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World Heritage Convention

45COM

AMENDMENT/PROPOSAL

Agenda Item	7A
Draft Decision	45 COM_7B. 55_____
Submitted by the Delegation of....	Kingdom of Saudi Arabia
Co-author(s) (if any)	
Date of submission	September 12, 2023

TEXT

Historic Centre of Vienna (Austria) (C 1033)

Year of inscription on the World Heritage List 2001

Criteria (ii)(iv)(vi)

Year(s) of inscription on the List of World Heritage in Danger 2017-present

Threats for which the property was inscribed on the List of World Heritage in Danger

The current planning controls: adopted developments and lack of adequate planning rules

Desired state of conservation for the removal of the property from the List of World Heritage in Danger

Proposed and adopted by the World Heritage Committee in its Decision **44 COM7A.32**

Corrective measures identified

Proposed and adopted by the World Heritage Committee in its Decision **44 COM7A.32**

Timeframe for the implementation of the corrective measures

To be submitted to the Rapporteur at: wh-rapporteur@unesco.org

Adopted by the World Heritage Committee, see page and
<https://whc.unesco.org/en/decisions/7695>
<https://whc.unesco.org/archive/2021/whc21-44com-7A.Add-en.pdf>

Previous Committee Decisions see page <https://whc.unesco.org/en/list/1033/documents/>

International Assistance

Requests approved: 0

Total amount approved: USD 0

For details, see page <https://whc.unesco.org/en/list/1033/assistance/>

UNESCO Extra-budgetary Funds

N/A

Previous monitoring missions

March 2002: ICOMOS Expert Mission to the “Historic Centre of Vienna”; May 2002: World Heritage Centre Mission to the “Historic Centre of Vienna”; September 2012: Joint World Heritage Centre/ICOMOS Reactive Monitoring mission to the “Palace and Gardens of Schönbrunn” and the “Historic Centre of Vienna”; November 2015: ICOMOS Reactive Monitoring mission to the “Historic Centre of Vienna”; November 2018: joint high-level World Heritage Centre/ICOMOS Advisory mission to the Historic Centre of Vienna

Factors affecting the property identified in previous reports

- Housing: High-rise construction projects in Central Vienna (proposed Vienna Ice-Skating Club – Intercontinental Hotel – Vienna Konzerthaus project)
- Proposed new developments, including the Wien Museum, the Winterthur Building and the Schwarzenberg Gardens
- Legal framework: Lack of effectiveness of the overall governance of the property (*issue resolved*)
- Legal framework: Lack of appropriateness of planning controls in the ‘High-Rise Concept 2014’ and the ‘Glacis Master Plan’ (*issue partly resolved*)
- Major visitor accommodation and associated infrastructure
- Desirability of conservation of historic roof constructions within the property (*issue partly resolved*)

Illustrative material see page <https://whc.unesco.org/en/list/1033/>

Current conservation issues

On 1 February 2022, the State Party submitted a state of conservation report, which is available at <http://whc.unesco.org/en/list/1033/documents>, providing information on measures implemented in

response to Decision **44 COM 7A.32**, and reporting on progress with implementation of the adopted corrective measures (with some revisions to the original timeline) as follows:

- Progress has been made with implementation of corrective measures to achieve the adopted Desired state of conservation for the removal of the property from the List of World Heritage in Danger (DSOCR). The Viennese Municipal Council has anchored the World Heritage status in the Viennese Building Code by incorporating protection of the Outstanding Universal Value (OUV) of World Heritage properties within a legal provision. The National Assembly has adopted a resolution commissioning the Federal Government to enhance the legal protection of World Heritage;
- A new Management Plan has been adopted by the Viennese Municipal Council in November 2021, following revision, in response to technical review by ICOMOS (of August 2021), to incorporate the corrective measures and DSOCR, and to acknowledge that some developments since inscription of the

property do not support its OUV. An official decree by the City of Vienna in December 2021 approved competences for World Heritage management in line with measures included in the Management Plan, affording the highest priority to protection and preservation of World Heritage;

- In March 2021, the City of Vienna initiated a process to facilitate the revision of the Heumarkt Neu project design. A Heritage Impact Assessment (HIA) was commissioned in accordance with **Decision 44 COM 7A.32** and with advice about the process from the World Heritage Centre and ICOMOS International. The HIA concludes that the proposed revised project design no longer causes ‘severe’ impacts to the OUV of the property but assesses that ‘large’ impacts remain from a number of important viewpoints. The HIA was submitted to the World Heritage Centre for review by ICOMOS;
- An HIA for the proposed new building in Schwarzenberg Gardens is in progress and will include the revision of the care-plan for Schwarzenberg Gardens, a status report of the historic gardens in the Belvedere-Complex and recommendations for enhanced legislative protection of historic gardens generally. Construction works at the Wien Museum are proceeding in accordance with the previously considered plans and the Museum should re-open at the end of 2023. Neither new construction nor conversion are proposed for the neighbouring Winterthur Building, but the bridging structure between the Winterthur Building and Wien Museum was due to be removed during 2022;
- The roof cadastre has been published in print and online and has been included in the digital Viennese Culture Cadastre to make it accessible to a wider public, and its extension to iron and composite constructions is currently underway. The roof cadastre is intended to serve as a basis for dealing with historic roofs in the framework of the future management of the property.

In November 2022, ICOMOS provided further comments and recommendations for its improvement in the form of a technical review for the revised and updated Management Plan, which was submitted by the State Party with its state of conservation report in February 2022, available at the above-mentioned web address (the first version of the Management Plan was reviewed by ICOMOS in August 2021). The new ICOMOS technical review was transmitted to the State Party on 16 November 2022. A response to the 2022 ICOMOS technical review was sent by the State Party to the World Heritage Centre on 21 March 2023, highlighting that a number of the recommendations improving the management system of the property were already in place, and noting opportunities for future review.

Analysis and Conclusions of the World Heritage Centre, ICOMOS and ICCROM

In 2021, the World Heritage Committee adopted a Desired state of conservation for the removal of the property from the List of World Heritage in Danger (DSOCR) and 20 corrective measures divided into three categories (five related to ‘Protection and Management’, twelve related to ‘Attributes’, and three related to ‘Integrity and Authenticity’), which was an important step towards the removal of the property from the List of World Heritage in Danger. The State Party and the City of Vienna have made progress in implementing the adopted corrective measures. The State Party proposes a slightly revised timeline to complete their implementation by 2024. According to the analyses of the World Heritage Centre and the Advisory Bodies, of the corrective measures related to ‘Protection and Management’, one is fully implemented (the development and adoption of the updated Management Plan for the property) and the others are advancing. Of the corrective measures related to ‘Attributes’, two seem to be fully implemented (the development of new high-rise buildings within the property is no longer permitted, and the legal provisions have been amended to give priority to the preservation of historic/original building

stock), two are not yet completed (both relating to the revised Heumarkt Neu project and the achievement of a design with no adverse impact on the OUV), and implementation of the others is underway. Of the three corrective measures related to ‘Integrity and Authenticity’, two seem to have been fully implemented (both concerning the interpretation of the retrospective OUV of the property), and implementation of the third, concerning contemporary interventions, is underway. It is commendable that the State Party continues to work towards the full implementation of all corrective measures in order to achieve the DSOCR.

The incorporation of World Heritage conservation into the Viennese Building Code is an effective and important provision, which will be further supported through enhanced legal protection of World Heritage at the national level. The preparation and adoption of the Management Plan and its implementation through an official decree by the City of Vienna provide appropriate statutory priority to protection of World Heritage. These changes comprise a significant safeguard against the approval of future developments that may have an adverse impact on the OUV of the property. A new urban development plan for Vienna (which will also replace the 'Glacis Master Plan') is still under preparation and the amendment of the National Monument Protection Act to incorporate World Heritage requirements, is planned for 2024.

The elaboration of the Management Plan for the property has proceeded in accordance with the process requested by the Committee. The 2021 technical review of the draft Management Plan identified areas in which substantive changes were needed to afford primacy to conserving the attributes which support the property's OUV, to embody the adopted DSOCR and corrective measures, and to incorporate provisions for amending legislation, planning controls and guidelines, in line with the decisions of the Committee and the recommendations of recent mission reports. The revised and updated Management Plan, which has been adopted, responds positively to the recommendations of the 2021 technical review, although the 2022 technical review of the updated Management Plan identified opportunities for further improvement. The State Party has indicated that a methodology for mapping and classifying additional attributes which support the OUV of the property is yet to be developed. It is important to note that Corrective Measure 4 under 'Protection and Management' further requires that the Management Plan is accepted by the World Heritage Committee and that its efficacy should be proven in practice through monitoring and evaluation over a period of five years.

The forthcoming HIA for the Schwarzenberg Gardens development and status report of the Historic Gardens in the Belvedere-Complex are welcome and should be submitted to the World Heritage Centre for review by the Advisory Bodies before any decisions on the implementation of any project are taken. The proposed enhanced legislative protection of historic gardens also reflects greater focus on heritage conservation, and it is hoped that as a result of the new legislation appropriate protection will be provided to the Schwarzenberg Gardens.

It would be appropriate to remind the State Party of the Committee's previous requests to submit the final plans for the Wien Museum, including technical details and additional visualisations, in particular that of a new entrance, to the World Heritage Centre for review. Once fully operational within the planning and management framework, the implementation and expansion of the roof cadastre will make further important contributions to the conservation of the property.

The Committee has previously welcomed the decision not to proceed with the Heumarkt Neu development as originally planned, and the process to develop and assess alternative variants to the design. Through Reactive Monitoring and Advisory missions in 2012, 2015 and 2018, and consistent Decisions since 2013 (Decisions **37 COM 7B.71**, **39 COM 7B.94**, **41 COM 7B.42**, **42 COM 7A.5**,

43 COM 7A.45 and **44 COM 7A.32**), the Committee has expressed concern that the project would adversely affect the OUV of the property. The DSOCR for the property, which was adopted as proposed by the State Party (Decision **44 COM 7A.32**), requires that the: *Revised design of the Heumarkt Neu project is implemented, respecting the integrity and authenticity of the OUV of the property as a whole as measured through an independent Heritage Impact Assessment (HIA), based on the results of the HIA 2019 and following its methodology.*

The method of verification for corrective measure 5 ('Protection and Management' section), also adopted as proposed by the State Party, requires that the: *The new HIA concludes that the revised Heumarkt Neu project does not adversely impact upon the OUV of the property and has undergone a Technical Review by ICOMOS International. The latter assessed the revised design to be consistent with the requirements of safeguarding the OUV of the property.*

In March 2021, the City of Vienna initiated a mitigation process to enable a revised design of the building project Heumarkt Neu with the aim to prevent the impending 'conclusive threat' to the OUV of the

property. Compared to the previous 2018 design, the dimensions of the complex have been modified, mainly in the area of the second slab, whose absolute height has been reduced by 9.8 metres, while its horizontal dimensions have been enlarged. Such modifications were proposed in a context where the building as planned in 2018 had been approved by the Municipality of Vienna, and the building permit would remain valid – allowing, from a legal point of view, construction activities to start at any time – and where, according to the current legislation, the envelope of approved buildings can only undergo minor changes after approval, and their height and volume can only be modified to a very limited extent. Through a separate process, following the judgment of the European Court of Justice of 25 May 2023, the Vienna Administrative Court is now to assess whether the Heumarkt Neu project, as an urban development project under the national thresholds of a land area of at least 15 ha and a gross floor area of more than 150,000 m², can be exempted from the requirement of an Environmental Impact Assessment (EIA). The judgment also refers to the location of the project as a particularly relevant factor in assessing the need for an EIA when the project is located within a World Heritage site.

The new (2021) HIA has been subject to Technical Review by ICOMOS, which acknowledged that the assessment is rigorous, authoritative and compliant with the methodology of the 2019 HIA. The new HIA concludes that the proposed revised project design no longer causes 'severe' impacts to the OUV of the property but does conclude that 'large' impacts remain related to the visual integrity of the property's OUV. The new HIA notes that: *'the New Proposal Heumarkt Neu 2021 should not be seen as a "solution". Rather, it should be seen as an approach to find a compromise which intends to suggest a "way out" in a very difficult situation which was characterised by a very limited latitude to develop alternatives'*. The revision of the project therefore does not satisfy the method of verification for Corrective Measure 5 under 'Protection and Management' insofar as it still adversely impacts upon the OUV of the property (which the new HIA assesses as 'large' impacts from a number of relevant viewpoints). Therefore, it would appear that a solution would necessarily involve a more significant reduction in floorspace, and a concomitant reduction in scale, an outcome that faces many challenges in the complex circumstances of the proposed Heumarkt Neu development.

The ICOMOS technical review of the HIA has thus concluded that: *the exhaustive attempts to reduce the negative impact of the proposed project through amendments to the current proposal has unfortunately demonstrated that it is not feasible to achieve a result that meets the State Party's own stated goals, the specific DSOCR adopted by the Committee at the State Party's request, nor the protection and transmission of the OUV of the property. This situation arises because the total floor space of the new development has not been reduced, which results in an inappropriately large built form.*

The commendable efforts to implement many of the corrective measures, *inter alia* through changes in building regulations that will prevent new developments from being considered without assessing their impact on the OUV of the World Heritage property, and modifications to the approved Heumarkt Neu 2018 project, represent progress in achieving the DSOCR. With regard to Corrective Measure 4a under 'Attributes' in particular concerning the Heumarkt Neu project, the Committee may wish to provide specific guidance to the State Party to make further progress in this direction, in relation to the determination of its height, floorspace and built form. In this regard, the State Party may be encouraged to apply the modelling used to assess the visual impact, which informed the previous HIAs, to review the options, such that acceptable thresholds can be identified and in turn inform a further revised design.

Draft Decision: 45 COM 7A.55

The World Heritage Committee,

1. Having examined Document WHC/23/45.COM/7A.Add,

2. Recalling Decisions **37 COM 7B.71, 39 COM 7B.94, 40 COM 7B.49, 41 COM 7B.42, 42 COM 7A.5, 43 COM 7A.45, and 44 COM 7A.32**, adopted at its 37th (Phnom Penh, 2013), 39th (Bonn, 2015), 40th (Istanbul/UNESCO, 2016), 41st (Krakow, 2017), 42nd (Manama, 2018), 43rd (Baku, 2019) and extended 44th (Fuzhou/online, 2021) sessions respectively,
 3. Commends the State Party on the progress made in implementing many of the adopted corrective measures and previous Committee decisions, with the aim to enhance the management system of the property, in particular:
 - a) anchoring the World Heritage status of the property in the Viennese Building Code as the most important legal planning tool of the City of Vienna,
 - b) elaboration, adoption and publication of a new Management Plan for the property,
 - c) initial steps towards enhanced legal protection of World Heritage in Austria,
 - d) the forthcoming Heritage Impact Assessment (HIA) for the Schwarzenberg Gardens and related recommendations for greater legal protection of historic gardens,
 - e) ongoing development of the roof cadastre;
 4. Encourages the State Party to continue with the implementation of the adopted corrective measures in consultation with the World Heritage Centre and Advisory Bodies, with a view to achieving the Desired state of conservation for the removal of the property from the List of World Heritage in Danger (DSOCR), in accordance with the established timetable to which the State Party has proposed slight revisions;
 5. Accepts the revised and updated Management Plan for the property, notes that the corrective measures adopted require that the efficacy of the Management Plan be proven in practice through monitoring and evaluation over a period of five years, and requests the State Party to ensure that subsequent revisions address the matters raised in the 2022 ICOMOS technical review and to report on the proposed monitoring and evaluation process;
 6. Reminds the State Party of the Committee's previous requests to submit final plans and designs for the Wien Museum to the World Heritage Centre for review by the Advisory Bodies;
 7. Acknowledges the efforts by the State Party and many other institutions and organisations to mitigate the negative impact of the proposed Heumarkt Neu project through design amendments, and undertaking an HIA of the revised proposal using a methodology which is rigorous, authoritative, and compliant with the previous HIA, but notes with regrets that this process has not resulted in an outcome, which achieves the DSOCR, including the verification requirements of the corrective measures;
 8. Notes also ~~Also notes~~ that ~~while~~ redevelopment is possible on the Heumarkt Neu site, to achieve a project that does not adversely impact on the Outstanding Universal Value (OUV) of the property ~~must necessarily involve further~~ involving a reduction, and ~~therefore invites further~~ acknowledges the progress made by the State Party ~~to consider alternative approaches which could deliver in developing~~ a further revised scheme with a significantly reduced height, floorspace, and built form and volume.
8. — Further notes that, in line with previous Committee decisions, as well as the DSOCR and its corrective measures for the property, the further revised scheme will

need to be assessed using the methodology of previous HIAs and notes furthermore that

9. Further notes that the determination of ~~a reduced~~ height, floorspace and built form which would achieve the desired improvement, such that the proposed for a further revised Heumarkt Neu development would not adversely impact on the OUV of the property, could be pursued through the modelling used to assess visual impact, which informed the previous HIAs; ~~so that thresholds informing a further revised design which does not adversely impact on the OUV of the property can be identified;~~
10. Requests the State Party to submit to the World Heritage Centre, by **1 February 2024**, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 46th session;
11. Decides to retain the Historic Centre of Vienna (Austria) on the List of World Heritage in Danger.