binding in relation to *local spatial development plans*. According to *the Study*, the Great Island Avenue is going to be a collector road (the so-called Z class), which connects the loop of the Downtown Ring Road in Krakowska Street with Adama Mickiewicza Street. It is going to deliver traffic from the south to the urban complexes situated on the Great Island, at the same time being an alternative to the only present access from the side of Grunwaldzki Bridge.

We also would like to underline that the provisions included in *the Study* of 2010 discussed above are stricter in relation to the class of the planned road (Z class), in comparison to *the Study* effective earlier, in which the connection of Krakowska Street with Adama Mickiewicza Street was classified as a main road (G class). A change to the class of the road translates into a change to detailed parameters of the designed road.

The State Party takes all efforts to explain all doubts and inaccuracies concerning the design of the Great Island Avenue, that is why we would like to point out that, by the letter of 26 May 2014, a decision of the Local Government Appeals Court (an independent appellate body), rejecting the claims of the non-governmental organizations: the associations

Stowarzyszenie Akcja Park Szczytnicki and Przyjazna Wyspa, concerning the environmental decision for the Great Island Avenue, was sent to the World Heritage Centre. All claims and arguments, after a detailed analysis, were rejected and, at the same time, the legal validity of prepared documents was confirmed. That position was sustained by the Provincial Administrative Court (decision of 22 September 2014)(Attachment 4.)

Referring to the comments of ICOMOS concerning the protection of historical residential areas on the Great Island, we inform that those residential areas, as urban planning schemes pursuant to the Act of 23 July, 2003 on the protection of monuments and the guardianship of monuments (Journal of Laws No. 162, Item 1568 with amendments) are entered in the Register of monuments – Sępólno: decision 399/WM, of 9 February 1979 r.; Biskupin: 400/WM, of 9 February 1979 r.; Zalesie 423/WM, of 22 December 1986.

At the same time, the State Party is concerned about the approach which, in spite of detailed explanations concerning the road (sent in the correspondence in 2011, 2012, 2013, 2014) still questions the submitted information, including the decisions confirmed with the authority of the highest state offices and independent judicial bodies.

Attachment 4. Grounds for the judgment of the Provincial Administrative Court

Master Plan - general comments concerning the management and local area development plans

The State-Party would like to thank the ICOMOS International Committee for the detailed analysis and comments sent. The instructions concerning the plan of management and use of SOUV are particularly valuable, primarily for the manager, particularly in consideration of the fact that, at the 38th Session, the World Heritage Committee (decision 38. COM. 8E) adopted the retrospective Statement of Outstanding Universal Value.

From 2013, intensive works over the draft management plan for the Centennial Hall in Wrocław, the World Heritage site, have been carried out. Within the works, two cycles of public consultations have been conducted - in March and in July 2014. Those invited to the

consultations included the representatives of local authorities, the entities operating within the entry zone, inhabitants, schools of higher education and governmental and non-governmental organizations taking part in managing and monitoring the World Heritage site and its buffer zone. Whenever possible, the suggestions of ICOMOS have been taken into consideration during the work on the draft management plan.

At present, the draft plan is on the stage of approval by the City Council and by the entities located within the property. "The management plan for the place entered in the UNESCO World Heritage List the Centennial Hall - Wrocław" will be submitted immediately after the agreement approving the document is signed.

2. Other current conservation issues identified by the State Party

[Note: conservation issues which are not mentioned in the Decision of the World Heritage Committee or any information request from the World Heritage Centre]

n/a

3. In conformity with paragraph 172 of the Operational Guidelines, please describe any potential major restorations, alterations and/or new construction(s) within the protected area (core zone and buffer zone and/or corridors) that might be envisaged.

n/a

4. Other issues concerning protection of the World Heritage site's outstanding universal value.

The issues connected with various types of works on the premises of the Centennial Hall, World Heritage property and its surrounding area, are regularly monitored on the level of the State. They are discussed at the meetings of the Main Conservation Committee (an advisory body for conservation activities undertaken at monuments, operating at the General Monument Inspector pursuant to the Act on the protection of monuments and the

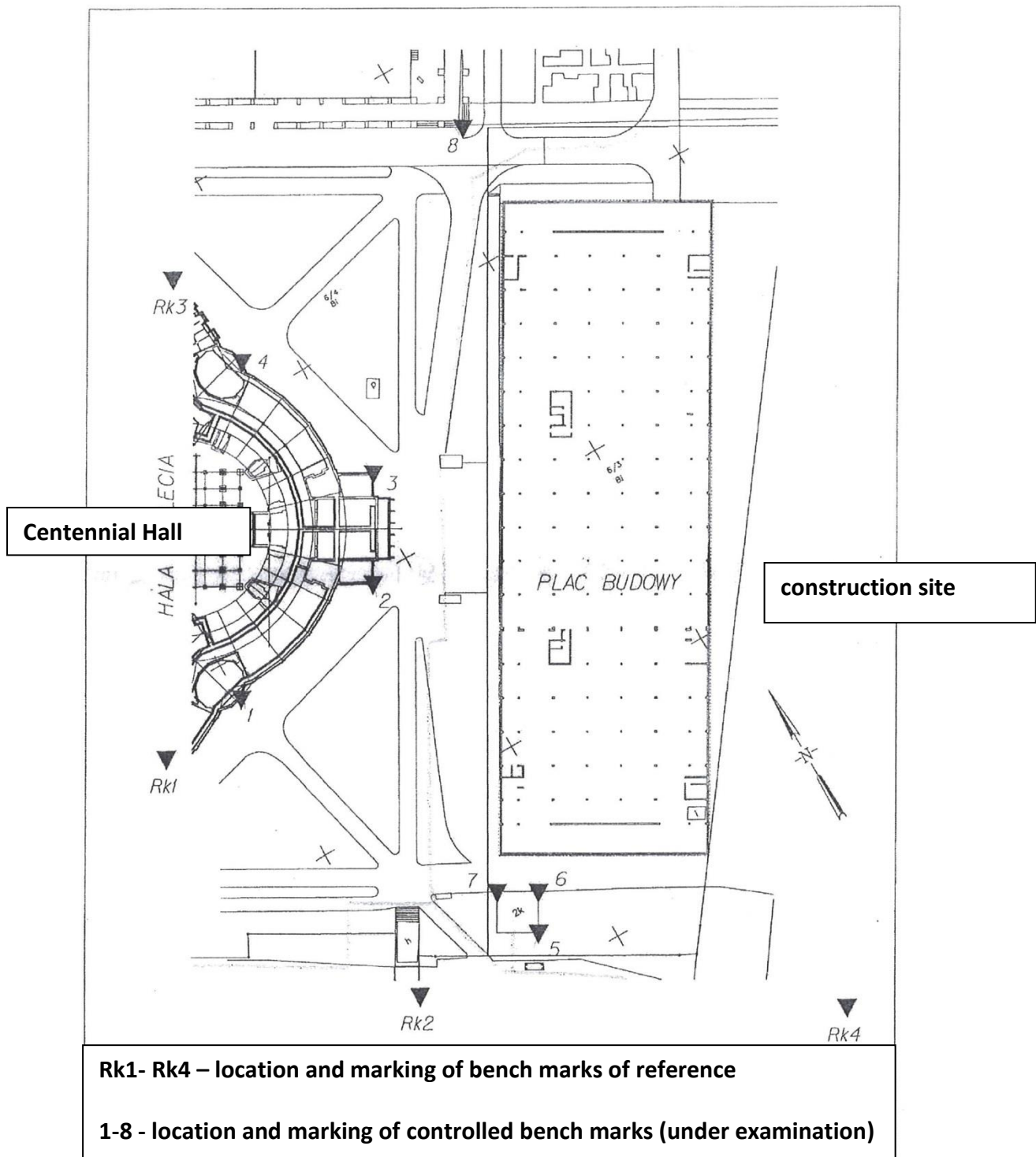
guardianship of monuments) and the Committee for the World Cultural Heritage in Poland (a supportive authority of the Minister of Culture and National Heritage).

Attachments:

1. Map of locations of the measurement points
2. Photographs of the Africarium from the side of the Centennial Hall
3. Photograph of the pavilions to be dismantled
4. Grounds for the judgment of the Provincial Administrative Court

Att. 1.

Map of locations of the measurement points



Att 2.





Att. 3



Att. 4. Grounds for the judgment of the Provincial Administrative Court

Case No II SA/Wr 343/14

[stamp:] Certified copy

[stamp:] Non-final judgment

JUDGMENT IN THE NAME OF THE REPUBLIC OF POLAND

Date: 22 September 2014

The Provincial Administrative Court in Wrocław, sitting:

Presiding judge: Olga Białek, Judge of the Provincial Administrative Court

Judges: Ireneusz Dukiel, Judge of the Provincial Administrative Court

Mieczysław Górkiewicz, Judge of the Provincial Administrative Court (reporting judge)

Recording clerk, assistant to the judge: Wojciech Śnieżyński

after examining in the 2nd Division at the hearing on 8 September 2014 the case concerning the appeals brought by the association Stowarzyszenie "Przyjazna Wyspa" with its registered office in Wrocław and by the association Stowarzyszenie "Akcja Park Szczytnicki" with its registered office in Wrocław against the decision of the Local Government Appeals Court in Wrocław of 26 February 2014 No SKO 4136/38/13/14 on determining the environmental constraints for the undertaking named "The Construction of the Great Island Alley" (Polish name: "*Budowa Alei Wielkiej Wyspy we Wrocławiu*")

hereby dismisses the appeals

The Provincial Administrative Court considered as follows:

As it has been pointed out, the claims of the appellants constitute a repetition of the claims discussed in detail by the authority on nearly 170 pages of the decision being appealed against. The claims were presented by the authority in detail together with extensive consideration of the supporting material presented by the appellants as well as referring to the normative material. After that, the authority, in its extensive reasoning, proved that all those claims were groundless and, in a wider sense, that the decision in the first instance was correct. That is why, if one speaks about ignoring a part of the material collected, it should be stated that it were the appellants who, in their appeals, ignored the reasoning of the authority completely. Thus, in fact, the appeals are not against

the decision being the object of the appeal, but rather constitute a repeated explanation of the appellants' own position. Consequently, the appeals contain the factual and legal state created by the appellants themselves, without any reference to the case materials.

The court, after reviewing the correctness of findings and evaluations of the authority, found the reasoning presented in the decision fully correct and made identical legal assessments in the background of the non-defective findings of the authority, made in the course of the non-defective procedure of the authority. Accepting the reasoning of the authority as its own and not seeing the need to repeat it or transfer to the grounds for the judgment, the Court will only remind briefly that the procedure in the case under consideration comprised (Article 3 point 8 of the definitions referred to in the act) a verification of the report, obtaining opinions and agreements and ensuring a possibility of participation of the public. Those tasks were fulfilled by the authorities fully and correctly. As the authority rightly pointed out, there are procedurally limited possibilities of questioning the substance of the report by the parties within the administrative procedure and of making its assessment in the court proceedings (see theses 1, 2 and 3 in the commentary of K. Gruszecki to Article 66 of the Act and judgments of the Supreme Administrative Court II OSK 1862/11, 85/12 and 639/13). Ignoring, when making the appeal, the substance of the decision being appealed against, the appellants did not use the instructions included in it on the subject and did not use those possibilities. If the report developed complies with all statutory requirements (resulting in particular from Article 66 of the Act and from the regulations connected with that provision), it was not subject to the substance-related assessment of the Court, whilst the claims of the appellants connected with that shall be deemed to be groundless (compare: judgment II OSK 2105/11).

The claims of the appellants concerning the classification of the undertaking seem to result from the assumptions that city streets should not be in contact with the city ring road, since, if they are, they would constitute its component. Perhaps, for the appellants, the construction of streets and bridges in the city is an undesirable and disturbing phenomenon. In any case, if one assumed that the investor obtained an environmental decision for an investment different from the one which it was planning to execute, he would lose and the appellants would win, since it would not obtain a possibility to execute the investment it was actually planning. Thus, the investor would cheat itself, not the public. It is probably easier for the appellants to fight against the environmental decision by ignoring actual characteristics of the undertaking, but using the environmental hazards which they made up. It should be underlined that the entire reasoning of the appellants aims at demonstrating that the decision concerns something different from the object specified in it and, in connection with that, it is aimed at demonstrating that the other decision (although formally referred to by the appellants as the existing one) is defective. Consequently, all claims of the appellants can be deemed to be groundless for one fundamental reason - they do not concern a specific administrative case in which the decisions were issued. Thus, it would not make any sense to refer in detail to claims which are not addressed against decisions actually issued, but other decisions which, in the opinion of the appellants, were issued. It can be mentioned that, occasionally, there are similar cases in judicial decisions (compare: judgment II SA/OI176/11). Summing up that thread of deliberations, the Court points out that it verified the legality of the decision issued in the case under consideration, the case shaped by the substance of the application of the investor as well as the remaining materials of the

proceedings, not in a different case described by the appellants. As a result of the verification, no violations of law by the environmental decisions in the case under consideration were found.

Referring to the initial observation on the substance of the environmental impact assessment (see also Art. 62 section 1 of the Act) it should also be reminded that, obviously, the substance of the environmental decision is shaped primarily on the basis of the conditions included in the approval and assessment decisions. Referring to the claim of inconsistency, one should make another reference to the reasoning of the authority on page 165 of the grounds for the decision being appealed against on the lack of inconsistency between the approval decision and the environmental decision. It should be immediately underlined again here that the decision contains all legally required elements properly concretized with reference to the substance of the case.

In the last element of verification of legality of the decision being appealed against, that is, in the scope of adhering to the procedure, the court did not find any grounds for pointing out any infringements which would have a material impact on the result of the case either. It should be underlined that the authority also considered the evidence omitted in the first instance and correctly found it justified that the evidentiary motions of the appellants concerning the premises immaterial in the case under consideration were not admitted. Evidence concerning the premises which do not exist because they cannot exist is not conducted, for example, concerning the premises that the investor's application and the issued decisions contain the substance different from the one contained in documents in the case files. Following the authority, one may repeat that the opinions attached by the appellants did not have the evidentiary nature of an expert opinion, if they even were named so, whilst the claims resulting from them were thoroughly considered by the authority. Not acknowledging the probative value of the opinions and not accepting them as the basis for the agreements does not mean that the opinion was ignored, provided that the assessment of the authority was properly grounded, which was the case in the decision being complained about.

The authority was correct that, as there was no possibility to reconcile the interests of the parties, taking into consideration that the actual parties were not interested in the case and after not admitting the motions for hearing witnesses and determining that there was no need to involve experts, there were no statutory conditions for conducting the hearing (Art. 89 § 2 of the Code of Administrative Procedure).

The issue of providing the appellants with the procedural guarantees of the defense was explained in the grounds for the decision being appealed against. A minor omission of one of the numerous forms of informing the public in one case did not constitute a material violation of the act.

As it is known, the administrative court does not conduct evidence concerning the premises material in an administrative case in general (Art. 54 § 2, Art. 106 § 1, Art. 133 § 1, Art. 141 § 4 of the Law on the Procedure Before Administrative Courts), whilst, for a potential explanation of doubts concerning the premises which would cause that the appeal is allowed, may conduct supplementary evidence from documents (Art. 106 § 3 of the Law on the Procedure Before Administrative Courts). The appellants did not offer such evidence (see page 149 of the appeal of the association Akcja Park

Szczytnicki, pages 283 and 311 of the case files and pages 75-77 of the appeal of the association Przyjazna Wyspa).

Summing up the present deliberations, it should be repeated that the appeals only contained apparent references to the substance of the appealed decision, as, in fact, they contained a repetition of the substance of the so-called opinion and files of another case, either completed earlier (the case of construction of the ring road) or made up by the appellants, whilst the claims were formulated by the criticism of the findings and assessments of the authority justified merely by way of the fact that they were contradictory to those of the appellants. Therefore, in such situation, taking into account the requirements to verify the legality of the appealed decision outside the claims of the appeal, the Court did not find any grounds for allowing the appeals due to the lack of the grounds provided for in Art. 145 § 1 of the Law on the Procedure Before Administrative Courts (Art. 134 § 1 of the Law on the Procedure Before Administrative Courts).

For that reason and pursuant to Art. 151 of the Law on the Procedure Before Administrative Courts, it was adjudicated as in the initial part of the judgment. It should also be noted that Art. 111 Law on the Procedure Before Administrative Courts was applied in the case.

[a round seal of the Provincial Administrative Court in Wrocław]

[stamp and illegible signatures: Relevant signatures on the original; Certified true copy; Magda Minkisiewicz, SENIOR COURT CLERK]

H.B.21.10.2014.