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## STATEMENT REGARDING THE POSITION OF THE ASSOCIATION OF ART HISTORIANS (SHS), SUBMITTED TO THE CONFERENCE ENTITLED „PRINCIPLES OF THE MONUMENT PROTECTION SYSTEM – FORMS OF PROTECTION, ORGANISATION OF CONSERVATORY SERVICES, FINANCING, AND THE ROLE OF STAKEHOLDERS”, ORGANISED BY THE POLISH NATIONAL COMMITTEE OF ICOMOS ON 1–2 DECEMBER 2025 IN WARSAW

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**ABSTRACT:** Since 2023, the Association of Art Historians has been proposing amendments to the currently binding Act on the Protection and Care of Monuments<sup>1</sup>. These amendments should encompass both the scope of heritage protection and the system of care for monuments. The proposed observations concern the methods of financing monuments from public funds, heritage management, as well as the organisation of conservatory services and the role of institutions and associations operating in the field of monument care, as one of the possible forms of support for conservation authorities.

**KEY WORDS:** Monument protection, conservatory services

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<sup>1</sup> Ustawa o ochronie zabytków i opiece nad zabytkami z dnia 23 lipca 2003 r. (Dz.U. z 2003 r., nr 162, poz. 1568 t.j. ze zm.)

As early as 2023, within the framework of the Conservation Committee, the Association of Art Historians undertook efforts to draw the attention of the Ministry of Culture and National Heritage (MKiDN) to the necessity of introducing significant amendments to the existing legal regulations governing the protection of monuments. The objective was to adopt amendments in such a way that the protection of Poland's material cultural heritage would become not only more effective, but also better adapted to changing needs and to evolving conditions related to conservation works and the functional use of historic properties.

Representatives of nine regional branches of the Association, professionally active within the structures of conservatory services, the National Heritage Institute, and universities, identified what we consider to be the most important postulates. Their introduction into binding law could simplify existing procedures and contribute to a more optimal system of monument protection. Long-standing discussions conducted within the Association of Municipal Conservators of Monuments also played a significant role in refining our position<sup>2</sup>.

In July 2023, the Association of Art Historians submitted a letter to the Ministry of Culture and National Heritage containing proposed amendments to specific provisions of the currently binding Act on the Protection and Care of Monuments. Once again, in March 2025, we forwarded to the Ministry a detailed set of postulates, including proposed solutions to key issues concerning:

- registered monuments and monuments listed in municipal register,
- financing of monuments,
- the system of competences of conservation services,
- the role of the National Heritage Institute (NID),
- streamlining the permit procedures for works carried out on monuments<sup>3</sup>.

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<sup>2</sup> The Association of Municipal Monuments Conservators (Stowarzyszenie Samorządowych Konserwatorów Zabytków, SSKZ) was established on 24 March 2015 in Kraków, with its registered seat in Szczecin, and was entered on 4 May 2015 under number “506” in the register of ordinary associations maintained by the Office for Non-Governmental Organisations of the City of Szczecin, pursuant to Article 8(5)(2) of the Act of 7 April 1989 – Law on Associations (Journal of Laws of 2001, No. 79, item 855, as amended).

Małgorzata Gwiazdowska was elected Chair of the SSKZ by the 29 founding members present, represented by municipal heritage conservators. The Association was automatically dissolved on 20 May 2018 as a result of amendments to the Law on Associations, which entered into force on 20 May 2016.

<sup>3</sup> [www.shs.pl](http://www.shs.pl)

Indirectly, we also referred to the ongoing debate on amendments to the heritage protection legislation, initiated inter alia by the concept of the planned Act on Monuments Protection Law, prepared by the Association of Monument Conservators<sup>4</sup>. The observations submitted by us in 2023 and 2025 to the Ministry were also communicated to institutions and associations involved in monuments protection. Remaining in contact with the Ministry, we hope that the process of adapting legal regulations to current needs will accelerate thanks to the engagement of multiple professional communities concerned with the protection and care of monuments, including the Association of Art Historians<sup>5</sup>.

With reference to the specific issues proposed within the conference framework, we hereby present the proposed legislative amendments in accordance with the topics of the respective sessions.

### **Session I: THE MONUMENTS PROTECTION SYSTEM**

#### ***A coherent and uniform system of organisation and competences of conservation services nationwide***

The delegation of competences through agreements should be abandoned, as this system has proven ineffective, it generated competence-related chaos, and in many cases led to conflicts between conservatory authorities that should, in fact, cooperate closely. This issue has been repeatedly raised by municipal conservators, most recently in a letter dated 21 March 2025 addressed to the General Conservator of Monuments. Maintaining conservatory service structures at both the state and local government levels is essential for the implementation of tasks related to the broadly understood protection and care of monuments, in accordance with the legal conditions established in Poland after 1990 and in connection with the Act of 24 November 1995 on the amendment of the scope of activities of certain cities and on municipal public service zones<sup>6</sup>. A statutory scheme of competence distribution, uniform nationwide for both voivodeship and municipal conservators—where their appointment is necessary—would improve cooperation between conservatory services and monument owners and significantly facilitate navigation within the applicable procedures. This approach is also shared by voivodeship conservators and the Polish National Committee of ICOMOS<sup>7</sup>.

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<sup>4</sup> [www.skz.pl](http://www.skz.pl)

<sup>5</sup> In this context, a meeting was held at the Department for the Protection of Monuments (DOZ) on 9 December 2025. On behalf of the DOZ, the meeting was attended by Jakub Makowski, Director of the Department, and Dr Aleksander Broda, a member of the team responsible for drafting the amendment to the Act. Representing the Association of Art Historians (SHS) were Professor Anna Sylwia Czyż, President of the SHS, and Dr Małgorzata Gwiazdowska, Chair of the SHS Conservatory Committee. During the meeting, the comments of the SHS contained in the present statement were formally submitted.

<sup>6</sup> Ustawa o zmianie zakresu działania niektórych miast oraz o miejskich strefach usług publicznych z dnia 24.11.1995 r. (Dz.U. z 1995 r., nr 141, poz. 692).

<sup>7</sup> See footnote no. 2, also a conference 1-2.XII.2025. [icomos-poland.org](http://icomos-poland.org)

### ***Development of a categorisation of monuments***

Depending on the status or category of monuments (Historic Monument, register, inventory, zoning plan designation), a corresponding form of protection should be assigned, together with a defined scope of permissible intervention in the historic fabric. Decisions on entry into the register should include provisions covering a broad spectrum of applicable protection measures and permissible alterations to the historic substance. The full content of such decisions should also be entered into land and mortgage registers. Work should be undertaken to complement and update data on registered and inventoried properties. The current legal definition of a monument should be expanded to include measurable criteria, in particular the state of preservation of the historic fabric. Furthermore, the glossary should introduce a clear definition of a “permanent ruin”, the preservation of which excludes reconstruction or rebuilding, while allowing all conservation works aimed at preventing further deterioration. In the case of Historic Monuments, it is necessary not only to update data due to discrepancies between the boundaries of certain Historic Monuments and those defined by their registration, but also to develop detailed legal protection guidelines, including, inter alia, mandatory periodic inspections and reporting on the state of preservation. Conservatory services also support such provisions. It is advisable that the decision on registration as a monument be taken collectively, for example with the participation of the Voivodeship Heritage Protection Council.

### ***The surrounding of a monument***

In addition to the statutory form of the monument’s surrounding, defined as an area designated in the registration decision to protect visual values, the concept of a visual perspective should be reinstated as an intermediate form of protection for monument exposure. Currently, the setting of a monument generally corresponds to the area of the former historic plot associated with the building, and there is usually no need to include a larger area in the register. Nevertheless, reinstating an intermediate form of protection is advisable, particularly for historically designed visual perspectives intended for the monument’s exposure, which are now entirely neglected due to intensified development. Such protection could be limited to prohibiting the construction of large-scale structures that obstruct views of the monument.

### ***Contemporary cultural heritage***

Contemporary cultural heritage should be incorporated into the protection system, as it is subject to the factor of time and therefore requires care and protection tools and procedures analogous to those applied to monuments.

### ***Intangible cultural heritage***

Similarly, the intangible cultural heritage of regions should be protected, as it is most often linked to the material heritage of a given area. This justifies the establishment of such protection within legislation related to monument protection.

### ***Teams working on monuments***

We call for the possibility of leading conservatory teams to be granted not only to conservators, but also to art historians. Conservation works should be carried out by interdisciplinary teams, in which an art historian should always be present, equipped with the tools necessary to describe, analyse, and reconstruct both the architectural and artistic history of a site.

### **Session II: HERITAGE MANAGEMENT**

The National Heritage Institute (NID) is the principal substantive institution ensuring continuity in the execution of tasks and supporting conservatory services at all levels, acting as a centre of expertise. In light of the planned and necessary legislative changes, it is worth refining its operational model by clearly emphasising and strengthening its scientific, educational, and informational profiles of activity. The NID should remain one of the most important institutions collecting knowledge and data on Poland's cultural heritage.

The Municipal Programme for the Care of Monuments (GPONZ) should be incorporated into the Act as a mandatory and significant instrument strengthening cooperation between conservatory services and owners and managers of monuments, contemporary cultural assets, and intangible heritage. It should be updated only in those components that have changed, while maintaining a two-year reporting period on its implementation. This is the appropriate framework for local governments to indicate areas of cooperation for monument owners and broadly understood stakeholders, enabling the development of participatory models for the care of municipal cultural heritage. As a platform for close cooperation between local authorities and monument owners, the GPONZ would also constitute an important element of municipal and regional development strategies. It should provide a reliable analysis of the cultural environment of a given region and indicate specific tools for cooperation between owners, local authorities, and entrepreneurs.

***Volunteer monument guardians*** can play an important role in improving public awareness of the value and protection of heritage. However, the current structure governing their appointment and scope of activity does not guarantee effectiveness, particularly since the establishment of legal conditions for the operation of non-governmental organisations.

### ***Financing the heritage protection system***

All professional circles agree on the adoption of an effective model of tax reliefs for monument owners as a means of enabling proper care of heritage assets. In our view, a system of tax incentives, supported by an appropriate grant mechanism, should constitute the primary source of funding for conservation works. Consideration should be given to reinstating VAT exemptions or significantly reducing VAT on works carried out on monuments.

**Session III: MONUMENTS REGISTER IN THE PROTECTION SYSTEM**

The Municipal Monuments Register (GEZ) has been developed over many years and constitutes a recognized resource characterizing the cultural heritage of individual regions. It encompasses several hundred thousand objects nationwide, often of high historical and artistic value. It was created through considerable effort and financial resources by voivodeship cities and the majority of counties and municipalities in the years preceding the statutory establishment of the GEZ in December 2010 (for example, in Szczecin this process lasted over five years). The GEZ should be retained, while the provision concerning its defective legal construction should be adjusted to the current legal order. The establishment of the GEZ has saved many valuable monuments from destruction, some of which were subsequently entered into the register of monuments.

Monuments included in the GEZ remain under legal protection not explicitly named in the Act on the Protection and Care of Monuments, but defined in the Building Law and the Act on Spatial Planning and Development. Moreover, since the end of 2018, monuments listed in the GEZ have been granted statutory eligibility for financial support from local governments, which has been implemented in practice and has provided tangible assistance to owners of historic buildings. Actions should be undertaken to ensure that the protection of monuments included in municipal registers and the scope of such protection are adapted to the heritage value of the historic fabric and are compliant with legal provisions. Such adjustments have been proposed by municipal conservators and are consistent with the position of the Association of Art Historians. In this context, it is advisable to abandon the division into voivodeship and municipal registers, retaining a single designation—Monuments Register—for all objects currently included in both the WEZ and GEZ. Responsibility for their protection and care would rest with local governments.

We propose that the indicated changes be introduced gradually but consistently, so as to avoid chaos while improving both the protection of monuments and the working conditions of conservatory services. We maintain that an amendment to the existing Act is advisable. A positive example is the Act of 9 October 2025 amending the Act on the Protection and Care of Monuments, which will enter into force after six months and will simplify certain provisions without detriment to the protection of heritage assets. Act implemented as part of the deregulation of some existing provisions. The act introduced a procedure for tacit consent of the conservator for less important works on the monument and in its surroundings<sup>8</sup>.

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<sup>8</sup> Ustawa z dnia 9 października 2025 r. o zmianie ustawy o ochronie zabytków i opiece nad zabytkami oraz niektórych innych ustaw (Dz.U. z 2025 r., poz. 1673).